

As Passed by the House

132nd General Assembly

Regular Session

2017-2018

Am. Sub. S. B. No. 201

Senators Bacon, O'Brien

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

A BILL

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

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

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

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

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

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

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

2930.18, 2939.121, or 2945.451 of the Revised Code;	76
(2) The potential availability pursuant to section 2151.359 or 2152.61 of the Revised Code of a forfeited recognizance to pay damages caused by a child when the delinquency of the child or child's violation of probation or community control is found to be proximately caused by the failure of the child's parent or guardian to subject the child to reasonable parental authority or to faithfully discharge the conditions of probation or community control;	77 78 79 80 81 82 83 84
(3) The availability of awards of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code for injuries caused by criminal offenses;	85 86 87
(4) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.06 of the Revised Code, notice of the date, time, and place of the trial or delinquency proceeding in the case or, if there will not be a trial or delinquency proceeding, information from the prosecutor, as defined in section 2930.01 of the Revised Code, regarding the disposition of the case;	88 89 90 91 92 93 94
(5) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the name of the person charged with the violation, the case or docket number assigned to the charge, and a telephone number or numbers that can be called to obtain information about the disposition of the case;	95 96 97 98 99 100 101
(6) The right of the victim in certain criminal or juvenile cases or of the victim's representative pursuant to section 2930.13 or 2930.14 of the Revised Code, subject to any	102 103 104

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

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

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

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

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

pursuant to sections 2969.01 to 2969.06 of the Revised Code to	135
obtain money from the offender's profit fund;	136
(11) The right, pursuant to section 3109.09 of the Revised	137
Code, to maintain a civil action to recover compensatory damages	138
not exceeding ten thousand dollars and costs from the parent of	139
a minor who willfully damages property through the commission of	140
an act that would be a theft offense, as defined in section	141
2913.01 of the Revised Code, if committed by an adult;	142
(12) The right, pursuant to section 3109.10 of the Revised	143
Code, to maintain a civil action to recover compensatory damages	144
not exceeding ten thousand dollars and costs from the parent of	145
a minor who willfully and maliciously assaults a person;	146
(13) The possibility of receiving restitution from an	147
offender or a delinquent child pursuant to section 2152.20,	148
2929.18, or 2929.28 of the Revised Code;	149
(14) The right of the victim in certain criminal or	150
juvenile cases or a victim's representative, pursuant to section	151
2930.16 of the Revised Code, to receive notice of the escape	152
from confinement or custody of the person who committed the	153
offense, to receive that notice from the custodial agency of the	154
person at the victim's last address or telephone number provided	155
to the custodial agency, and to receive notice that, if either	156
the victim's address or telephone number changes, it is in the	157
victim's interest to provide the new address or telephone number	158
to the custodial agency;	159
(15) The right of a victim of domestic violence to seek	160
the issuance of a civil protection order pursuant to section	161
3113.31 of the Revised Code, the right of a victim of a	162
violation of section 2903.14, 2909.06, 2909.07, 2911.12,	163

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

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

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

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

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

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

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

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

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

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

(D) As used in this section: 291

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

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

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

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

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

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

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

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

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

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

(B) As used in this section: 336

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

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

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

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

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

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

(1) A grand jury; 381

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

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

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

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

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

determining whether to suspend a license or limited permit 430
without a hearing pursuant to division (D) of section 4755.11 of 431
the Revised Code; 432

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

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

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

(1) Marketing plans; 450

(2) Specific business strategy; 451

(3) Production techniques and trade secrets; 452

(4) Financial projections; 453

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) To consider confidential information related to the 547

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Interviewing an applicant for financial assistance 635

under sections 5901.01 to 5901.15 of the Revised Code; 636

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

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

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

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

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

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

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

(a) Medical records; 668

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

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

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

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

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

(g) Trial preparation records; 689

(h) Confidential law enforcement investigatory records; 690

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

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	693 694
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	695 696 697 698
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	699 700 701 702
(m) Intellectual property records;	703
(n) Donor profile records;	704
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	705 706
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer residential and familial information;	707 708 709 710 711 712 713
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	714 715 716 717 718
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	719 720

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

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

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

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

(7) "Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer residential

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

duties. 1016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

account information. 1168

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

relator if the court determines both of the following: 1287

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

county. 1436

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

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

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

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

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

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

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

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

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

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

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

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

the municipal corporation of Fostoria. 1495

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

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

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

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

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

(2) In one of the following ways: 1521

(a) Recklessly; 1522

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

(3) In one of the following ways: 1532

(a) Negligently; 1533

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

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

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

section. 1552

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) "Traffic-related murder, felonious assault, or attempted murder offense" means a violation of section 2903.01 or 2903.02 of the Revised Code in circumstances in which the offender used a motor vehicle as the means to commit the violation, a violation of division (A) (2) of section 2903.11 of the Revised Code in circumstances in which the deadly weapon used in the commission of the violation is a motor vehicle, or an attempt to commit aggravated murder or murder in violation of section 2923.02 of the Revised Code in circumstances in which the offender used a motor vehicle as the means to attempt to commit the aggravated murder or murder.

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

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

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

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

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

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

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

(2) In one of the following ways: 1841

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

(b) Recklessly. 1851

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(F) As used in this section: 2011

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) As used in this section: 2104

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) As used in this section: 2164

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(F) As used in this section: 2318

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

or because of advanced age. 2322

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

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

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

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

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

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

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

or deception. 2351

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Whoever violates this section is guilty of sexual

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

(C) As used in this section: 2512

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

probative value. 2617

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Revised Code, pandering obscenity involving a minor or impaired person in violation of division (A) (5) of this section is a felony of the third degree. 2764
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(D) As used in this section and sections 2907.322 and 2907.323 of the Revised Code, "impaired person" means a person whose ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age. 2767
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Sec. 2907.322. (A) No person, with knowledge of the character of the material or performance involved, shall do any of the following: 2775
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(1) Create, record, photograph, film, develop, reproduce, or publish any material that shows a minor or impaired person participating or engaging in sexual activity, masturbation, or bestiality; 2778
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(2) Advertise for sale or dissemination, sell, distribute, transport, disseminate, exhibit, or display any material that shows a minor or impaired person participating or engaging in sexual activity, masturbation, or bestiality; 2782
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(3) Create, direct, or produce a performance that shows a minor or impaired person participating or engaging in sexual activity, masturbation, or bestiality; 2786
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(4) Advertise for presentation, present, or participate in presenting a performance that shows a minor or impaired person participating or engaging in sexual activity, masturbation, or bestiality; 2789
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(5) Knowingly solicit, receive, purchase, exchange, 2793
possess, or control any material that shows a minor or impaired 2794
person participating or engaging in sexual activity, 2795
masturbation, or bestiality; 2796

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Abuse the child; 2933

(2) Torture or cruelly abuse the child; 2934

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

(4) Repeatedly administer unwarranted disciplinary 2941

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) "Nudity-oriented matter" means any material or performance that shows a minor in a state of nudity and that, taken as a whole by the average person applying contemporary community standards, appeals to prurient interest. 3004
3005
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(c) "Sexually oriented matter" means any material or performance that shows a minor participating or engaging in sexual activity, masturbation, or bestiality. 3008
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3010

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

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

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

(b) If the offender previously has been convicted of an offense under this section or of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, except as otherwise provided in division (E) (2) (c) or (d) of this section, a felony of the fourth degree; 3019
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(c) If the violation is a violation of division (A) of this section and results in serious physical harm to the child involved, a felony of the third degree; 3024
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(d) If the violation is a violation of division (B) (1) of this section and results in serious physical harm to the child 3027
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involved, a felony of the second degree. 3029

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(I) As used in this section: 3308

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) As used in this section: 3661

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

facility, a misdemeanor of the second degree. 3766

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) No violent career criminal shall knowingly use any firearm or dangerous ordnance. 3833
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(C) Whoever violates this section is guilty of unlawful use of a weapon by a violent career criminal, a felony of the first degree, ~~and~~. For an offense committed prior to the effective date of this amendment, notwithstanding the range of definite prison terms set forth in division (A) (1) (b) of section 2929.14 of the Revised Code, the court shall impose upon the offender a mandatory prison term that is a definite prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years. For an offense committed on or after the effective date of this amendment, notwithstanding the range of minimum prison terms set forth in division (A) (1) (a) of section 2929.14 of the Revised Code, the court shall impose upon the offender an indefinite prison term pursuant to that division, with a minimum term under that sentence that is a mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years. 3835
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Sec. 2925.01. As used in this chapter: 3851

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(N) "Juvenile" means a person under eighteen years of age.	3996
(O) "Counterfeit controlled substance" means any of the following:	3997
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(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;	3999
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(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;	4003
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(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;	4007
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(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.	4010
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(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.	4015
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(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state	4022
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board of education prescribes minimum standards under section 4025
3301.07 of the Revised Code, whether or not any instruction, 4026
extracurricular activities, or training provided by the school 4027
is being conducted at the time a criminal offense is committed. 4028

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) A person licensed under Chapter 4707. of the Revised Code;	4083 4084
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	4085 4086 4087
(7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	4088 4089 4090
(8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	4091 4092 4093 4094 4095 4096 4097 4098 4099 4100 4101
(9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	4102 4103 4104 4105 4106 4107
(10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the	4108 4109 4110 4111

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

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

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

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

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

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

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

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

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

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

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

following: 4223

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

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

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

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

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

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

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

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

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

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

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

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

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

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

following:	4281
(1) By force, threat, or deception, administer to another	4282
or induce or cause another to use a controlled substance;	4283
(2) By any means, administer or furnish to another or	4284
induce or cause another to use a controlled substance with	4285
purpose to cause serious physical harm to the other person, or	4286
with purpose to cause the other person to become drug dependent;	4287
(3) By any means, administer or furnish to another or	4288
induce or cause another to use a controlled substance, and	4289
thereby cause serious physical harm to the other person, or	4290
cause the other person to become drug dependent;	4291
(4) By any means, do any of the following:	4292
(a) Furnish or administer a controlled substance to a	4293
juvenile who is at least two years the offender's junior, when	4294
the offender knows the age of the juvenile or is reckless in	4295
that regard;	4296
(b) Induce or cause a juvenile who is at least two years	4297
the offender's junior to use a controlled substance, when the	4298
offender knows the age of the juvenile or is reckless in that	4299
regard;	4300
(c) Induce or cause a juvenile who is at least two years	4301
the offender's junior to commit a felony drug abuse offense,	4302
when the offender knows the age of the juvenile or is reckless	4303
in that regard;	4304
(d) Use a juvenile, whether or not the offender knows the	4305
age of the juvenile, to perform any surveillance activity that	4306
is intended to prevent the detection of the offender or any	4307
other person in the commission of a felony drug abuse offense or	4308

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

second degree felony mandatory prison term. 4397

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

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

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

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

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

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

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

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

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

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

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

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

the suspension. 4487

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

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

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

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

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

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

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

that act. 4516

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Except as otherwise provided in division (C) (4) (b), (c), (d), (e), (f), or (g) of this section, trafficking in cocaine is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining

whether to impose a prison term on the offender. 4726

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

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

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

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

(e) Except as otherwise provided in this division, if the 4761
amount of the drug involved equals or exceeds twenty grams but 4762
is less than twenty-seven grams of cocaine, trafficking in 4763
cocaine is a felony of the second degree, and the court shall 4764
impose as a mandatory prison term ~~one of the prison terms~~ 4765
~~prescribed for a felony of the second degree~~ a second degree 4766
felony mandatory prison term. If the amount of the drug involved 4767
is within that range and if the offense was committed in the 4768
vicinity of a school or in the vicinity of a juvenile, 4769
trafficking in cocaine is a felony of the first degree, and the 4770
court shall impose as a mandatory prison term ~~one of the prison~~ 4771
~~terms prescribed for a felony of the first degree~~ a first degree 4772
felony mandatory prison term. 4773

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

(g) If the amount of the drug involved equals or exceeds 4782
one hundred grams of cocaine and regardless of whether the 4783
offense was committed in the vicinity of a school or in the 4784
vicinity of a juvenile, trafficking in cocaine is a felony of 4785

the first degree, the offender is a major drug offender, and the 4786
court shall impose as a mandatory prison term ~~the maximum prison~~ 4787
~~term prescribed for a felony of the first degree~~ a maximum first 4788
degree felony mandatory prison term. 4789

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses

but is less than one hundred unit doses or equals or exceeds 4907
five grams but is less than ten grams, trafficking in heroin is 4908
a felony of the third degree, and there is a presumption for a 4909
prison term for the offense. If the amount of the drug involved 4910
is within that range and if the offense was committed in the 4911
vicinity of a school or in the vicinity of a juvenile, 4912
trafficking in heroin is a felony of the second degree, and 4913
there is a presumption for a prison term for the offense. 4914

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

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

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

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

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

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

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

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

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

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

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

(f) Except as otherwise provided in this division, if the 5004
amount of the drug involved equals or exceeds one thousand grams 5005
but is less than two thousand grams of hashish in a solid form 5006
or equals or exceeds two hundred grams but is less than four 5007
hundred grams of hashish in a liquid concentrate, liquid 5008
extract, or liquid distillate form, trafficking in hashish is a 5009
felony of the second degree, and the court shall impose as a 5010
mandatory prison term a second degree felony mandatory prison 5011
term of five, six, seven, or eight years. If the amount of the 5012
drug involved is within that range and if the offense was 5013
committed in the vicinity of a school or in the vicinity of a 5014
juvenile, trafficking in hashish is a felony of the first 5015
degree, and the court shall impose as a mandatory prison term 5016
~~the maximum prison term prescribed for a felony of the first~~ 5017
~~degree~~ a maximum first degree felony mandatory prison term. 5018

(g) Except as otherwise provided in this division, if the 5019
amount of the drug involved equals or exceeds two thousand grams 5020
of hashish in a solid form or equals or exceeds four hundred 5021
grams of hashish in a liquid concentrate, liquid extract, or 5022
liquid distillate form, trafficking in hashish is a felony of 5023
the second degree, and the court shall impose as a mandatory 5024
prison term ~~the maximum prison term prescribed for a felony of~~ 5025
~~the second degree~~ a maximum second degree felony mandatory 5026
prison term. If the amount of the drug involved equals or 5027
exceeds two thousand grams of hashish in a solid form or equals 5028
or exceeds four hundred grams of hashish in a liquid 5029

concentrate, liquid extract, or liquid distillate form and if 5030
the offense was committed in the vicinity of a school or in the 5031
vicinity of a juvenile, trafficking in hashish is a felony of 5032
the first degree, and the court shall impose as a mandatory 5033
prison term ~~the maximum prison term prescribed for a felony of~~ 5034
~~the first degree~~ a maximum first degree felony mandatory prison 5035
term. 5036

(8) If the drug involved in the violation is a controlled 5037
substance analog or compound, mixture, preparation, or substance 5038
that contains a controlled substance analog, whoever violates 5039
division (A) of this section is guilty of trafficking in a 5040
controlled substance analog. The penalty for the offense shall 5041
be determined as follows: 5042

(a) Except as otherwise provided in division (C) (8) (b), 5043
(c), (d), (e), (f), or (g) of this section, trafficking in a 5044
controlled substance analog is a felony of the fifth degree, and 5045
division (C) of section 2929.13 of the Revised Code applies in 5046
determining whether to impose a prison term on the offender. 5047

(b) Except as otherwise provided in division (C) (8) (c), 5048
(d), (e), (f), or (g) of this section, if the offense was 5049
committed in the vicinity of a school or in the vicinity of a 5050
juvenile, trafficking in a controlled substance analog is a 5051
felony of the fourth degree, and division (C) of section 2929.13 5052
of the Revised Code applies in determining whether to impose a 5053
prison term on the offender. 5054

(c) Except as otherwise provided in this division, if the 5055
amount of the drug involved equals or exceeds ten grams but is 5056
less than twenty grams, trafficking in a controlled substance 5057
analog is a felony of the fourth degree, and division (B) of 5058
section 2929.13 of the Revised Code applies in determining 5059

whether to impose a prison term for the offense. If the amount 5060
of the drug involved is within that range and if the offense was 5061
committed in the vicinity of a school or in the vicinity of a 5062
juvenile, trafficking in a controlled substance analog is a 5063
felony of the third degree, and there is a presumption for a 5064
prison term for the offense. 5065

(d) Except as otherwise provided in this division, if the 5066
amount of the drug involved equals or exceeds twenty grams but 5067
is less than thirty grams, trafficking in a controlled substance 5068
analog is a felony of the third degree, and there is a 5069
presumption for a prison term for the offense. If the amount of 5070
the drug involved is within that range and if the offense was 5071
committed in the vicinity of a school or in the vicinity of a 5072
juvenile, trafficking in a controlled substance analog is a 5073
felony of the second degree, and there is a presumption for a 5074
prison term for the offense. 5075

(e) Except as otherwise provided in this division, if the 5076
amount of the drug involved equals or exceeds thirty grams but 5077
is less than forty grams, trafficking in a controlled substance 5078
analog is a felony of the second degree, and the court shall 5079
impose as a mandatory prison term ~~one of the prison terms~~ 5080
prescribed for a felony of the second degree, a second degree 5081
felony mandatory prison term. If the amount of the drug involved 5082
is within that range and if the offense was committed in the 5083
vicinity of a school or in the vicinity of a juvenile, 5084
trafficking in a controlled substance analog is a felony of the 5085
first degree, and the court shall impose as a mandatory prison 5086
term ~~one of the prison terms prescribed for a felony of the~~ 5087
first degree, a first degree felony mandatory prison term. 5088

(f) If the amount of the drug involved equals or exceeds 5089

forty grams but is less than fifty grams and regardless of 5090
whether the offense was committed in the vicinity of a school or 5091
in the vicinity of a juvenile, trafficking in a controlled 5092
substance analog is a felony of the first degree, and the court 5093
shall impose as a mandatory prison term ~~one of the prison terms~~ 5094
~~prescribed for a felony of the first degree~~ a first degree 5095
felony mandatory prison term. 5096

(g) If the amount of the drug involved equals or exceeds 5097
fifty grams and regardless of whether the offense was committed 5098
in the vicinity of a school or in the vicinity of a juvenile, 5099
trafficking in a controlled substance analog is a felony of the 5100
first degree, the offender is a major drug offender, and the 5101
court shall impose as a mandatory prison term ~~the maximum prison~~ 5102
~~term prescribed for a felony of the first degree~~ a maximum first 5103
degree felony mandatory prison term. 5104

(D) In addition to any prison term authorized or required 5105
by division (C) of this section and sections 2929.13 and 2929.14 5106
of the Revised Code, and in addition to any other sanction 5107
imposed for the offense under this section or sections 2929.11 5108
to 2929.18 of the Revised Code, the court that sentences an 5109
offender who is convicted of or pleads guilty to a violation of 5110
division (A) of this section may suspend the driver's or 5111
commercial driver's license or permit of the offender in 5112
accordance with division (G) of this section. However, if the 5113
offender pleaded guilty to or was convicted of a violation of 5114
section 4511.19 of the Revised Code or a substantially similar 5115
municipal ordinance or the law of another state or the United 5116
States arising out of the same set of circumstances as the 5117
violation, the court shall suspend the offender's driver's or 5118
commercial driver's license or permit in accordance with 5119
division (G) of this section. If applicable, the court also 5120

shall do the following: 5121

(1) If the violation of division (A) of this section is a 5122
felony of the first, second, or third degree, the court shall 5123
impose upon the offender the mandatory fine specified for the 5124
offense under division (B)(1) of section 2929.18 of the Revised 5125
Code unless, as specified in that division, the court determines 5126
that the offender is indigent. Except as otherwise provided in 5127
division (H)(1) of this section, a mandatory fine or any other 5128
fine imposed for a violation of this section is subject to 5129
division (F) of this section. If a person is charged with a 5130
violation of this section that is a felony of the first, second, 5131
or third degree, posts bail, and forfeits the bail, the clerk of 5132
the court shall pay the forfeited bail pursuant to divisions (D) 5133
(1) and (F) of this section, as if the forfeited bail was a fine 5134
imposed for a violation of this section. If any amount of the 5135
forfeited bail remains after that payment and if a fine is 5136
imposed under division (H)(1) of this section, the clerk of the 5137
court shall pay the remaining amount of the forfeited bail 5138
pursuant to divisions (H)(2) and (3) of this section, as if that 5139
remaining amount was a fine imposed under division (H)(1) of 5140
this section. 5141

(2) If the offender is a professionally licensed person, 5142
the court immediately shall comply with section 2925.38 of the 5143
Revised Code. 5144

(E) When a person is charged with the sale of or offer to 5145
sell a bulk amount or a multiple of a bulk amount of a 5146
controlled substance, the jury, or the court trying the accused, 5147
shall determine the amount of the controlled substance involved 5148
at the time of the offense and, if a guilty verdict is returned, 5149
shall return the findings as part of the verdict. In any such 5150

case, it is unnecessary to find and return the exact amount of 5151
the controlled substance involved, and it is sufficient if the 5152
finding and return is to the effect that the amount of the 5153
controlled substance involved is the requisite amount, or that 5154
the amount of the controlled substance involved is less than the 5155
requisite amount. 5156

(F) (1) Notwithstanding any contrary provision of section 5157
3719.21 of the Revised Code and except as provided in division 5158
(H) of this section, the clerk of the court shall pay any 5159
mandatory fine imposed pursuant to division (D) (1) of this 5160
section and any fine other than a mandatory fine that is imposed 5161
for a violation of this section pursuant to division (A) or (B) 5162
(5) of section 2929.18 of the Revised Code to the county, 5163
township, municipal corporation, park district, as created 5164
pursuant to section 511.18 or 1545.04 of the Revised Code, or 5165
state law enforcement agencies in this state that primarily were 5166
responsible for or involved in making the arrest of, and in 5167
prosecuting, the offender. However, the clerk shall not pay a 5168
mandatory fine so imposed to a law enforcement agency unless the 5169
agency has adopted a written internal control policy under 5170
division (F) (2) of this section that addresses the use of the 5171
fine moneys that it receives. Each agency shall use the 5172
mandatory fines so paid to subsidize the agency's law 5173
enforcement efforts that pertain to drug offenses, in accordance 5174
with the written internal control policy adopted by the 5175
recipient agency under division (F) (2) of this section. 5176

(2) Prior to receiving any fine moneys under division (F) 5177
(1) of this section or division (B) of section 2925.42 of the 5178
Revised Code, a law enforcement agency shall adopt a written 5179
internal control policy that addresses the agency's use and 5180
disposition of all fine moneys so received and that provides for 5181

the keeping of detailed financial records of the receipts of 5182
those fine moneys, the general types of expenditures made out of 5183
those fine moneys, and the specific amount of each general type 5184
of expenditure. The policy shall not provide for or permit the 5185
identification of any specific expenditure that is made in an 5186
ongoing investigation. All financial records of the receipts of 5187
those fine moneys, the general types of expenditures made out of 5188
those fine moneys, and the specific amount of each general type 5189
of expenditure by an agency are public records open for 5190
inspection under section 149.43 of the Revised Code. 5191
Additionally, a written internal control policy adopted under 5192
this division is such a public record, and the agency that 5193
adopted it shall comply with it. 5194

(3) As used in division (F) of this section: 5195

(a) "Law enforcement agencies" includes, but is not 5196
limited to, the state board of pharmacy and the office of a 5197
prosecutor. 5198

(b) "Prosecutor" has the same meaning as in section 5199
2935.01 of the Revised Code. 5200

(G)(1) If the sentencing court suspends the offender's 5201
driver's or commercial driver's license or permit under division 5202
(D) of this section or any other provision of this chapter, the 5203
court shall suspend the license, by order, for not more than 5204
five years. If an offender's driver's or commercial driver's 5205
license or permit is suspended pursuant to this division, the 5206
offender, at any time after the expiration of two years from the 5207
day on which the offender's sentence was imposed or from the day 5208
on which the offender finally was released from a prison term 5209
under the sentence, whichever is later, may file a motion with 5210
the sentencing court requesting termination of the suspension; 5211

upon the filing of such a motion and the court's finding of good 5212
cause for the termination, the court may terminate the 5213
suspension. 5214

(2) Any offender who received a mandatory suspension of 5215
the offender's driver's or commercial driver's license or permit 5216
under this section prior to ~~the effective date of this amendment~~ 5217
September 13, 2016, may file a motion with the sentencing court 5218
requesting the termination of the suspension. However, an 5219
offender who pleaded guilty to or was convicted of a violation 5220
of section 4511.19 of the Revised Code or a substantially 5221
similar municipal ordinance or law of another state or the 5222
United States that arose out of the same set of circumstances as 5223
the violation for which the offender's license or permit was 5224
suspended under this section shall not file such a motion. 5225

Upon the filing of a motion under division (G) (2) of this 5226
section, the sentencing court, in its discretion, may terminate 5227
the suspension. 5228

(H) (1) In addition to any prison term authorized or 5229
required by division (C) of this section and sections 2929.13 5230
and 2929.14 of the Revised Code, in addition to any other 5231
penalty or sanction imposed for the offense under this section 5232
or sections 2929.11 to 2929.18 of the Revised Code, and in 5233
addition to the forfeiture of property in connection with the 5234
offense as prescribed in Chapter 2981. of the Revised Code, the 5235
court that sentences an offender who is convicted of or pleads 5236
guilty to a violation of division (A) of this section may impose 5237
upon the offender an additional fine specified for the offense 5238
in division (B) (4) of section 2929.18 of the Revised Code. A 5239
fine imposed under division (H) (1) of this section is not 5240
subject to division (F) of this section and shall be used solely 5241

for the support of one or more eligible community addiction 5242
services providers in accordance with divisions (H) (2) and (3) 5243
of this section. 5244

(2) The court that imposes a fine under division (H) (1) of 5245
this section shall specify in the judgment that imposes the fine 5246
one or more eligible community addiction services providers for 5247
the support of which the fine money is to be used. No community 5248
addiction services provider shall receive or use money paid or 5249
collected in satisfaction of a fine imposed under division (H) 5250
(1) of this section unless the services provider is specified in 5251
the judgment that imposes the fine. No community addiction 5252
services provider shall be specified in the judgment unless the 5253
services provider is an eligible community addiction services 5254
provider and, except as otherwise provided in division (H) (2) of 5255
this section, unless the services provider is located in the 5256
county in which the court that imposes the fine is located or in 5257
a county that is immediately contiguous to the county in which 5258
that court is located. If no eligible community addiction 5259
services provider is located in any of those counties, the 5260
judgment may specify an eligible community addiction services 5261
provider that is located anywhere within this state. 5262

(3) Notwithstanding any contrary provision of section 5263
3719.21 of the Revised Code, the clerk of the court shall pay 5264
any fine imposed under division (H) (1) of this section to the 5265
eligible community addiction services provider specified 5266
pursuant to division (H) (2) of this section in the judgment. The 5267
eligible community addiction services provider that receives the 5268
fine moneys shall use the moneys only for the alcohol and drug 5269
addiction services identified in the application for 5270
certification of services under section 5119.36 of the Revised 5271
Code or in the application for a license under section 5119.391 5272

of the Revised Code filed with the department of mental health 5273
and addiction services by the community addiction services 5274
provider specified in the judgment. 5275

(4) Each community addiction services provider that 5276
receives in a calendar year any fine moneys under division (H) 5277
(3) of this section shall file an annual report covering that 5278
calendar year with the court of common pleas and the board of 5279
county commissioners of the county in which the services 5280
provider is located, with the court of common pleas and the 5281
board of county commissioners of each county from which the 5282
services provider received the moneys if that county is 5283
different from the county in which the services provider is 5284
located, and with the attorney general. The community addiction 5285
services provider shall file the report no later than the first 5286
day of March in the calendar year following the calendar year in 5287
which the services provider received the fine moneys. The report 5288
shall include statistics on the number of persons served by the 5289
community addiction services provider, identify the types of 5290
alcohol and drug addiction services provided to those persons, 5291
and include a specific accounting of the purposes for which the 5292
fine moneys received were used. No information contained in the 5293
report shall identify, or enable a person to determine the 5294
identity of, any person served by the community addiction 5295
services provider. Each report received by a court of common 5296
pleas, a board of county commissioners, or the attorney general 5297
is a public record open for inspection under section 149.43 of 5298
the Revised Code. 5299

(5) As used in divisions (H)(1) to (5) of this section: 5300

(a) "Community addiction services provider" and "alcohol 5301
and drug addiction services" have the same meanings as in 5302

section 5119.01 of the Revised Code. 5303

(b) "Eligible community addiction services provider" means 5304
a community addiction services provider, as defined in section 5305
5119.01 of the Revised Code, or a community addiction services 5306
provider that maintains a methadone treatment program licensed 5307
under section 5119.391 of the Revised Code. 5308

(I) As used in this section, "drug" includes any substance 5309
that is represented to be a drug. 5310

(J) It is an affirmative defense to a charge of 5311
trafficking in a controlled substance analog under division (C) 5312
(8) of this section that the person charged with violating that 5313
offense sold or offered to sell, or prepared for shipment, 5314
shipped, transported, delivered, prepared for distribution, or 5315
distributed an item described in division (HH) (2) (a), (b), or 5316
(c) of section 3719.01 of the Revised Code. 5317

Sec. 2925.04. (A) No person shall knowingly cultivate 5318
marihuana or knowingly manufacture or otherwise engage in any 5319
part of the production of a controlled substance. 5320

(B) This section does not apply to any person listed in 5321
division (B) (1), (2), or (3) of section 2925.03 of the Revised 5322
Code to the extent and under the circumstances described in 5323
those divisions. 5324

(C) (1) Whoever commits a violation of division (A) of this 5325
section that involves any drug other than marihuana is guilty of 5326
illegal manufacture of drugs, and whoever commits a violation of 5327
division (A) of this section that involves marihuana is guilty 5328
of illegal cultivation of marihuana. 5329

(2) Except as otherwise provided in this division, if the 5330
drug involved in the violation of division (A) of this section 5331

is any compound, mixture, preparation, or substance included in 5332
schedule I or II, with the exception of methamphetamine or 5333
marihuana, illegal manufacture of drugs is a felony of the 5334
second degree, and, subject to division (E) of this section, the 5335
court shall impose as a mandatory prison term ~~one of the prison~~ 5336
~~terms prescribed for a felony of the second degree~~ a second 5337
degree felony mandatory prison term. 5338

If the drug involved in the violation is any compound, 5339
mixture, preparation, or substance included in schedule I or II, 5340
with the exception of methamphetamine or marihuana, and if the 5341
offense was committed in the vicinity of a juvenile or in the 5342
vicinity of a school, illegal manufacture of drugs is a felony 5343
of the first degree, and, subject to division (E) of this 5344
section, the court shall impose as a mandatory prison term ~~one~~ 5345
~~of the prison terms prescribed for a felony of the first degree~~ 5346
a first degree felony mandatory prison term. 5347

(3) If the drug involved in the violation of division (A) 5348
of this section is methamphetamine, the penalty for the 5349
violation shall be determined as follows: 5350

(a) Except as otherwise provided in division (C) (3) (b) of 5351
this section, if the drug involved in the violation is 5352
methamphetamine, illegal manufacture of drugs is a felony of the 5353
second degree, and, subject to division (E) of this section, the 5354
court shall impose a mandatory prison term on the offender 5355
determined in accordance with this division. Except as otherwise 5356
provided in this division, the court shall impose as a mandatory 5357
prison term ~~one of the prison terms prescribed for a felony of~~ 5358
~~the second degree~~ a second degree felony mandatory prison term 5359
that is not less than three years. If the offender previously 5360
has been convicted of or pleaded guilty to a violation of 5361

division (A) of this section, a violation of division (B) (6) of 5362
section 2919.22 of the Revised Code, or a violation of division 5363
(A) of section 2925.041 of the Revised Code, the court shall 5364
impose as a mandatory prison term ~~one of the prison terms~~ 5365
~~prescribed for a felony of the second degree~~ a second degree 5366
felony mandatory prison term that is not less than five years. 5367

(b) If the drug involved in the violation is 5368
methamphetamine and if the offense was committed in the vicinity 5369
of a juvenile, in the vicinity of a school, or on public 5370
premises, illegal manufacture of drugs is a felony of the first 5371
degree, and, subject to division (E) of this section, the court 5372
shall impose a mandatory prison term on the offender determined 5373
in accordance with this division. Except as otherwise provided 5374
in this division, the court shall impose as a mandatory prison 5375
term ~~one of the prison terms prescribed for a felony of the~~ 5376
~~first degree~~ a first degree felony mandatory prison term that is 5377
not less than four years. If the offender previously has been 5378
convicted of or pleaded guilty to a violation of division (A) of 5379
this section, a violation of division (B) (6) of section 2919.22 5380
of the Revised Code, or a violation of division (A) of section 5381
2925.041 of the Revised Code, the court shall impose as a 5382
mandatory prison term ~~one of the prison terms prescribed for a~~ 5383
~~felony of the first degree~~ a first degree felony mandatory 5384
prison term that is not less than five years. 5385

(4) If the drug involved in the violation of division (A) 5386
of this section is any compound, mixture, preparation, or 5387
substance included in schedule III, IV, or V, illegal 5388
manufacture of drugs is a felony of the third degree or, if the 5389
offense was committed in the vicinity of a school or in the 5390
vicinity of a juvenile, a felony of the second degree, and there 5391
is a presumption for a prison term for the offense. 5392

(5) If the drug involved in the violation is marihuana, 5393
the penalty for the offense shall be determined as follows: 5394

(a) Except as otherwise provided in division (C) (5) (b), 5395
(c), (d), (e), or (f) of this section, illegal cultivation of 5396
marihuana is a minor misdemeanor or, if the offense was 5397
committed in the vicinity of a school or in the vicinity of a 5398
juvenile, a misdemeanor of the fourth degree. 5399

(b) If the amount of marihuana involved equals or exceeds 5400
one hundred grams but is less than two hundred grams, illegal 5401
cultivation of marihuana is a misdemeanor of the fourth degree 5402
or, if the offense was committed in the vicinity of a school or 5403
in the vicinity of a juvenile, a misdemeanor of the third 5404
degree. 5405

(c) If the amount of marihuana involved equals or exceeds 5406
two hundred grams but is less than one thousand grams, illegal 5407
cultivation of marihuana is a felony of the fifth degree or, if 5408
the offense was committed in the vicinity of a school or in the 5409
vicinity of a juvenile, a felony of the fourth degree, and 5410
division (B) of section 2929.13 of the Revised Code applies in 5411
determining whether to impose a prison term on the offender. 5412

(d) If the amount of marihuana involved equals or exceeds 5413
one thousand grams but is less than five thousand grams, illegal 5414
cultivation of marihuana is a felony of the third degree or, if 5415
the offense was committed in the vicinity of a school or in the 5416
vicinity of a juvenile, a felony of the second degree, and 5417
division (C) of section 2929.13 of the Revised Code applies in 5418
determining whether to impose a prison term on the offender. 5419

(e) If the amount of marihuana involved equals or exceeds 5420
five thousand grams but is less than twenty thousand grams, 5421

illegal cultivation of marihuana is a felony of the third degree 5422
or, if the offense was committed in the vicinity of a school or 5423
in the vicinity of a juvenile, a felony of the second degree, 5424
and there is a presumption for a prison term for the offense. 5425

(f) Except as otherwise provided in this division, if the 5426
amount of marihuana involved equals or exceeds twenty thousand 5427
grams, illegal cultivation of marihuana is a felony of the 5428
second degree, and the court shall impose as a mandatory prison 5429
~~term the maximum prison term prescribed for a felony of the~~ 5430
~~second degree~~ a maximum second degree felony mandatory prison 5431
term. If the amount of the drug involved equals or exceeds 5432
twenty thousand grams and if the offense was committed in the 5433
vicinity of a school or in the vicinity of a juvenile, illegal 5434
cultivation of marihuana is a felony of the first degree, and 5435
the court shall impose as a mandatory prison term ~~the maximum~~ 5436
~~prison term prescribed for a felony of the first degree~~ a 5437
maximum first degree felony mandatory prison term. 5438

(D) In addition to any prison term authorized or required 5439
by division (C) or (E) of this section and sections 2929.13 and 5440
2929.14 of the Revised Code and in addition to any other 5441
sanction imposed for the offense under this section or sections 5442
2929.11 to 2929.18 of the Revised Code, the court that sentences 5443
an offender who is convicted of or pleads guilty to a violation 5444
of division (A) of this section may suspend the offender's 5445
driver's or commercial driver's license or permit in accordance 5446
with division (G) of section 2925.03 of the Revised Code. 5447
However, if the offender pleaded guilty to or was convicted of a 5448
violation of section 4511.19 of the Revised Code or a 5449
substantially similar municipal ordinance or the law of another 5450
state or the United States arising out of the same set of 5451
circumstances as the violation, the court shall suspend the 5452

offender's driver's or commercial driver's license or permit in 5453
accordance with division (G) of section 2925.03 of the Revised 5454
Code. If applicable, the court also shall do the following: 5455

(1) If the violation of division (A) of this section is a 5456
felony of the first, second, or third degree, the court shall 5457
impose upon the offender the mandatory fine specified for the 5458
offense under division (B)(1) of section 2929.18 of the Revised 5459
Code unless, as specified in that division, the court determines 5460
that the offender is indigent. The clerk of the court shall pay 5461
a mandatory fine or other fine imposed for a violation of this 5462
section pursuant to division (A) of section 2929.18 of the 5463
Revised Code in accordance with and subject to the requirements 5464
of division (F) of section 2925.03 of the Revised Code. The 5465
agency that receives the fine shall use the fine as specified in 5466
division (F) of section 2925.03 of the Revised Code. If a person 5467
is charged with a violation of this section that is a felony of 5468
the first, second, or third degree, posts bail, and forfeits the 5469
bail, the clerk shall pay the forfeited bail as if the forfeited 5470
bail were a fine imposed for a violation of this section. 5471

(2) If the offender is a professionally licensed person, 5472
the court immediately shall comply with section 2925.38 of the 5473
Revised Code. 5474

(E) Notwithstanding the prison term otherwise authorized 5475
or required for the offense under division (C) of this section 5476
and sections 2929.13 and 2929.14 of the Revised Code, if the 5477
violation of division (A) of this section involves the sale, 5478
offer to sell, or possession of a schedule I or II controlled 5479
substance, with the exception of marihuana, and if the court 5480
imposing sentence upon the offender finds that the offender as a 5481
result of the violation is a major drug offender and is guilty 5482

of a specification of the type described in section 2941.1410 of 5483
the Revised Code, the court, in lieu of the prison term 5484
otherwise authorized or required, shall impose upon the offender 5485
the mandatory prison term specified in division (B) (3) of 5486
section 2929.14 of the Revised Code. 5487

(F) It is an affirmative defense, as provided in section 5488
2901.05 of the Revised Code, to a charge under this section for 5489
a fifth degree felony violation of illegal cultivation of 5490
marihuana that the marihuana that gave rise to the charge is in 5491
an amount, is in a form, is prepared, compounded, or mixed with 5492
substances that are not controlled substances in a manner, or is 5493
possessed or cultivated under any other circumstances that 5494
indicate that the marihuana was solely for personal use. 5495

Notwithstanding any contrary provision of division (F) of 5496
this section, if, in accordance with section 2901.05 of the 5497
Revised Code, a person who is charged with a violation of 5498
illegal cultivation of marihuana that is a felony of the fifth 5499
degree sustains the burden of going forward with evidence of and 5500
establishes by a preponderance of the evidence the affirmative 5501
defense described in this division, the person may be prosecuted 5502
for and may be convicted of or plead guilty to a misdemeanor 5503
violation of illegal cultivation of marihuana. 5504

(G) Arrest or conviction for a minor misdemeanor violation 5505
of this section does not constitute a criminal record and need 5506
not be reported by the person so arrested or convicted in 5507
response to any inquiries about the person's criminal record, 5508
including any inquiries contained in an application for 5509
employment, a license, or any other right or privilege or made 5510
in connection with the person's appearance as a witness. 5511

(H) (1) If the sentencing court suspends the offender's 5512

driver's or commercial driver's license or permit under this 5513
section in accordance with division (G) of section 2925.03 of 5514
the Revised Code, the offender may request termination of, and 5515
the court may terminate, the suspension of the offender in 5516
accordance with that division. 5517

(2) Any offender who received a mandatory suspension of 5518
the offender's driver's or commercial driver's license or permit 5519
under this section prior to ~~the effective date of this amendment~~ 5520
September 13, 2016, may file a motion with the sentencing court 5521
requesting the termination of the suspension. However, an 5522
offender who pleaded guilty to or was convicted of a violation 5523
of section 4511.19 of the Revised Code or a substantially 5524
similar municipal ordinance or law of another state or the 5525
United States that arose out of the same set of circumstances as 5526
the violation for which the offender's license or permit was 5527
suspended under this section shall not file such a motion. 5528

Upon the filing of a motion under division (H) (2) of this 5529
section, the sentencing court, in its discretion, may terminate 5530
the suspension. 5531

Sec. 2925.041. (A) No person shall knowingly assemble or 5532
possess one or more chemicals that may be used to manufacture a 5533
controlled substance in schedule I or II with the intent to 5534
manufacture a controlled substance in schedule I or II in 5535
violation of section 2925.04 of the Revised Code. 5536

(B) In a prosecution under this section, it is not 5537
necessary to allege or prove that the offender assembled or 5538
possessed all chemicals necessary to manufacture a controlled 5539
substance in schedule I or II. The assembly or possession of a 5540
single chemical that may be used in the manufacture of a 5541
controlled substance in schedule I or II, with the intent to 5542

manufacture a controlled substance in either schedule, is 5543
sufficient to violate this section. 5544

(C) Whoever violates this section is guilty of illegal 5545
assembly or possession of chemicals for the manufacture of 5546
drugs. Except as otherwise provided in this division, illegal 5547
assembly or possession of chemicals for the manufacture of drugs 5548
is a felony of the third degree, and, except as otherwise 5549
provided in division (C)(1) or (2) of this section, division (C) 5550
of section 2929.13 of the Revised Code applies in determining 5551
whether to impose a prison term on the offender. If the offense 5552
was committed in the vicinity of a juvenile or in the vicinity 5553
of a school, illegal assembly or possession of chemicals for the 5554
manufacture of drugs is a felony of the second degree, and, 5555
except as otherwise provided in division (C)(1) or (2) of this 5556
section, division (C) of section 2929.13 of the Revised Code 5557
applies in determining whether to impose a prison term on the 5558
offender. If the violation of division (A) of this section is a 5559
felony of the third degree under this division and if the 5560
chemical or chemicals assembled or possessed in violation of 5561
division (A) of this section may be used to manufacture 5562
methamphetamine, there either is a presumption for a prison term 5563
for the offense or the court shall impose a mandatory prison 5564
term on the offender, determined as follows: 5565

(1) Except as otherwise provided in this division, there 5566
is a presumption for a prison term for the offense. If the 5567
offender two or more times previously has been convicted of or 5568
pleaded guilty to a felony drug abuse offense, except as 5569
otherwise provided in this division, the court shall impose as a 5570
mandatory prison term one of the prison terms prescribed for a 5571
felony of the third degree that is not less than two years. If 5572
the offender two or more times previously has been convicted of 5573

or pleaded guilty to a felony drug abuse offense and if at least 5574
one of those previous convictions or guilty pleas was to a 5575
violation of division (A) of this section, a violation of 5576
division (B) (6) of section 2919.22 of the Revised Code, or a 5577
violation of division (A) of section 2925.04 of the Revised 5578
Code, the court shall impose as a mandatory prison term one of 5579
the prison terms prescribed for a felony of the third degree 5580
that is not less than five years. 5581

(2) If the violation of division (A) of this section is a 5582
felony of the second degree under division (C) of this section 5583
and the chemical or chemicals assembled or possessed in 5584
committing the violation may be used to manufacture 5585
methamphetamine, the court shall impose as a mandatory prison 5586
term ~~one of the prison terms prescribed for a felony of the~~ 5587
~~second degree~~ a second degree felony mandatory prison term that 5588
is not less than three years. If the violation of division (A) 5589
of this section is a felony of the second degree under division 5590
(C) of this section, if the chemical or chemicals assembled or 5591
possessed in committing the violation may be used to manufacture 5592
methamphetamine, and if the offender previously has been 5593
convicted of or pleaded guilty to a violation of division (A) of 5594
this section, a violation of division (B) (6) of section 2919.22 5595
of the Revised Code, or a violation of division (A) of section 5596
2925.04 of the Revised Code, the court shall impose as a 5597
mandatory prison term ~~one of the prison terms prescribed for a~~ 5598
~~felony of the second degree~~ a second degree felony mandatory 5599
prison term that is not less than five years. 5600

(D) In addition to any prison term authorized by division 5601
(C) of this section and sections 2929.13 and 2929.14 of the 5602
Revised Code and in addition to any other sanction imposed for 5603
the offense under this section or sections 2929.11 to 2929.18 of 5604

the Revised Code, the court that sentences an offender who is 5605
convicted of or pleads guilty to a violation of this section may 5606
suspend the offender's driver's or commercial driver's license 5607
or permit in accordance with division (G) of section 2925.03 of 5608
the Revised Code. However, if the offender pleaded guilty to or 5609
was convicted of a violation of section 4511.19 of the Revised 5610
Code or a substantially similar municipal ordinance or the law 5611
of another state or the United States arising out of the same 5612
set of circumstances as the violation, the court shall suspend 5613
the offender's driver's or commercial driver's license or permit 5614
in accordance with division (G) of section 2925.03 of the 5615
Revised Code. If applicable, the court also shall do the 5616
following: 5617

(1) The court shall impose upon the offender the mandatory 5618
fine specified for the offense under division (B)(1) of section 5619
2929.18 of the Revised Code unless, as specified in that 5620
division, the court determines that the offender is indigent. 5621
The clerk of the court shall pay a mandatory fine or other fine 5622
imposed for a violation of this section under division (A) of 5623
section 2929.18 of the Revised Code in accordance with and 5624
subject to the requirements of division (F) of section 2925.03 5625
of the Revised Code. The agency that receives the fine shall use 5626
the fine as specified in division (F) of section 2925.03 of the 5627
Revised Code. If a person charged with a violation of this 5628
section posts bail and forfeits the bail, the clerk shall pay 5629
the forfeited bail as if the forfeited bail were a fine imposed 5630
for a violation of this section. 5631

(2) If the offender is a professionally licensed person or 5632
a person who has been admitted to the bar by order of the 5633
supreme court in compliance with its prescribed and published 5634
rules, the court shall comply with section 2925.38 of the 5635

Revised Code. 5636

(E) (1) If the sentencing court suspends the offender's 5637
driver's or commercial driver's license or permit under this 5638
section in accordance with division (G) of section 2925.03 of 5639
the Revised Code, the offender may request termination of, and 5640
the court may terminate, the suspension of the offender in 5641
accordance with that division. 5642

(2) Any offender who received a mandatory suspension of 5643
the offender's driver's or commercial driver's license or permit 5644
under this section prior to ~~the effective date of this amendment~~ 5645
September 13, 2016, may file a motion with the sentencing court 5646
requesting the termination of the suspension. However, an 5647
offender who pleaded guilty to or was convicted of a violation 5648
of section 4511.19 of the Revised Code or a substantially 5649
similar municipal ordinance or law of another state or the 5650
United States that arose out of the same set of circumstances as 5651
the violation for which the offender's license or permit was 5652
suspended under this section shall not file such a motion. 5653

Upon the filing of a motion under division (E) (2) of this 5654
section, the sentencing court, in its discretion, may terminate 5655
the suspension. 5656

Sec. 2925.05. (A) No person shall knowingly provide money 5657
or other items of value to another person with the purpose that 5658
the recipient of the money or items of value use them to obtain 5659
any controlled substance for the purpose of violating section 5660
2925.04 of the Revised Code or for the purpose of selling or 5661
offering to sell the controlled substance in the following 5662
amount: 5663

(1) If the drug to be sold or offered for sale is any 5664

compound, mixture, preparation, or substance included in 5665
schedule I or II, with the exception of marihuana, cocaine, 5666
L.S.D., heroin, and hashish, or schedule III, IV, or V, an 5667
amount of the drug that equals or exceeds the bulk amount of the 5668
drug; 5669

(2) If the drug to be sold or offered for sale is 5670
marihuana or a compound, mixture, preparation, or substance 5671
other than hashish containing marihuana, an amount of the 5672
marihuana that equals or exceeds two hundred grams; 5673

(3) If the drug to be sold or offered for sale is cocaine 5674
or a compound, mixture, preparation, or substance containing 5675
cocaine, an amount of the cocaine that equals or exceeds five 5676
grams; 5677

(4) If the drug to be sold or offered for sale is L.S.D. 5678
or a compound, mixture, preparation, or substance containing 5679
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 5680
doses if the L.S.D. is in a solid form or equals or exceeds one 5681
gram if the L.S.D. is in a liquid concentrate, liquid extract, 5682
or liquid distillate form; 5683

(5) If the drug to be sold or offered for sale is heroin 5684
or a compound, mixture, preparation, or substance containing 5685
heroin, an amount of the heroin that equals or exceeds ten unit 5686
doses or equals or exceeds one gram; 5687

(6) If the drug to be sold or offered for sale is hashish 5688
or a compound, mixture, preparation, or substance containing 5689
hashish, an amount of the hashish that equals or exceeds ten 5690
grams if the hashish is in a solid form or equals or exceeds two 5691
grams if the hashish is in a liquid concentrate, liquid extract, 5692
or liquid distillate form. 5693

(B) This section does not apply to any person listed in 5694
division (B) (1), (2), or (3) of section 2925.03 of the Revised 5695
Code to the extent and under the circumstances described in 5696
those divisions. 5697

(C) (1) If the drug involved in the violation is any 5698
compound, mixture, preparation, or substance included in 5699
schedule I or II, with the exception of marihuana, whoever 5700
violates division (A) of this section is guilty of aggravated 5701
funding of drug trafficking, a felony of the first degree, and, 5702
subject to division (E) of this section, the court shall impose 5703
as a mandatory prison term ~~one of the prison terms prescribed~~ 5704
~~for a felony of the first degree~~ a first degree felony mandatory 5705
prison term. 5706

(2) If the drug involved in the violation is any compound, 5707
mixture, preparation, or substance included in schedule III, IV, 5708
or V, whoever violates division (A) of this section is guilty of 5709
funding of drug trafficking, a felony of the second degree, and 5710
the court shall impose as a mandatory prison term ~~one of the~~ 5711
~~prison terms prescribed for a felony of the second degree~~ a 5712
second degree felony mandatory prison term. 5713

(3) If the drug involved in the violation is marihuana, 5714
whoever violates division (A) of this section is guilty of 5715
funding of marihuana trafficking, a felony of the third degree, 5716
and, except as otherwise provided in this division, there is a 5717
presumption for a prison term for the offense. If funding of 5718
marihuana trafficking is a felony of the third degree under this 5719
division and if the offender two or more times previously has 5720
been convicted of or pleaded guilty to a felony drug abuse 5721
offense, the court shall impose as a mandatory prison term one 5722
of the prison terms prescribed for a felony of the third degree. 5723

(D) In addition to any prison term authorized or required 5724
by division (C) or (E) of this section and sections 2929.13 and 5725
2929.14 of the Revised Code and in addition to any other 5726
sanction imposed for the offense under this section or sections 5727
2929.11 to 2929.18 of the Revised Code, the court that sentences 5728
an offender who is convicted of or pleads guilty to a violation 5729
of division (A) of this section may suspend the offender's 5730
driver's or commercial driver's license or permit in accordance 5731
with division (G) of section 2925.03 of the Revised Code. 5732
However, if the offender pleaded guilty to or was convicted of a 5733
violation of section 4511.19 of the Revised Code or a 5734
substantially similar municipal ordinance or the law of another 5735
state or the United States arising out of the same set of 5736
circumstances as the violation, the court shall suspend the 5737
offender's driver's or commercial driver's license or permit in 5738
accordance with division (G) of section 2925.03 of the Revised 5739
Code. If applicable, the court also shall do the following: 5740

(1) The court shall impose the mandatory fine specified 5741
for the offense under division (B)(1) of section 2929.18 of the 5742
Revised Code unless, as specified in that division, the court 5743
determines that the offender is indigent. The clerk of the court 5744
shall pay a mandatory fine or other fine imposed for a violation 5745
of this section pursuant to division (A) of section 2929.18 of 5746
the Revised Code in accordance with and subject to the 5747
requirements of division (F) of section 2925.03 of the Revised 5748
Code. The agency that receives the fine shall use the fine in 5749
accordance with division (F) of section 2925.03 of the Revised 5750
Code. If a person is charged with a violation of this section, 5751
posts bail, and forfeits the bail, the forfeited bail shall be 5752
paid as if the forfeited bail were a fine imposed for a 5753
violation of this section. 5754

(2) If the offender is a professionally licensed person, 5755
the court immediately shall comply with section 2925.38 of the 5756
Revised Code. 5757

(E) Notwithstanding the prison term otherwise authorized 5758
or required for the offense under division (C) of this section 5759
and sections 2929.13 and 2929.14 of the Revised Code, if the 5760
violation of division (A) of this section involves the sale, 5761
offer to sell, or possession of a schedule I or II controlled 5762
substance, with the exception of marihuana, and if the court 5763
imposing sentence upon the offender finds that the offender as a 5764
result of the violation is a major drug offender and is guilty 5765
of a specification of the type described in section 2941.1410 of 5766
the Revised Code, the court, in lieu of the prison term 5767
otherwise authorized or required, shall impose upon the offender 5768
the mandatory prison term specified in division (B) (3) of 5769
section 2929.14 of the Revised Code. 5770

(F) (1) If the sentencing court suspends the offender's 5771
driver's or commercial driver's license or permit under this 5772
section in accordance with division (G) of section 2925.03 of 5773
the Revised Code, the offender may request termination of, and 5774
the court may terminate, the suspension in accordance with that 5775
division. 5776

(2) Any offender who received a mandatory suspension of 5777
the offender's driver's or commercial driver's license or permit 5778
under this section prior to ~~the effective date of this amendment~~ 5779
September 13, 2016, may file a motion with the sentencing court 5780
requesting the termination of the suspension. However, an 5781
offender who pleaded guilty to or was convicted of a violation 5782
of section 4511.19 of the Revised Code or a substantially 5783
similar municipal ordinance or law of another state or the 5784

United States that arose out of the same set of circumstances as 5785
the violation for which the offender's license or permit was 5786
suspended under this section shall not file such a motion. 5787

Upon the filing of a motion under division (F) (2) of this 5788
section, the sentencing court, in its discretion, may terminate 5789
the suspension. 5790

Sec. 2925.11. (A) No person shall knowingly obtain, 5791
possess, or use a controlled substance or a controlled substance 5792
analog. 5793

(B) (1) This section does not apply to any of the 5794
following: 5795

(a) Manufacturers, licensed health professionals 5796
authorized to prescribe drugs, pharmacists, owners of 5797
pharmacies, and other persons whose conduct was in accordance 5798
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 5799
4741. of the Revised Code; 5800

(b) If the offense involves an anabolic steroid, any 5801
person who is conducting or participating in a research project 5802
involving the use of an anabolic steroid if the project has been 5803
approved by the United States food and drug administration; 5804

(c) Any person who sells, offers for sale, prescribes, 5805
dispenses, or administers for livestock or other nonhuman 5806
species an anabolic steroid that is expressly intended for 5807
administration through implants to livestock or other nonhuman 5808
species and approved for that purpose under the "Federal Food, 5809
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 5810
as amended, and is sold, offered for sale, prescribed, 5811
dispensed, or administered for that purpose in accordance with 5812
that act; 5813

(d) Any person who obtained the controlled substance 5814
pursuant to a lawful prescription issued by a licensed health 5815
professional authorized to prescribe drugs. 5816

(2) (a) As used in division (B) (2) of this section: 5817

(i) "Community addiction services provider" has the same 5818
meaning as in section 5119.01 of the Revised Code. 5819

(ii) "Community control sanction" and "drug treatment 5820
program" have the same meanings as in section 2929.01 of the 5821
Revised Code. 5822

(iii) "Health care facility" has the same meaning as in 5823
section 2919.16 of the Revised Code. 5824

(iv) "Minor drug possession offense" means a violation of 5825
this section that is a misdemeanor or a felony of the fifth 5826
degree. 5827

(v) "Post-release control sanction" has the same meaning 5828
as in section 2967.28 of the Revised Code. 5829

(vi) "Peace officer" has the same meaning as in section 5830
2935.01 of the Revised Code. 5831

(vii) "Public agency" has the same meaning as in section 5832
2930.01 of the Revised Code. 5833

(viii) "Qualified individual" means a person who is not on 5834
community control or post-release control and is a person acting 5835
in good faith who seeks or obtains medical assistance for 5836
another person who is experiencing a drug overdose, a person who 5837
experiences a drug overdose and who seeks medical assistance for 5838
that overdose, or a person who is the subject of another person 5839
seeking or obtaining medical assistance for that overdose as 5840
described in division (B) (2) (b) of this section. 5841

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

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

(i) The evidence of the obtaining, possession, or use of the controlled substance or controlled substance analog that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or experiencing an overdose and needing medical assistance.

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

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

(c) If a person is found to be in violation of any community control sanction and if the violation is a result of

either of the following, the court shall first consider ordering 5871
the person's participation or continued participation in a drug 5872
treatment program or mitigating the penalty specified in section 5873
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 5874
applicable, after which the court has the discretion either to 5875
order the person's participation or continued participation in a 5876
drug treatment program or to impose the penalty with the 5877
mitigating factor specified in any of those applicable sections: 5878

(i) Seeking or obtaining medical assistance in good faith 5879
for another person who is experiencing a drug overdose; 5880

(ii) Experiencing a drug overdose and seeking medical 5881
assistance for that overdose or being the subject of another 5882
person seeking or obtaining medical assistance for that overdose 5883
as described in division (B) (2) (b) of this section. 5884

(d) If a person is found to be in violation of any post- 5885
release control sanction and if the violation is a result of 5886
either of the following, the court or the parole board shall 5887
first consider ordering the person's participation or continued 5888
participation in a drug treatment program or mitigating the 5889
penalty specified in section 2929.141 or 2967.28 of the Revised 5890
Code, whichever is applicable, after which the court or the 5891
parole board has the discretion either to order the person's 5892
participation or continued participation in a drug treatment 5893
program or to impose the penalty with the mitigating factor 5894
specified in either of those applicable sections: 5895

(i) Seeking or obtaining medical assistance in good faith 5896
for another person who is experiencing a drug overdose; 5897

(ii) Experiencing a drug overdose and seeking medical 5898
assistance for that emergency or being the subject of another 5899

person seeking or obtaining medical assistance for that overdose 5900
as described in division (B) (2) (b) of this section. 5901

(e) Nothing in division (B) (2) (b) of this section shall be 5902
construed to do any of the following: 5903

(i) Limit the admissibility of any evidence in connection 5904
with the investigation or prosecution of a crime with regards to 5905
a defendant who does not qualify for the protections of division 5906
(B) (2) (b) of this section or with regards to any crime other 5907
than a minor drug possession offense committed by a person who 5908
qualifies for protection pursuant to division (B) (2) (b) of this 5909
section for a minor drug possession offense; 5910

(ii) Limit any seizure of evidence or contraband otherwise 5911
permitted by law; 5912

(iii) Limit or abridge the authority of a peace officer to 5913
detain or take into custody a person in the course of an 5914
investigation or to effectuate an arrest for any offense except 5915
as provided in that division; 5916

(iv) Limit, modify, or remove any immunity from liability 5917
available pursuant to law in effect prior to ~~the effective date~~ 5918
~~of this amendment~~ September 13, 2016, to any public agency or to 5919
an employee of any public agency. 5920

(f) Division (B) (2) (b) of this section does not apply to 5921
any person who twice previously has been granted an immunity 5922
under division (B) (2) (b) of this section. No person shall be 5923
granted an immunity under division (B) (2) (b) of this section 5924
more than two times. 5925

(g) Nothing in this section shall compel any qualified 5926
individual to disclose protected health information in a way 5927
that conflicts with the requirements of the "Health Insurance 5928

Portability and Accountability Act of 1996," 104 Pub. L. No. 5929
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 5930
regulations promulgated by the United States department of 5931
health and human services to implement the act or the 5932
requirements of 42 C.F.R. Part 2. 5933

(C) Whoever violates division (A) of this section is 5934
guilty of one of the following: 5935

(1) If the drug involved in the violation is a compound, 5936
mixture, preparation, or substance included in schedule I or II, 5937
with the exception of marihuana, cocaine, L.S.D., heroin, 5938
hashish, and controlled substance analogs, whoever violates 5939
division (A) of this section is guilty of aggravated possession 5940
of drugs. The penalty for the offense shall be determined as 5941
follows: 5942

(a) Except as otherwise provided in division (C) (1) (b), 5943
(c), (d), or (e) of this section, aggravated possession of drugs 5944
is a felony of the fifth degree, and division (B) of section 5945
2929.13 of the Revised Code applies in determining whether to 5946
impose a prison term on the offender. 5947

(b) If the amount of the drug involved equals or exceeds 5948
the bulk amount but is less than five times the bulk amount, 5949
aggravated possession of drugs is a felony of the third degree, 5950
and there is a presumption for a prison term for the offense. 5951

(c) If the amount of the drug involved equals or exceeds 5952
five times the bulk amount but is less than fifty times the bulk 5953
amount, aggravated possession of drugs is a felony of the second 5954
degree, and the court shall impose as a mandatory prison term 5955
~~one of the prison terms prescribed for a felony of the second-~~ 5956
degree a second degree felony mandatory prison term. 5957

(d) If the amount of the drug involved equals or exceeds 5958
fifty times the bulk amount but is less than one hundred times 5959
the bulk amount, aggravated possession of drugs is a felony of 5960
the first degree, and the court shall impose as a mandatory 5961
prison term ~~one of the prison terms prescribed for a felony of~~ 5962
~~the first degree~~ a first degree felony mandatory prison term. 5963

(e) If the amount of the drug involved equals or exceeds 5964
one hundred times the bulk amount, aggravated possession of 5965
drugs is a felony of the first degree, the offender is a major 5966
drug offender, and the court shall impose as a mandatory prison 5967
term ~~the maximum prison term prescribed for a felony of the~~ 5968
~~first degree~~ a maximum first degree felony mandatory prison 5969
term. 5970

(2) If the drug involved in the violation is a compound, 5971
mixture, preparation, or substance included in schedule III, IV, 5972
or V, whoever violates division (A) of this section is guilty of 5973
possession of drugs. The penalty for the offense shall be 5974
determined as follows: 5975

(a) Except as otherwise provided in division (C) (2) (b), 5976
(c), or (d) of this section, possession of drugs is a 5977
misdemeanor of the first degree or, if the offender previously 5978
has been convicted of a drug abuse offense, a felony of the 5979
fifth degree. 5980

(b) If the amount of the drug involved equals or exceeds 5981
the bulk amount but is less than five times the bulk amount, 5982
possession of drugs is a felony of the fourth degree, and 5983
division (C) of section 2929.13 of the Revised Code applies in 5984
determining whether to impose a prison term on the offender. 5985

(c) If the amount of the drug involved equals or exceeds 5986

five times the bulk amount but is less than fifty times the bulk amount, possession of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

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

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

(a) Except as otherwise provided in division (C) (3) (b), (c), (d), (e), (f), or (g) of this section, possession of marihuana is a minor misdemeanor.

(b) If the amount of the drug involved equals or exceeds one hundred grams but is less than two hundred grams, possession of marihuana is a misdemeanor of the fourth degree.

(c) If the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, possession of marihuana is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) If the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, possession of marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in

determining whether to impose a prison term on the offender. 6016

(e) If the amount of the drug involved equals or exceeds 6017
five thousand grams but is less than twenty thousand grams, 6018
possession of marihuana is a felony of the third degree, and 6019
there is a presumption that a prison term shall be imposed for 6020
the offense. 6021

(f) If the amount of the drug involved equals or exceeds 6022
twenty thousand grams but is less than forty thousand grams, 6023
possession of marihuana is a felony of the second degree, and 6024
the court shall impose as a mandatory prison term a second 6025
degree felony mandatory prison term of five, six, seven, or 6026
eight years. 6027

(g) If the amount of the drug involved equals or exceeds 6028
forty thousand grams, possession of marihuana is a felony of the 6029
second degree, and the court shall impose as a mandatory prison 6030
~~term the maximum prison term prescribed for a felony of the~~ 6031
~~second degree~~ a maximum second degree felony mandatory prison 6032
term. 6033

(4) If the drug involved in the violation is cocaine or a 6034
compound, mixture, preparation, or substance containing cocaine, 6035
whoever violates division (A) of this section is guilty of 6036
possession of cocaine. The penalty for the offense shall be 6037
determined as follows: 6038

(a) Except as otherwise provided in division (C) (4) (b), 6039
(c), (d), (e), or (f) of this section, possession of cocaine is 6040
a felony of the fifth degree, and division (B) of section 6041
2929.13 of the Revised Code applies in determining whether to 6042
impose a prison term on the offender. 6043

(b) If the amount of the drug involved equals or exceeds 6044

five grams but is less than ten grams of cocaine, possession of 6045
cocaine is a felony of the fourth degree, and division (B) of 6046
section 2929.13 of the Revised Code applies in determining 6047
whether to impose a prison term on the offender. 6048

(c) If the amount of the drug involved equals or exceeds 6049
ten grams but is less than twenty grams of cocaine, possession 6050
of cocaine is a felony of the third degree, and, except as 6051
otherwise provided in this division, there is a presumption for 6052
a prison term for the offense. If possession of cocaine is a 6053
felony of the third degree under this division and if the 6054
offender two or more times previously has been convicted of or 6055
pleaded guilty to a felony drug abuse offense, the court shall 6056
impose as a mandatory prison term one of the prison terms 6057
prescribed for a felony of the third degree. 6058

(d) If the amount of the drug involved equals or exceeds 6059
twenty grams but is less than twenty-seven grams of cocaine, 6060
possession of cocaine is a felony of the second degree, and the 6061
court shall impose as a mandatory prison term ~~one of the prison~~ 6062
~~terms prescribed for a felony of the second degree~~ a second 6063
degree felony mandatory prison term. 6064

(e) If the amount of the drug involved equals or exceeds 6065
twenty-seven grams but is less than one hundred grams of 6066
cocaine, possession of cocaine is a felony of the first degree, 6067
and the court shall impose as a mandatory prison term ~~one of the~~ 6068
~~prison terms prescribed for a felony of the first degree~~ a first 6069
degree felony mandatory prison term. 6070

(f) If the amount of the drug involved equals or exceeds 6071
one hundred grams of cocaine, possession of cocaine is a felony 6072
of the first degree, the offender is a major drug offender, and 6073
the court shall impose as a mandatory prison term ~~the maximum~~ 6074

~~prison term prescribed for a felony of the first degree, a~~ 6075
maximum first degree felony mandatory prison term. 6076

(5) If the drug involved in the violation is L.S.D., 6077
whoever violates division (A) of this section is guilty of 6078
possession of L.S.D. The penalty for the offense shall be 6079
determined as follows: 6080

(a) Except as otherwise provided in division (C) (5) (b), 6081
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 6082
felony of the fifth degree, and division (B) of section 2929.13 6083
of the Revised Code applies in determining whether to impose a 6084
prison term on the offender. 6085

(b) If the amount of L.S.D. involved equals or exceeds ten 6086
unit doses but is less than fifty unit doses of L.S.D. in a 6087
solid form or equals or exceeds one gram but is less than five 6088
grams of L.S.D. in a liquid concentrate, liquid extract, or 6089
liquid distillate form, possession of L.S.D. is a felony of the 6090
fourth degree, and division (C) of section 2929.13 of the 6091
Revised Code applies in determining whether to impose a prison 6092
term on the offender. 6093

(c) If the amount of L.S.D. involved equals or exceeds 6094
fifty unit doses, but is less than two hundred fifty unit doses 6095
of L.S.D. in a solid form or equals or exceeds five grams but is 6096
less than twenty-five grams of L.S.D. in a liquid concentrate, 6097
liquid extract, or liquid distillate form, possession of L.S.D. 6098
is a felony of the third degree, and there is a presumption for 6099
a prison term for the offense. 6100

(d) If the amount of L.S.D. involved equals or exceeds two 6101
hundred fifty unit doses but is less than one thousand unit 6102
doses of L.S.D. in a solid form or equals or exceeds twenty-five 6103

grams but is less than one hundred grams of L.S.D. in a liquid 6104
concentrate, liquid extract, or liquid distillate form, 6105
possession of L.S.D. is a felony of the second degree, and the 6106
court shall impose as a mandatory prison term ~~one of the prison~~ 6107
~~terms prescribed for a felony of the second degree~~ a second 6108
degree felony mandatory prison term. 6109

(e) If the amount of L.S.D. involved equals or exceeds one 6110
thousand unit doses but is less than five thousand unit doses of 6111
L.S.D. in a solid form or equals or exceeds one hundred grams 6112
but is less than five hundred grams of L.S.D. in a liquid 6113
concentrate, liquid extract, or liquid distillate form, 6114
possession of L.S.D. is a felony of the first degree, and the 6115
court shall impose as a mandatory prison term ~~one of the prison~~ 6116
~~terms prescribed for a felony of the first degree~~ a first degree 6117
felony mandatory prison term. 6118

(f) If the amount of L.S.D. involved equals or exceeds 6119
five thousand unit doses of L.S.D. in a solid form or equals or 6120
exceeds five hundred grams of L.S.D. in a liquid concentrate, 6121
liquid extract, or liquid distillate form, possession of L.S.D. 6122
is a felony of the first degree, the offender is a major drug 6123
offender, and the court shall impose as a mandatory prison term 6124
~~the maximum prison term prescribed for a felony of the first~~ 6125
~~degree~~ a maximum first degree felony mandatory prison term. 6126

(6) If the drug involved in the violation is heroin or a 6127
compound, mixture, preparation, or substance containing heroin, 6128
whoever violates division (A) of this section is guilty of 6129
possession of heroin. The penalty for the offense shall be 6130
determined as follows: 6131

(a) Except as otherwise provided in division (C) (6) (b), 6132
(c), (d), (e), or (f) of this section, possession of heroin is a 6133

felony of the fifth degree, and division (B) of section 2929.13 6134
of the Revised Code applies in determining whether to impose a 6135
prison term on the offender. 6136

(b) If the amount of the drug involved equals or exceeds 6137
ten unit doses but is less than fifty unit doses or equals or 6138
exceeds one gram but is less than five grams, possession of 6139
heroin is a felony of the fourth degree, and division (C) of 6140
section 2929.13 of the Revised Code applies in determining 6141
whether to impose a prison term on the offender. 6142

(c) If the amount of the drug involved equals or exceeds 6143
fifty unit doses but is less than one hundred unit doses or 6144
equals or exceeds five grams but is less than ten grams, 6145
possession of heroin is a felony of the third degree, and there 6146
is a presumption for a prison term for the offense. 6147

(d) If the amount of the drug involved equals or exceeds 6148
one hundred unit doses but is less than five hundred unit doses 6149
or equals or exceeds ten grams but is less than fifty grams, 6150
possession of heroin is a felony of the second degree, and the 6151
court shall impose as a mandatory prison term ~~one of the prison~~ 6152
~~terms prescribed for a felony of the second degree~~ a second 6153
degree felony mandatory prison term. 6154

(e) If the amount of the drug involved equals or exceeds 6155
five hundred unit doses but is less than one thousand unit doses 6156
or equals or exceeds fifty grams but is less than one hundred 6157
grams, possession of heroin is a felony of the first degree, and 6158
the court shall impose as a mandatory prison term ~~one of the~~ 6159
~~prison terms prescribed for a felony of the first degree~~ a first 6160
degree felony mandatory prison term. 6161

(f) If the amount of the drug involved equals or exceeds 6162

one thousand unit doses or equals or exceeds one hundred grams, 6163
possession of heroin is a felony of the first degree, the 6164
offender is a major drug offender, and the court shall impose as 6165
a mandatory prison term ~~the maximum prison term prescribed for a~~ 6166
~~felony of the first degree~~ a maximum first degree felony 6167
mandatory prison term. 6168

(7) If the drug involved in the violation is hashish or a 6169
compound, mixture, preparation, or substance containing hashish, 6170
whoever violates division (A) of this section is guilty of 6171
possession of hashish. The penalty for the offense shall be 6172
determined as follows: 6173

(a) Except as otherwise provided in division (C) (7) (b), 6174
(c), (d), (e), (f), or (g) of this section, possession of 6175
hashish is a minor misdemeanor. 6176

(b) If the amount of the drug involved equals or exceeds 6177
five grams but is less than ten grams of hashish in a solid form 6178
or equals or exceeds one gram but is less than two grams of 6179
hashish in a liquid concentrate, liquid extract, or liquid 6180
distillate form, possession of hashish is a misdemeanor of the 6181
fourth degree. 6182

(c) If the amount of the drug involved equals or exceeds 6183
ten grams but is less than fifty grams of hashish in a solid 6184
form or equals or exceeds two grams but is less than ten grams 6185
of hashish in a liquid concentrate, liquid extract, or liquid 6186
distillate form, possession of hashish is a felony of the fifth 6187
degree, and division (B) of section 2929.13 of the Revised Code 6188
applies in determining whether to impose a prison term on the 6189
offender. 6190

(d) If the amount of the drug involved equals or exceeds 6191

fifty grams but is less than two hundred fifty grams of hashish 6192
in a solid form or equals or exceeds ten grams but is less than 6193
fifty grams of hashish in a liquid concentrate, liquid extract, 6194
or liquid distillate form, possession of hashish is a felony of 6195
the third degree, and division (C) of section 2929.13 of the 6196
Revised Code applies in determining whether to impose a prison 6197
term on the offender. 6198

(e) If the amount of the drug involved equals or exceeds 6199
two hundred fifty grams but is less than one thousand grams of 6200
hashish in a solid form or equals or exceeds fifty grams but is 6201
less than two hundred grams of hashish in a liquid concentrate, 6202
liquid extract, or liquid distillate form, possession of hashish 6203
is a felony of the third degree, and there is a presumption that 6204
a prison term shall be imposed for the offense. 6205

(f) If the amount of the drug involved equals or exceeds 6206
one thousand grams but is less than two thousand grams of 6207
hashish in a solid form or equals or exceeds two hundred grams 6208
but is less than four hundred grams of hashish in a liquid 6209
concentrate, liquid extract, or liquid distillate form, 6210
possession of hashish is a felony of the second degree, and the 6211
court shall impose as a mandatory prison term a second degree 6212
felony mandatory prison term of five, six, seven, or eight 6213
years. 6214

(g) If the amount of the drug involved equals or exceeds 6215
two thousand grams of hashish in a solid form or equals or 6216
exceeds four hundred grams of hashish in a liquid concentrate, 6217
liquid extract, or liquid distillate form, possession of hashish 6218
is a felony of the second degree, and the court shall impose as 6219
a mandatory prison term ~~the maximum prison term prescribed for a~~ 6220
~~felony of the second degree~~ a maximum second degree felony 6221

mandatory prison term.

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

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

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

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

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(d) If the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, possession of a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term ~~one of the prison terms prescribed for a felony of the second degree~~ a second degree felony mandatory prison term.

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(e) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams, possession of a controlled substance analog is a felony of the first degree, and

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the court shall impose as a mandatory prison term ~~one of the~~ 6251
~~prison terms prescribed for a felony of the first degree~~ a first 6252
degree felony mandatory prison term. 6253

(f) If the amount of the drug involved equals or exceeds 6254
fifty grams, possession of a controlled substance analog is a 6255
felony of the first degree, the offender is a major drug 6256
offender, and the court shall impose as a mandatory prison term 6257
~~the maximum prison term prescribed for a felony of the first~~ 6258
~~degree~~ a maximum first degree felony mandatory prison term. 6259

(D) Arrest or conviction for a minor misdemeanor violation 6260
of this section does not constitute a criminal record and need 6261
not be reported by the person so arrested or convicted in 6262
response to any inquiries about the person's criminal record, 6263
including any inquiries contained in any application for 6264
employment, license, or other right or privilege, or made in 6265
connection with the person's appearance as a witness. 6266

(E) In addition to any prison term or jail term authorized 6267
or required by division (C) of this section and sections 6268
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 6269
Code and in addition to any other sanction that is imposed for 6270
the offense under this section, sections 2929.11 to 2929.18, or 6271
sections 2929.21 to 2929.28 of the Revised Code, the court that 6272
sentences an offender who is convicted of or pleads guilty to a 6273
violation of division (A) of this section may suspend the 6274
offender's driver's or commercial driver's license or permit for 6275
not more than five years. However, if the offender pleaded 6276
guilty to or was convicted of a violation of section 4511.19 of 6277
the Revised Code or a substantially similar municipal ordinance 6278
or the law of another state or the United States arising out of 6279
the same set of circumstances as the violation, the court shall 6280

suspend the offender's driver's or commercial driver's license 6281
or permit for not more than five years. If applicable, the court 6282
also shall do the following: 6283

(1) (a) If the violation is a felony of the first, second, 6284
or third degree, the court shall impose upon the offender the 6285
mandatory fine specified for the offense under division (B) (1) 6286
of section 2929.18 of the Revised Code unless, as specified in 6287
that division, the court determines that the offender is 6288
indigent. 6289

(b) Notwithstanding any contrary provision of section 6290
3719.21 of the Revised Code, the clerk of the court shall pay a 6291
mandatory fine or other fine imposed for a violation of this 6292
section pursuant to division (A) of section 2929.18 of the 6293
Revised Code in accordance with and subject to the requirements 6294
of division (F) of section 2925.03 of the Revised Code. The 6295
agency that receives the fine shall use the fine as specified in 6296
division (F) of section 2925.03 of the Revised Code. 6297

(c) If a person is charged with a violation of this 6298
section that is a felony of the first, second, or third degree, 6299
posts bail, and forfeits the bail, the clerk shall pay the 6300
forfeited bail pursuant to division (E) (1) (b) of this section as 6301
if it were a mandatory fine imposed under division (E) (1) (a) of 6302
this section. 6303

(2) If the offender is a professionally licensed person, 6304
in addition to any other sanction imposed for a violation of 6305
this section, the court immediately shall comply with section 6306
2925.38 of the Revised Code. 6307

(F) It is an affirmative defense, as provided in section 6308
2901.05 of the Revised Code, to a charge of a fourth degree 6309

felony violation under this section that the controlled 6310
substance that gave rise to the charge is in an amount, is in a 6311
form, is prepared, compounded, or mixed with substances that are 6312
not controlled substances in a manner, or is possessed under any 6313
other circumstances, that indicate that the substance was 6314
possessed solely for personal use. Notwithstanding any contrary 6315
provision of this section, if, in accordance with section 6316
2901.05 of the Revised Code, an accused who is charged with a 6317
fourth degree felony violation of division (C) (2), (4), (5), or 6318
(6) of this section sustains the burden of going forward with 6319
evidence of and establishes by a preponderance of the evidence 6320
the affirmative defense described in this division, the accused 6321
may be prosecuted for and may plead guilty to or be convicted of 6322
a misdemeanor violation of division (C) (2) of this section or a 6323
fifth degree felony violation of division (C) (4), (5), or (6) of 6324
this section respectively. 6325

(G) When a person is charged with possessing a bulk amount 6326
or multiple of a bulk amount, division (E) of section 2925.03 of 6327
the Revised Code applies regarding the determination of the 6328
amount of the controlled substance involved at the time of the 6329
offense. 6330

(H) It is an affirmative defense to a charge of possession 6331
of a controlled substance analog under division (C) (8) of this 6332
section that the person charged with violating that offense 6333
obtained, possessed, or used an item described in division (HH) 6334
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 6335

(I) Any offender who received a mandatory suspension of 6336
the offender's driver's or commercial driver's license or permit 6337
under this section prior to ~~the effective date of this amendment~~ 6338
September 13, 2016, may file a motion with the sentencing court 6339

requesting the termination of the suspension. However, an 6340
offender who pleaded guilty to or was convicted of a violation 6341
of section 4511.19 of the Revised Code or a substantially 6342
similar municipal ordinance or law of another state or the 6343
United States that arose out of the same set of circumstances as 6344
the violation for which the offender's license or permit was 6345
suspended under this section shall not file such a motion. 6346

Upon the filing of a motion under division (I) of this 6347
section, the sentencing court, in its discretion, may terminate 6348
the suspension. 6349

Sec. 2929.01. As used in this chapter: 6350

(A) (1) "Alternative residential facility" means, subject 6351
to division (A) (2) of this section, any facility other than an 6352
offender's home or residence in which an offender is assigned to 6353
live and that satisfies all of the following criteria: 6354

(a) It provides programs through which the offender may 6355
seek or maintain employment or may receive education, training, 6356
treatment, or habilitation. 6357

(b) It has received the appropriate license or certificate 6358
for any specialized education, training, treatment, 6359
habilitation, or other service that it provides from the 6360
government agency that is responsible for licensing or 6361
certifying that type of education, training, treatment, 6362
habilitation, or service. 6363

(2) "Alternative residential facility" does not include a 6364
community-based correctional facility, jail, halfway house, or 6365
prison. 6366

(B) "Basic probation supervision" means a requirement that 6367
the offender maintain contact with a person appointed to 6368

supervise the offender in accordance with sanctions imposed by 6369
the court or imposed by the parole board pursuant to section 6370
2967.28 of the Revised Code. "Basic probation supervision" 6371
includes basic parole supervision and basic post-release control 6372
supervision. 6373

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have 6374
the same meanings as in section 2925.01 of the Revised Code. 6375

(D) "Community-based correctional facility" means a 6376
community-based correctional facility and program or district 6377
community-based correctional facility and program developed 6378
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 6379

(E) "Community control sanction" means a sanction that is 6380
not a prison term and that is described in section 2929.15, 6381
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 6382
that is not a jail term and that is described in section 6383
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 6384
control sanction" includes probation if the sentence involved 6385
was imposed for a felony that was committed prior to July 1, 6386
1996, or if the sentence involved was imposed for a misdemeanor 6387
that was committed prior to January 1, 2004. 6388

(F) "Controlled substance," "marihuana," "schedule I," and 6389
"schedule II" have the same meanings as in section 3719.01 of 6390
the Revised Code. 6391

(G) "Curfew" means a requirement that an offender during a 6392
specified period of time be at a designated place. 6393

(H) "Day reporting" means a sanction pursuant to which an 6394
offender is required each day to report to and leave a center or 6395
other approved reporting location at specified times in order to 6396
participate in work, education or training, treatment, and other 6397

approved programs at the center or outside the center. 6398

(I) "Deadly weapon" has the same meaning as in section 6399
2923.11 of the Revised Code. 6400

(J) "Drug and alcohol use monitoring" means a program 6401
under which an offender agrees to submit to random chemical 6402
analysis of the offender's blood, breath, or urine to determine 6403
whether the offender has ingested any alcohol or other drugs. 6404

(K) "Drug treatment program" means any program under which 6405
a person undergoes assessment and treatment designed to reduce 6406
or completely eliminate the person's physical or emotional 6407
reliance upon alcohol, another drug, or alcohol and another drug 6408
and under which the person may be required to receive assessment 6409
and treatment on an outpatient basis or may be required to 6410
reside at a facility other than the person's home or residence 6411
while undergoing assessment and treatment. 6412

(L) "Economic loss" means any economic detriment suffered 6413
by a victim as a direct and proximate result of the commission 6414
of an offense and includes any loss of income due to lost time 6415
at work because of any injury caused to the victim, and any 6416
property loss, medical cost, or funeral expense incurred as a 6417
result of the commission of the offense. "Economic loss" does 6418
not include non-economic loss or any punitive or exemplary 6419
damages. 6420

(M) "Education or training" includes study at, or in 6421
conjunction with a program offered by, a university, college, or 6422
technical college or vocational study and also includes the 6423
completion of primary school, secondary school, and literacy 6424
curricula or their equivalent. 6425

(N) "Firearm" has the same meaning as in section 2923.11 6426

of the Revised Code. 6427

(O) "Halfway house" means a facility licensed by the 6428
division of parole and community services of the department of 6429
rehabilitation and correction pursuant to section 2967.14 of the 6430
Revised Code as a suitable facility for the care and treatment 6431
of adult offenders. 6432

(P) "House arrest" means a period of confinement of an 6433
offender that is in the offender's home or in other premises 6434
specified by the sentencing court or by the parole board 6435
pursuant to section 2967.28 of the Revised Code and during which 6436
all of the following apply: 6437

(1) The offender is required to remain in the offender's 6438
home or other specified premises for the specified period of 6439
confinement, except for periods of time during which the 6440
offender is at the offender's place of employment or at other 6441
premises as authorized by the sentencing court or by the parole 6442
board. 6443

(2) The offender is required to report periodically to a 6444
person designated by the court or parole board. 6445

(3) The offender is subject to any other restrictions and 6446
requirements that may be imposed by the sentencing court or by 6447
the parole board. 6448

(Q) "Intensive probation supervision" means a requirement 6449
that an offender maintain frequent contact with a person 6450
appointed by the court, or by the parole board pursuant to 6451
section 2967.28 of the Revised Code, to supervise the offender 6452
while the offender is seeking or maintaining necessary 6453
employment and participating in training, education, and 6454
treatment programs as required in the court's or parole board's 6455

order. "Intensive probation supervision" includes intensive 6456
parole supervision and intensive post-release control 6457
supervision. 6458

(R) "Jail" means a jail, workhouse, minimum security jail, 6459
or other residential facility used for the confinement of 6460
alleged or convicted offenders that is operated by a political 6461
subdivision or a combination of political subdivisions of this 6462
state. 6463

(S) "Jail term" means the term in a jail that a sentencing 6464
court imposes or is authorized to impose pursuant to section 6465
2929.24 or 2929.25 of the Revised Code or pursuant to any other 6466
provision of the Revised Code that authorizes a term in a jail 6467
for a misdemeanor conviction. 6468

(T) "Mandatory jail term" means the term in a jail that a 6469
sentencing court is required to impose pursuant to division (G) 6470
of section 1547.99 of the Revised Code, division (E) of section 6471
2903.06 or division (D) of section 2903.08 of the Revised Code, 6472
division (E) or (G) of section 2929.24 of the Revised Code, 6473
division (B) of section 4510.14 of the Revised Code, or division 6474
(G) of section 4511.19 of the Revised Code or pursuant to any 6475
other provision of the Revised Code that requires a term in a 6476
jail for a misdemeanor conviction. 6477

(U) "Delinquent child" has the same meaning as in section 6478
2152.02 of the Revised Code. 6479

(V) "License violation report" means a report that is made 6480
by a sentencing court, or by the parole board pursuant to 6481
section 2967.28 of the Revised Code, to the regulatory or 6482
licensing board or agency that issued an offender a professional 6483
license or a license or permit to do business in this state and 6484

that specifies that the offender has been convicted of or 6485
pleaded guilty to an offense that may violate the conditions 6486
under which the offender's professional license or license or 6487
permit to do business in this state was granted or an offense 6488
for which the offender's professional license or license or 6489
permit to do business in this state may be revoked or suspended. 6490

(W) "Major drug offender" means an offender who is 6491
convicted of or pleads guilty to the possession of, sale of, or 6492
offer to sell any drug, compound, mixture, preparation, or 6493
substance that consists of or contains at least one thousand 6494
grams of hashish; at least one hundred grams of cocaine; at 6495
least one thousand unit doses or one hundred grams of heroin; at 6496
least five thousand unit doses of L.S.D. or five hundred grams 6497
of L.S.D. in a liquid concentrate, liquid extract, or liquid 6498
distillate form; at least fifty grams of a controlled substance 6499
analog; or at least one hundred times the amount of any other 6500
schedule I or II controlled substance other than marihuana that 6501
is necessary to commit a felony of the third degree pursuant to 6502
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 6503
Code that is based on the possession of, sale of, or offer to 6504
sell the controlled substance. 6505

(X) "Mandatory prison term" means any of the following: 6506

(1) Subject to division (X) (2) of this section, the term 6507
in prison that must be imposed for the offenses or circumstances 6508
set forth in divisions (F) (1) to (8) or (F) (12) to (18) of 6509
section 2929.13 and division (B) of section 2929.14 of the 6510
Revised Code. Except as provided in sections 2925.02, 2925.03, 6511
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 6512
maximum or another specific term is required under section 6513
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 6514

described in this division may be any prison term authorized for 6515
the level of offense except that if the offense is a felony of 6516
the first or second degree committed on or after the effective 6517
date of this amendment, a mandatory prison term described in 6518
this division may be one of the terms prescribed in division (A) 6519
(1)(a) or (2)(a) of section 2929.14 of the Revised Code, 6520
whichever is applicable, that is authorized as the minimum term 6521
for the offense. 6522

(2) The term of sixty or one hundred twenty days in prison 6523
that a sentencing court is required to impose for a third or 6524
fourth degree felony OVI offense pursuant to division (G) (2) of 6525
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 6526
of the Revised Code or the term of one, two, three, four, or 6527
five years in prison that a sentencing court is required to 6528
impose pursuant to division (G) (2) of section 2929.13 of the 6529
Revised Code. 6530

(3) The term in prison imposed pursuant to division (A) of 6531
section 2971.03 of the Revised Code for the offenses and in the 6532
circumstances described in division (F) (11) of section 2929.13 6533
of the Revised Code or pursuant to division (B) (1) (a), (b), or 6534
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 6535
section 2971.03 of the Revised Code and that term as modified or 6536
terminated pursuant to section 2971.05 of the Revised Code. 6537

(Y) "Monitored time" means a period of time during which 6538
an offender continues to be under the control of the sentencing 6539
court or parole board, subject to no conditions other than 6540
leading a law-abiding life. 6541

(Z) "Offender" means a person who, in this state, is 6542
convicted of or pleads guilty to a felony or a misdemeanor. 6543

(AA) "Prison" means a residential facility used for the 6544
confinement of convicted felony offenders that is under the 6545
control of the department of rehabilitation and correction but 6546
does not include a violation sanction center operated under 6547
authority of section 2967.141 of the Revised Code. 6548

(BB) (1) "Prison term" includes either of the following 6549
sanctions for an offender: 6550

~~(1)~~ (a) A stated prison term; 6551

~~(2)~~ (b) A term in a prison shortened by, or with the 6552
approval of, the sentencing court pursuant to section 2929.143, 6553
2929.20, 2967.26, 5120.031, 5120.032, or 5120.073 of the Revised 6554
Code. 6555

(2) With respect to a non-life felony indefinite prison 6556
term, references in any provision of law to a reduction of, or 6557
deduction from, the prison term mean a reduction in, or 6558
deduction from, the minimum term imposed as part of the 6559
indefinite term. 6560

(CC) "Repeat violent offender" means a person about whom 6561
both of the following apply: 6562

(1) The person is being sentenced for committing or for 6563
complicity in committing any of the following: 6564

(a) Aggravated murder, murder, any felony of the first or 6565
second degree that is an offense of violence, or an attempt to 6566
commit any of these offenses if the attempt is a felony of the 6567
first or second degree; 6568

(b) An offense under an existing or former law of this 6569
state, another state, or the United States that is or was 6570
substantially equivalent to an offense described in division 6571

(CC) (1) (a) of this section. 6572

(2) The person previously was convicted of or pleaded 6573
guilty to an offense described in division (CC) (1) (a) or (b) of 6574
this section. 6575

(DD) "Sanction" means any penalty imposed upon an offender 6576
who is convicted of or pleads guilty to an offense, as 6577
punishment for the offense. "Sanction" includes any sanction 6578
imposed pursuant to any provision of sections 2929.14 to 2929.18 6579
or 2929.24 to 2929.28 of the Revised Code. 6580

(EE) "Sentence" means the sanction or combination of 6581
sanctions imposed by the sentencing court on an offender who is 6582
convicted of or pleads guilty to an offense. 6583

(FF) (1) "Stated prison term" means the prison term, 6584
mandatory prison term, or combination of all prison terms and 6585
mandatory prison terms imposed by the sentencing court pursuant 6586
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 6587
under section 2919.25 of the Revised Code. "Stated prison term" 6588
includes any credit received by the offender for time spent in 6589
jail awaiting trial, sentencing, or transfer to prison for the 6590
offense and any time spent under house arrest or house arrest 6591
with electronic monitoring imposed after earning credits 6592
pursuant to section 2967.193 of the Revised Code. If an offender 6593
is serving a prison term as a risk reduction sentence under 6594
sections 2929.143 and 5120.036 of the Revised Code, "stated 6595
prison term" includes any period of time by which the prison 6596
term imposed upon the offender is shortened by the offender's 6597
successful completion of all assessment and treatment or 6598
programming pursuant to those sections. 6599

(2) As used in the definition of "stated prison term" set 6600

forth in division (FF) (1) of this section, a prison term is a 6601
definite prison term imposed under section 2929.14 of the 6602
Revised Code or any other provision of law, is the minimum and 6603
maximum prison terms under a non-life felony indefinite prison 6604
term, or is a term of life imprisonment except to the extent 6605
that the use of that definition in a section of the Revised Code 6606
clearly is not intended to include a term of life imprisonment. 6607
With respect to an offender sentenced to a non-life felony 6608
indefinite prison term, references in section 2967.191 or 6609
2967.193 of the Revised Code or any other provision of law to a 6610
reduction of, or deduction from, the offender's stated prison 6611
term or to release of the offender before the expiration of the 6612
offender's stated prison term mean a reduction in, or deduction 6613
from, the minimum term imposed as part of the indefinite term or 6614
a release of the offender before the expiration of that minimum 6615
term, references in section 2929.19 or 2967.28 of the Revised 6616
Code to a stated prison term with respect to a prison term 6617
imposed for a violation of a post-release control sanction mean 6618
the minimum term so imposed, and references in any provision of 6619
law to an offender's service of the offender's stated prison 6620
term or the expiration of the offender's stated prison term mean 6621
service or expiration of the minimum term so imposed plus any 6622
additional period of incarceration under the sentence that is 6623
required under section 2967.271 of the Revised Code. 6624

(GG) "Victim-offender mediation" means a reconciliation or 6625
mediation program that involves an offender and the victim of 6626
the offense committed by the offender and that includes a 6627
meeting in which the offender and the victim may discuss the 6628
offense, discuss restitution, and consider other sanctions for 6629
the offense. 6630

(HH) "Fourth degree felony OVI offense" means a violation 6631

of division (A) of section 4511.19 of the Revised Code that, 6632
under division (G) of that section, is a felony of the fourth 6633
degree. 6634

(II) "Mandatory term of local incarceration" means the 6635
term of sixty or one hundred twenty days in a jail, a community- 6636
based correctional facility, a halfway house, or an alternative 6637
residential facility that a sentencing court may impose upon a 6638
person who is convicted of or pleads guilty to a fourth degree 6639
felony OVI offense pursuant to division (G) (1) of section 6640
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 6641
section 4511.19 of the Revised Code. 6642

(JJ) "Designated homicide, assault, or kidnapping 6643
offense," "violent sex offense," "sexual motivation 6644
specification," "sexually violent offense," "sexually violent 6645
predator," and "sexually violent predator specification" have 6646
the same meanings as in section 2971.01 of the Revised Code. 6647

(KK) "Sexually oriented offense," "child-victim oriented 6648
offense," and "tier III sex offender/child-victim offender" have 6649
the same meanings as in section 2950.01 of the Revised Code. 6650

(LL) An offense is "committed in the vicinity of a child" 6651
if the offender commits the offense within thirty feet of or 6652
within the same residential unit as a child who is under 6653
eighteen years of age, regardless of whether the offender knows 6654
the age of the child or whether the offender knows the offense 6655
is being committed within thirty feet of or within the same 6656
residential unit as the child and regardless of whether the 6657
child actually views the commission of the offense. 6658

(MM) "Family or household member" has the same meaning as 6659
in section 2919.25 of the Revised Code. 6660

(NN) "Motor vehicle" and "manufactured home" have the same 6661
meanings as in section 4501.01 of the Revised Code. 6662

(OO) "Detention" and "detention facility" have the same 6663
meanings as in section 2921.01 of the Revised Code. 6664

(PP) "Third degree felony OVI offense" means a violation 6665
of division (A) of section 4511.19 of the Revised Code that, 6666
under division (G) of that section, is a felony of the third 6667
degree. 6668

(QQ) "Random drug testing" has the same meaning as in 6669
section 5120.63 of the Revised Code. 6670

(RR) "Felony sex offense" has the same meaning as in 6671
section 2967.28 of the Revised Code. 6672

(SS) "Body armor" has the same meaning as in section 6673
2941.1411 of the Revised Code. 6674

(TT) "Electronic monitoring" means monitoring through the 6675
use of an electronic monitoring device. 6676

(UU) "Electronic monitoring device" means any of the 6677
following: 6678

(1) Any device that can be operated by electrical or 6679
battery power and that conforms with all of the following: 6680

(a) The device has a transmitter that can be attached to a 6681
person, that will transmit a specified signal to a receiver of 6682
the type described in division (UU) (1) (b) of this section if the 6683
transmitter is removed from the person, turned off, or altered 6684
in any manner without prior court approval in relation to 6685
electronic monitoring or without prior approval of the 6686
department of rehabilitation and correction in relation to the 6687
use of an electronic monitoring device for an inmate on 6688

transitional control or otherwise is tampered with, that can 6689
transmit continuously and periodically a signal to that receiver 6690
when the person is within a specified distance from the 6691
receiver, and that can transmit an appropriate signal to that 6692
receiver if the person to whom it is attached travels a 6693
specified distance from that receiver. 6694

(b) The device has a receiver that can receive 6695
continuously the signals transmitted by a transmitter of the 6696
type described in division (UU) (1) (a) of this section, can 6697
transmit continuously those signals by a wireless or landline 6698
telephone connection to a central monitoring computer of the 6699
type described in division (UU) (1) (c) of this section, and can 6700
transmit continuously an appropriate signal to that central 6701
monitoring computer if the device has been turned off or altered 6702
without prior court approval or otherwise tampered with. The 6703
device is designed specifically for use in electronic 6704
monitoring, is not a converted wireless phone or another 6705
tracking device that is clearly not designed for electronic 6706
monitoring, and provides a means of text-based or voice 6707
communication with the person. 6708

(c) The device has a central monitoring computer that can 6709
receive continuously the signals transmitted by a wireless or 6710
landline telephone connection by a receiver of the type 6711
described in division (UU) (1) (b) of this section and can monitor 6712
continuously the person to whom an electronic monitoring device 6713
of the type described in division (UU) (1) (a) of this section is 6714
attached. 6715

(2) Any device that is not a device of the type described 6716
in division (UU) (1) of this section and that conforms with all 6717
of the following: 6718

(a) The device includes a transmitter and receiver that 6719
can monitor and determine the location of a subject person at 6720
any time, or at a designated point in time, through the use of a 6721
central monitoring computer or through other electronic means. 6722

(b) The device includes a transmitter and receiver that 6723
can determine at any time, or at a designated point in time, 6724
through the use of a central monitoring computer or other 6725
electronic means the fact that the transmitter is turned off or 6726
altered in any manner without prior approval of the court in 6727
relation to the electronic monitoring or without prior approval 6728
of the department of rehabilitation and correction in relation 6729
to the use of an electronic monitoring device for an inmate on 6730
transitional control or otherwise is tampered with. 6731

(3) Any type of technology that can adequately track or 6732
determine the location of a subject person at any time and that 6733
is approved by the director of rehabilitation and correction, 6734
including, but not limited to, any satellite technology, voice 6735
tracking system, or retinal scanning system that is so approved. 6736

(VV) "Non-economic loss" means nonpecuniary harm suffered 6737
by a victim of an offense as a result of or related to the 6738
commission of the offense, including, but not limited to, pain 6739
and suffering; loss of society, consortium, companionship, care, 6740
assistance, attention, protection, advice, guidance, counsel, 6741
instruction, training, or education; mental anguish; and any 6742
other intangible loss. 6743

(WW) "Prosecutor" has the same meaning as in section 6744
2935.01 of the Revised Code. 6745

(XX) "Continuous alcohol monitoring" means the ability to 6746
automatically test and periodically transmit alcohol consumption 6747

levels and tamper attempts at least every hour, regardless of 6748
the location of the person who is being monitored. 6749

(YY) A person is "adjudicated a sexually violent predator" 6750
if the person is convicted of or pleads guilty to a violent sex 6751
offense and also is convicted of or pleads guilty to a sexually 6752
violent predator specification that was included in the 6753
indictment, count in the indictment, or information charging 6754
that violent sex offense or if the person is convicted of or 6755
pleads guilty to a designated homicide, assault, or kidnapping 6756
offense and also is convicted of or pleads guilty to both a 6757
sexual motivation specification and a sexually violent predator 6758
specification that were included in the indictment, count in the 6759
indictment, or information charging that designated homicide, 6760
assault, or kidnapping offense. 6761

(ZZ) An offense is "committed in proximity to a school" if 6762
the offender commits the offense in a school safety zone or 6763
within five hundred feet of any school building or the 6764
boundaries of any school premises, regardless of whether the 6765
offender knows the offense is being committed in a school safety 6766
zone or within five hundred feet of any school building or the 6767
boundaries of any school premises. 6768

(AAA) "Human trafficking" means a scheme or plan to which 6769
all of the following apply: 6770

(1) Its object is one or more of the following: 6771

(a) To subject a victim or victims to involuntary 6772
servitude, as defined in section 2905.31 of the Revised Code or 6773
to compel a victim or victims to engage in sexual activity for 6774
hire, to engage in a performance that is obscene, sexually 6775
oriented, or nudity oriented, or to be a model or participant in 6776

the production of material that is obscene, sexually oriented, 6777
or nudity oriented; 6778

(b) To facilitate, encourage, or recruit a victim who is 6779
less than sixteen years of age or is a person with a 6780
developmental disability, or victims who are less than sixteen 6781
years of age or are persons with developmental disabilities, for 6782
any purpose listed in divisions (A) (2) (a) to (c) of section 6783
2905.32 of the Revised Code; 6784

(c) To facilitate, encourage, or recruit a victim who is 6785
sixteen or seventeen years of age, or victims who are sixteen or 6786
seventeen years of age, for any purpose listed in divisions (A) 6787
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 6788
circumstances described in division (A) (5), (6), (7), (8), (9), 6789
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 6790
apply with respect to the person engaging in the conduct and the 6791
victim or victims. 6792

(2) It involves at least two felony offenses, whether or 6793
not there has been a prior conviction for any of the felony 6794
offenses, to which all of the following apply: 6795

(a) Each of the felony offenses is a violation of section 6796
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 6797
division (A) (1) or (2) of section 2907.323, or division (B) (1), 6798
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 6799
is a violation of a law of any state other than this state that 6800
is substantially similar to any of the sections or divisions of 6801
the Revised Code identified in this division. 6802

(b) At least one of the felony offenses was committed in 6803
this state. 6804

(c) The felony offenses are related to the same scheme or 6805

plan and are not isolated instances. 6806

(BBB) "Material," "nudity," "obscene," "performance," and 6807
"sexual activity" have the same meanings as in section 2907.01 6808
of the Revised Code. 6809

(CCC) "Material that is obscene, sexually oriented, or 6810
nudity oriented" means any material that is obscene, that shows 6811
a person participating or engaging in sexual activity, 6812
masturbation, or bestiality, or that shows a person in a state 6813
of nudity. 6814

(DDD) "Performance that is obscene, sexually oriented, or 6815
nudity oriented" means any performance that is obscene, that 6816
shows a person participating or engaging in sexual activity, 6817
masturbation, or bestiality, or that shows a person in a state 6818
of nudity. 6819

(EEE) "Accelerant" means a fuel or oxidizing agent, such 6820
as an ignitable liquid, used to initiate a fire or increase the 6821
rate of growth or spread of a fire. 6822

(FFF) "Non-life felony indefinite prison term" means a 6823
prison term imposed under division (A)(1)(a) or (2)(a) of 6824
section 2929.14 and section 2929.144 of the Revised Code for a 6825
felony of the first or second degree committed on or after the 6826
effective date of this amendment. 6827

Sec. 2929.13. (A) Except as provided in division (E), (F), 6828
or (G) of this section and unless a specific sanction is 6829
required to be imposed or is precluded from being imposed 6830
pursuant to law, a court that imposes a sentence upon an 6831
offender for a felony may impose any sanction or combination of 6832
sanctions on the offender that are provided in sections 2929.14 6833
to 2929.18 of the Revised Code. 6834

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

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

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

(2) For a third or fourth degree felony OVI offense for 6866
which sentence is imposed under division (G) (2) of this section, 6867
an additional prison term as described in division (B) (4) of 6868
section 2929.14 of the Revised Code or a community control 6869
sanction as described in division (G) (2) of this section. 6870

(B) (1) (a) Except as provided in division (B) (1) (b) of this 6871
section, if an offender is convicted of or pleads guilty to a 6872
felony of the fourth or fifth degree that is not an offense of 6873
violence or that is a qualifying assault offense, the court 6874
shall sentence the offender to a community control sanction or 6875
combination of community control sanctions if all of the 6876
following apply: 6877

(i) The offender previously has not been convicted of or 6878
pleaded guilty to a felony offense. 6879

(ii) The most serious charge against the offender at the 6880
time of sentencing is a felony of the fourth or fifth degree. 6881

(iii) If the court made a request of the department of 6882
rehabilitation and correction pursuant to division (B) (1) (c) of 6883
this section, the department, within the forty-five-day period 6884
specified in that division, provided the court with the names 6885
of, contact information for, and program details of one or more 6886
community control sanctions that are available for persons 6887
sentenced by the court. 6888

(iv) The offender previously has not been convicted of or 6889
pleaded guilty to a misdemeanor offense of violence that the 6890
offender committed within two years prior to the offense for 6891
which sentence is being imposed. 6892

(b) The court has discretion to impose a prison term upon 6893
an offender who is convicted of or pleads guilty to a felony of 6894

the fourth or fifth degree that is not an offense of violence or 6895
that is a qualifying assault offense if any of the following 6896
apply: 6897

(i) The offender committed the offense while having a 6898
firearm on or about the offender's person or under the 6899
offender's control. 6900

(ii) If the offense is a qualifying assault offense, the 6901
offender caused serious physical harm to another person while 6902
committing the offense, and, if the offense is not a qualifying 6903
assault offense, the offender caused physical harm to another 6904
person while committing the offense. 6905

(iii) The offender violated a term of the conditions of 6906
bond as set by the court. 6907

(iv) The court made a request of the department of 6908
rehabilitation and correction pursuant to division (B)(1)(c) of 6909
this section, and the department, within the forty-five-day 6910
period specified in that division, did not provide the court 6911
with the name of, contact information for, and program details 6912
of any community control sanction that is available for persons 6913
sentenced by the court. 6914

(v) The offense is a sex offense that is a fourth or fifth 6915
degree felony violation of any provision of Chapter 2907. of the 6916
Revised Code. 6917

(vi) In committing the offense, the offender attempted to 6918
cause or made an actual threat of physical harm to a person with 6919
a deadly weapon. 6920

(vii) In committing the offense, the offender attempted to 6921
cause or made an actual threat of physical harm to a person, and 6922
the offender previously was convicted of an offense that caused 6923

physical harm to a person. 6924

(viii) The offender held a public office or position of 6925
trust, and the offense related to that office or position; the 6926
offender's position obliged the offender to prevent the offense 6927
or to bring those committing it to justice; or the offender's 6928
professional reputation or position facilitated the offense or 6929
was likely to influence the future conduct of others. 6930

(ix) The offender committed the offense for hire or as 6931
part of an organized criminal activity. 6932

(x) The offender at the time of the offense was serving, 6933
or the offender previously had served, a prison term. 6934

(xi) The offender committed the offense while under a 6935
community control sanction, while on probation, or while 6936
released from custody on a bond or personal recognizance. 6937

(c) If a court that is sentencing an offender who is 6938
convicted of or pleads guilty to a felony of the fourth or fifth 6939
degree that is not an offense of violence or that is a 6940
qualifying assault offense believes that no community control 6941
sanctions are available for its use that, if imposed on the 6942
offender, will adequately fulfill the overriding principles and 6943
purposes of sentencing, the court shall contact the department 6944
of rehabilitation and correction and ask the department to 6945
provide the court with the names of, contact information for, 6946
and program details of one or more community control sanctions 6947
that are available for persons sentenced by the court. Not later 6948
than forty-five days after receipt of a request from a court 6949
under this division, the department shall provide the court with 6950
the names of, contact information for, and program details of 6951
one or more community control sanctions that are available for 6952

persons sentenced by the court, if any. Upon making a request 6953
under this division that relates to a particular offender, a 6954
court shall defer sentencing of that offender until it receives 6955
from the department the names of, contact information for, and 6956
program details of one or more community control sanctions that 6957
are available for persons sentenced by the court or for forty- 6958
five days, whichever is the earlier. 6959

If the department provides the court with the names of, 6960
contact information for, and program details of one or more 6961
community control sanctions that are available for persons 6962
sentenced by the court within the forty-five-day period 6963
specified in this division, the court shall impose upon the 6964
offender a community control sanction under division (B) (1) (a) 6965
of this section, except that the court may impose a prison term 6966
under division (B) (1) (b) of this section if a factor described 6967
in division (B) (1) (b) (i) or (ii) of this section applies. If the 6968
department does not provide the court with the names of, contact 6969
information for, and program details of one or more community 6970
control sanctions that are available for persons sentenced by 6971
the court within the forty-five-day period specified in this 6972
division, the court may impose upon the offender a prison term 6973
under division (B) (1) (b) (iv) of this section. 6974

(d) A sentencing court may impose an additional penalty 6975
under division (B) of section 2929.15 of the Revised Code upon 6976
an offender sentenced to a community control sanction under 6977
division (B) (1) (a) of this section if the offender violates the 6978
conditions of the community control sanction, violates a law, or 6979
leaves the state without the permission of the court or the 6980
offender's probation officer. 6981

(2) If division (B) (1) of this section does not apply, 6982

except as provided in division (E), (F), or (G) of this section, 6983
in determining whether to impose a prison term as a sanction for 6984
a felony of the fourth or fifth degree, the sentencing court 6985
shall comply with the purposes and principles of sentencing 6986
under section 2929.11 of the Revised Code and with section 6987
2929.12 of the Revised Code. 6988

(C) Except as provided in division (D), (E), (F), or (G) 6989
of this section, in determining whether to impose a prison term 6990
as a sanction for a felony of the third degree or a felony drug 6991
offense that is a violation of a provision of Chapter 2925. of 6992
the Revised Code and that is specified as being subject to this 6993
division for purposes of sentencing, the sentencing court shall 6994
comply with the purposes and principles of sentencing under 6995
section 2929.11 of the Revised Code and with section 2929.12 of 6996
the Revised Code. 6997

(D) (1) Except as provided in division (E) or (F) of this 6998
section, for a felony of the first or second degree, for a 6999
felony drug offense that is a violation of any provision of 7000
Chapter 2925., 3719., or 4729. of the Revised Code for which a 7001
presumption in favor of a prison term is specified as being 7002
applicable, and for a violation of division (A) (4) or (B) of 7003
section 2907.05 of the Revised Code for which a presumption in 7004
favor of a prison term is specified as being applicable, it is 7005
presumed that a prison term is necessary in order to comply with 7006
the purposes and principles of sentencing under section 2929.11 7007
of the Revised Code. Division (D) (2) of this section does not 7008
apply to a presumption established under this division for a 7009
violation of division (A) (4) of section 2907.05 of the Revised 7010
Code. 7011

(2) Notwithstanding the presumption established under 7012

division (D) (1) of this section for the offenses listed in that 7013
division other than a violation of division (A) (4) or (B) of 7014
section 2907.05 of the Revised Code, the sentencing court may 7015
impose a community control sanction or a combination of 7016
community control sanctions instead of a prison term on an 7017
offender for a felony of the first or second degree or for a 7018
felony drug offense that is a violation of any provision of 7019
Chapter 2925., 3719., or 4729. of the Revised Code for which a 7020
presumption in favor of a prison term is specified as being 7021
applicable if it makes both of the following findings: 7022

(a) A community control sanction or a combination of 7023
community control sanctions would adequately punish the offender 7024
and protect the public from future crime, because the applicable 7025
factors under section 2929.12 of the Revised Code indicating a 7026
lesser likelihood of recidivism outweigh the applicable factors 7027
under that section indicating a greater likelihood of 7028
recidivism. 7029

(b) A community control sanction or a combination of 7030
community control sanctions would not demean the seriousness of 7031
the offense, because one or more factors under section 2929.12 7032
of the Revised Code that indicate that the offender's conduct 7033
was less serious than conduct normally constituting the offense 7034
are applicable, and they outweigh the applicable factors under 7035
that section that indicate that the offender's conduct was more 7036
serious than conduct normally constituting the offense. 7037

(E) (1) Except as provided in division (F) of this section, 7038
for any drug offense that is a violation of any provision of 7039
Chapter 2925. of the Revised Code and that is a felony of the 7040
third, fourth, or fifth degree, the applicability of a 7041
presumption under division (D) of this section in favor of a 7042

prison term or of division (B) or (C) of this section in 7043
determining whether to impose a prison term for the offense 7044
shall be determined as specified in section 2925.02, 2925.03, 7045
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 7046
2925.36, or 2925.37 of the Revised Code, whichever is applicable 7047
regarding the violation. 7048

(2) If an offender who was convicted of or pleaded guilty 7049
to a felony violates the conditions of a community control 7050
sanction imposed for the offense solely by reason of producing 7051
positive results on a drug test or by acting pursuant to 7052
division (B) (2) (b) of section 2925.11 of the Revised Code with 7053
respect to a minor drug possession offense, the court, as 7054
punishment for the violation of the sanction, shall not order 7055
that the offender be imprisoned unless the court determines on 7056
the record either of the following: 7057

(a) The offender had been ordered as a sanction for the 7058
felony to participate in a drug treatment program, in a drug 7059
education program, or in narcotics anonymous or a similar 7060
program, and the offender continued to use illegal drugs after a 7061
reasonable period of participation in the program. 7062

(b) The imprisonment of the offender for the violation is 7063
consistent with the purposes and principles of sentencing set 7064
forth in section 2929.11 of the Revised Code. 7065

(3) A court that sentences an offender for a drug abuse 7066
offense that is a felony of the third, fourth, or fifth degree 7067
may require that the offender be assessed by a properly 7068
credentialed professional within a specified period of time. The 7069
court shall require the professional to file a written 7070
assessment of the offender with the court. If the offender is 7071
eligible for a community control sanction and after considering 7072

the written assessment, the court may impose a community control 7073
sanction that includes addiction services and recovery supports 7074
included in a community-based continuum of care established 7075
under section 340.032 of the Revised Code. If the court imposes 7076
addiction services and recovery supports as a community control 7077
sanction, the court shall direct the level and type of addiction 7078
services and recovery supports after considering the assessment 7079
and recommendation of community addiction services providers. 7080

(F) Notwithstanding divisions (A) to (E) of this section, 7081
the court shall impose a prison term or terms under sections 7082
2929.02 to 2929.06, section 2929.14, section 2929.142, or 7083
section 2971.03 of the Revised Code and except as specifically 7084
provided in section 2929.20, divisions (C) to (I) of section 7085
2967.19, or section 2967.191 of the Revised Code or when parole 7086
is authorized for the offense under section 2967.13 of the 7087
Revised Code shall not reduce the term or terms pursuant to 7088
section 2929.20, section 2967.19, section 2967.193, or any other 7089
provision of Chapter 2967. or Chapter 5120. of the Revised Code 7090
for any of the following offenses: 7091

(1) Aggravated murder when death is not imposed or murder; 7092

(2) Any rape, regardless of whether force was involved and 7093
regardless of the age of the victim, or an attempt to commit 7094
rape if, had the offender completed the rape that was attempted, 7095
the offender would have been guilty of a violation of division 7096
(A) (1) (b) of section 2907.02 of the Revised Code and would be 7097
sentenced under section 2971.03 of the Revised Code; 7098

(3) Gross sexual imposition or sexual battery, if the 7099
victim is less than thirteen years of age and if any of the 7100
following applies: 7101

(a) Regarding gross sexual imposition, the offender 7102
previously was convicted of or pleaded guilty to rape, the 7103
former offense of felonious sexual penetration, gross sexual 7104
imposition, or sexual battery, and the victim of the previous 7105
offense was less than thirteen years of age; 7106

(b) Regarding gross sexual imposition, the offense was 7107
committed on or after August 3, 2006, and evidence other than 7108
the testimony of the victim was admitted in the case 7109
corroborating the violation. 7110

(c) Regarding sexual battery, either of the following 7111
applies: 7112

(i) The offense was committed prior to August 3, 2006, the 7113
offender previously was convicted of or pleaded guilty to rape, 7114
the former offense of felonious sexual penetration, or sexual 7115
battery, and the victim of the previous offense was less than 7116
thirteen years of age. 7117

(ii) The offense was committed on or after August 3, 2006. 7118

(4) A felony violation of section 2903.04, 2903.06, 7119
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 7120
or 2923.132 of the Revised Code if the section requires the 7121
imposition of a prison term; 7122

(5) A first, second, or third degree felony drug offense 7123
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 7124
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 7125
or 4729.99 of the Revised Code, whichever is applicable 7126
regarding the violation, requires the imposition of a mandatory 7127
prison term; 7128

(6) Any offense that is a first or second degree felony 7129
and that is not set forth in division (F) (1), (2), (3), or (4) 7130

of this section, if the offender previously was convicted of or 7131
pleaded guilty to aggravated murder, murder, any first or second 7132
degree felony, or an offense under an existing or former law of 7133
this state, another state, or the United States that is or was 7134
substantially equivalent to one of those offenses; 7135

(7) Any offense that is a third degree felony and either 7136
is a violation of section 2903.04 of the Revised Code or an 7137
attempt to commit a felony of the second degree that is an 7138
offense of violence and involved an attempt to cause serious 7139
physical harm to a person or that resulted in serious physical 7140
harm to a person if the offender previously was convicted of or 7141
pleaded guilty to any of the following offenses: 7142

(a) Aggravated murder, murder, involuntary manslaughter, 7143
rape, felonious sexual penetration as it existed under section 7144
2907.12 of the Revised Code prior to September 3, 1996, a felony 7145
of the first or second degree that resulted in the death of a 7146
person or in physical harm to a person, or complicity in or an 7147
attempt to commit any of those offenses; 7148

(b) An offense under an existing or former law of this 7149
state, another state, or the United States that is or was 7150
substantially equivalent to an offense listed in division (F) (7) 7151
(a) of this section that resulted in the death of a person or in 7152
physical harm to a person. 7153

(8) Any offense, other than a violation of section 2923.12 7154
of the Revised Code, that is a felony, if the offender had a 7155
firearm on or about the offender's person or under the 7156
offender's control while committing the felony, with respect to 7157
a portion of the sentence imposed pursuant to division (B) (1) (a) 7158
of section 2929.14 of the Revised Code for having the firearm; 7159

(9) Any offense of violence that is a felony, if the 7160
offender wore or carried body armor while committing the felony 7161
offense of violence, with respect to the portion of the sentence 7162
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 7163
Revised Code for wearing or carrying the body armor; 7164

(10) Corrupt activity in violation of section 2923.32 of 7165
the Revised Code when the most serious offense in the pattern of 7166
corrupt activity that is the basis of the offense is a felony of 7167
the first degree; 7168

(11) Any violent sex offense or designated homicide, 7169
assault, or kidnapping offense if, in relation to that offense, 7170
the offender is adjudicated a sexually violent predator; 7171

(12) A violation of division (A) (1) or (2) of section 7172
2921.36 of the Revised Code, or a violation of division (C) of 7173
that section involving an item listed in division (A) (1) or (2) 7174
of that section, if the offender is an officer or employee of 7175
the department of rehabilitation and correction; 7176

(13) A violation of division (A) (1) or (2) of section 7177
2903.06 of the Revised Code if the victim of the offense is a 7178
peace officer, as defined in section 2935.01 of the Revised 7179
Code, or an investigator of the bureau of criminal 7180
identification and investigation, as defined in section 2903.11 7181
of the Revised Code, with respect to the portion of the sentence 7182
imposed pursuant to division (B) (5) of section 2929.14 of the 7183
Revised Code; 7184

(14) A violation of division (A) (1) or (2) of section 7185
2903.06 of the Revised Code if the offender has been convicted 7186
of or pleaded guilty to three or more violations of division (A) 7187
or (B) of section 4511.19 of the Revised Code or an equivalent 7188

offense, as defined in section 2941.1415 of the Revised Code, or 7189
three or more violations of any combination of those divisions 7190
and offenses, with respect to the portion of the sentence 7191
imposed pursuant to division (B) (6) of section 2929.14 of the 7192
Revised Code; 7193

(15) Kidnapping, in the circumstances specified in section 7194
2971.03 of the Revised Code and when no other provision of 7195
division (F) of this section applies; 7196

(16) Kidnapping, abduction, compelling prostitution, 7197
promoting prostitution, engaging in a pattern of corrupt 7198
activity, ~~illegal use of a minor in a nudity-oriented material-~~ 7199
~~or performance in a~~ violation of division (A) (1) or (2) of 7200
section 2907.323 of the Revised Code that involves a minor, or 7201
endangering children in violation of division (B) (1), (2), (3), 7202
(4), or (5) of section 2919.22 of the Revised Code, if the 7203
offender is convicted of or pleads guilty to a specification as 7204
described in section 2941.1422 of the Revised Code that was 7205
included in the indictment, count in the indictment, or 7206
information charging the offense; 7207

(17) A felony violation of division (A) or (B) of section 7208
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 7209
that section, and division (D) (6) of that section, require the 7210
imposition of a prison term; 7211

(18) A felony violation of section 2903.11, 2903.12, or 7212
2903.13 of the Revised Code, if the victim of the offense was a 7213
woman that the offender knew was pregnant at the time of the 7214
violation, with respect to a portion of the sentence imposed 7215
pursuant to division (B) (8) of section 2929.14 of the Revised 7216
Code; 7217

(19) (a) Any violent felony offense if the offender is a 7218
violent career criminal and had a firearm on or about the 7219
offender's person or under the offender's control during the 7220
commission of the violent felony offense and displayed or 7221
brandished the firearm, indicated that the offender possessed a 7222
firearm, or used the firearm to facilitate the offense, with 7223
respect to the portion of the sentence imposed under division 7224
(K) of section 2929.14 of the Revised Code. 7225

(b) As used in division (F) (19) (a) of this section, 7226
"violent career criminal" and "violent felony offense" have the 7227
same meanings as in section 2923.132 of the Revised Code; 7228

(20) Any violation of division (A) (1) of section 2903.11 7229
of the Revised Code if the offender used an accelerant in 7230
committing the violation and the serious physical harm to 7231
another or another's unborn caused by the violation resulted in 7232
a permanent, serious disfigurement or permanent, substantial 7233
incapacity or any violation of division (A) (2) of that section 7234
if the offender used an accelerant in committing the violation, 7235
the violation caused physical harm to another or another's 7236
unborn, and the physical harm resulted in a permanent, serious 7237
disfigurement or permanent, substantial incapacity, with respect 7238
to a portion of the sentence imposed pursuant to division (B) (9) 7239
of section 2929.14 of the Revised Code. The provisions of this 7240
division and of division (D) (2) of section 2903.11, divisions 7241
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 7242
the Revised Code shall be known as "Judy's Law." 7243

(21) A felony violation of section 2925.03, 2925.05, or 7244
2925.11 of the Revised Code, if the drug involved in the 7245
violation is a fentanyl-related compound or a compound, mixture, 7246
preparation, or substance containing a fentanyl-related compound 7247

and the offender is convicted of or pleads guilty to a 7248
specification of the type described in division (B) of section 7249
2941.1410 of the Revised Code that was included in the 7250
indictment, count in the indictment, or information charging the 7251
offense, with respect to the portion of the sentence imposed 7252
under division (B) (9) of section 2929.14 of the Revised Code. 7253

(G) Notwithstanding divisions (A) to (E) of this section, 7254
if an offender is being sentenced for a fourth degree felony OVI 7255
offense or for a third degree felony OVI offense, the court 7256
shall impose upon the offender a mandatory term of local 7257
incarceration or a mandatory prison term in accordance with the 7258
following: 7259

(1) If the offender is being sentenced for a fourth degree 7260
felony OVI offense and if the offender has not been convicted of 7261
and has not pleaded guilty to a specification of the type 7262
described in section 2941.1413 of the Revised Code, the court 7263
may impose upon the offender a mandatory term of local 7264
incarceration of sixty days or one hundred twenty days as 7265
specified in division (G) (1) (d) of section 4511.19 of the 7266
Revised Code. The court shall not reduce the term pursuant to 7267
section 2929.20, 2967.193, or any other provision of the Revised 7268
Code. The court that imposes a mandatory term of local 7269
incarceration under this division shall specify whether the term 7270
is to be served in a jail, a community-based correctional 7271
facility, a halfway house, or an alternative residential 7272
facility, and the offender shall serve the term in the type of 7273
facility specified by the court. A mandatory term of local 7274
incarceration imposed under division (G) (1) of this section is 7275
not subject to any other Revised Code provision that pertains to 7276
a prison term except as provided in division (A) (1) of this 7277
section. 7278

(2) If the offender is being sentenced for a third degree 7279
felony OVI offense, or if the offender is being sentenced for a 7280
fourth degree felony OVI offense and the court does not impose a 7281
mandatory term of local incarceration under division (G) (1) of 7282
this section, the court shall impose upon the offender a 7283
mandatory prison term of one, two, three, four, or five years if 7284
the offender also is convicted of or also pleads guilty to a 7285
specification of the type described in section 2941.1413 of the 7286
Revised Code or shall impose upon the offender a mandatory 7287
prison term of sixty days or one hundred twenty days as 7288
specified in division (G) (1) (d) or (e) of section 4511.19 of the 7289
Revised Code if the offender has not been convicted of and has 7290
not pleaded guilty to a specification of that type. Subject to 7291
divisions (C) to (I) of section 2967.19 of the Revised Code, the 7292
court shall not reduce the term pursuant to section 2929.20, 7293
2967.19, 2967.193, or any other provision of the Revised Code. 7294
The offender shall serve the one-, two-, three-, four-, or five- 7295
year mandatory prison term consecutively to and prior to the 7296
prison term imposed for the underlying offense and consecutively 7297
to any other mandatory prison term imposed in relation to the 7298
offense. In no case shall an offender who once has been 7299
sentenced to a mandatory term of local incarceration pursuant to 7300
division (G) (1) of this section for a fourth degree felony OVI 7301
offense be sentenced to another mandatory term of local 7302
incarceration under that division for any violation of division 7303
(A) of section 4511.19 of the Revised Code. In addition to the 7304
mandatory prison term described in division (G) (2) of this 7305
section, the court may sentence the offender to a community 7306
control sanction under section 2929.16 or 2929.17 of the Revised 7307
Code, but the offender shall serve the prison term prior to 7308
serving the community control sanction. The department of 7309
rehabilitation and correction may place an offender sentenced to 7310

a mandatory prison term under this division in an intensive 7311
program prison established pursuant to section 5120.033 of the 7312
Revised Code if the department gave the sentencing judge prior 7313
notice of its intent to place the offender in an intensive 7314
program prison established under that section and if the judge 7315
did not notify the department that the judge disapproved the 7316
placement. Upon the establishment of the initial intensive 7317
program prison pursuant to section 5120.033 of the Revised Code 7318
that is privately operated and managed by a contractor pursuant 7319
to a contract entered into under section 9.06 of the Revised 7320
Code, both of the following apply: 7321

(a) The department of rehabilitation and correction shall 7322
make a reasonable effort to ensure that a sufficient number of 7323
offenders sentenced to a mandatory prison term under this 7324
division are placed in the privately operated and managed prison 7325
so that the privately operated and managed prison has full 7326
occupancy. 7327

(b) Unless the privately operated and managed prison has 7328
full occupancy, the department of rehabilitation and correction 7329
shall not place any offender sentenced to a mandatory prison 7330
term under this division in any intensive program prison 7331
established pursuant to section 5120.033 of the Revised Code 7332
other than the privately operated and managed prison. 7333

(H) If an offender is being sentenced for a sexually 7334
oriented offense or child-victim oriented offense that is a 7335
felony committed on or after January 1, 1997, the judge shall 7336
require the offender to submit to a DNA specimen collection 7337
procedure pursuant to section 2901.07 of the Revised Code. 7338

(I) If an offender is being sentenced for a sexually 7339
oriented offense or a child-victim oriented offense committed on 7340

or after January 1, 1997, the judge shall include in the 7341
sentence a summary of the offender's duties imposed under 7342
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 7343
Code and the duration of the duties. The judge shall inform the 7344
offender, at the time of sentencing, of those duties and of 7345
their duration. If required under division (A)(2) of section 7346
2950.03 of the Revised Code, the judge shall perform the duties 7347
specified in that section, or, if required under division (A)(6) 7348
of section 2950.03 of the Revised Code, the judge shall perform 7349
the duties specified in that division. 7350

(J)(1) Except as provided in division (J)(2) of this 7351
section, when considering sentencing factors under this section 7352
in relation to an offender who is convicted of or pleads guilty 7353
to an attempt to commit an offense in violation of section 7354
2923.02 of the Revised Code, the sentencing court shall consider 7355
the factors applicable to the felony category of the violation 7356
of section 2923.02 of the Revised Code instead of the factors 7357
applicable to the felony category of the offense attempted. 7358

(2) When considering sentencing factors under this section 7359
in relation to an offender who is convicted of or pleads guilty 7360
to an attempt to commit a drug abuse offense for which the 7361
penalty is determined by the amount or number of unit doses of 7362
the controlled substance involved in the drug abuse offense, the 7363
sentencing court shall consider the factors applicable to the 7364
felony category that the drug abuse offense attempted would be 7365
if that drug abuse offense had been committed and had involved 7366
an amount or number of unit doses of the controlled substance 7367
that is within the next lower range of controlled substance 7368
amounts than was involved in the attempt. 7369

(K) As used in this section: 7370

- (1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 7371
7372
- (2) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code. 7373
7374
- (3) "Minor drug possession offense" has the same meaning as in section 2925.11 of the Revised Code. 7375
7376
- (4) "Qualifying assault offense" means a violation of section 2903.13 of the Revised Code for which the penalty provision in division (C) (8) (b) or (C) (9) (b) of that section applies. 7377
7378
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7380
- (L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund. 7381
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7389
- Sec. 2929.14.** (A) Except as provided in division (B) (1), (B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), (E), (G), (H), (J), or (K) of this section or in division (D) (6) of section 2919.25 of the Revised Code and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a ~~definite~~ prison term that shall be one of the following: 7390
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- (1) (a) For a felony of the first degree committed on or 7399

after the effective date of this amendment, the prison term 7400
shall be an indefinite prison term with a stated minimum term 7401
selected by the court of three, four, five, six, seven, eight, 7402
nine, ten, or eleven years and a maximum term that is determined 7403
pursuant to section 2929.144 of the Revised Code, except that if 7404
the section that criminalizes the conduct constituting the 7405
felony specifies a different minimum term or penalty for the 7406
offense, the specific language of that section shall control in 7407
determining the minimum term or otherwise sentencing the 7408
offender but the minimum term or sentence imposed under that 7409
specific language shall be considered for purposes of the 7410
Revised Code as if it had been imposed under this division. 7411

(b) For a felony of the first degree committed prior to 7412
the effective date of this amendment, the prison term shall be a 7413
definite prison term of three, four, five, six, seven, eight, 7414
nine, ten, or eleven years. 7415

(2)(a) For a felony of the second degree committed on or 7416
after the effective date of this amendment, the prison term 7417
shall be an indefinite prison term with a stated minimum term 7418
selected by the court of two, three, four, five, six, seven, or 7419
eight years and a maximum term that is determined pursuant to 7420
section 2929.144 of the Revised Code, except that if the section 7421
that criminalizes the conduct constituting the felony specifies 7422
a different minimum term or penalty for the offense, the 7423
specific language of that section shall control in determining 7424
the minimum term or otherwise sentencing the offender but the 7425
minimum term or sentence imposed under that specific language 7426
shall be considered for purposes of the Revised Code as if it 7427
had been imposed under this division. 7428

(b) For a felony of the second degree committed prior to 7429

the effective date of this amendment, the prison term shall be a 7430
definite term of two, three, four, five, six, seven, or eight 7431
years. 7432

(3) (a) For a felony of the third degree that is a 7433
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 7434
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 7435
Code or that is a violation of section 2911.02 or 2911.12 of the 7436
Revised Code if the offender previously has been convicted of or 7437
pleaded guilty in two or more separate proceedings to two or 7438
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 7439
of the Revised Code, the prison term shall be a definite term of 7440
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 7441
forty-eight, fifty-four, or sixty months. 7442

(b) For a felony of the third degree that is not an 7443
offense for which division (A) (3) (a) of this section applies, 7444
the prison term shall be a definite term of nine, twelve, 7445
eighteen, twenty-four, thirty, or thirty-six months. 7446

(4) For a felony of the fourth degree, the prison term 7447
shall be a definite term of six, seven, eight, nine, ten, 7448
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 7449
or eighteen months. 7450

(5) For a felony of the fifth degree, the prison term 7451
shall be a definite term of six, seven, eight, nine, ten, 7452
eleven, or twelve months. 7453

(B) (1) (a) Except as provided in division (B) (1) (e) of this 7454
section, if an offender who is convicted of or pleads guilty to 7455
a felony also is convicted of or pleads guilty to a 7456
specification of the type described in section 2941.141, 7457
2941.144, or 2941.145 of the Revised Code, the court shall 7458

impose on the offender one of the following prison terms: 7459

(i) A prison term of six years if the specification is of 7460
the type described in division (A) of section 2941.144 of the 7461
Revised Code that charges the offender with having a firearm 7462
that is an automatic firearm or that was equipped with a firearm 7463
muffler or suppressor on or about the offender's person or under 7464
the offender's control while committing the offense; 7465

(ii) A prison term of three years if the specification is 7466
of the type described in division (A) of section 2941.145 of the 7467
Revised Code that charges the offender with having a firearm on 7468
or about the offender's person or under the offender's control 7469
while committing the offense and displaying the firearm, 7470
brandishing the firearm, indicating that the offender possessed 7471
the firearm, or using it to facilitate the offense; 7472

(iii) A prison term of one year if the specification is of 7473
the type described in division (A) of section 2941.141 of the 7474
Revised Code that charges the offender with having a firearm on 7475
or about the offender's person or under the offender's control 7476
while committing the offense; 7477

(iv) A prison term of nine years if the specification is 7478
of the type described in division (D) of section 2941.144 of the 7479
Revised Code that charges the offender with having a firearm 7480
that is an automatic firearm or that was equipped with a firearm 7481
muffler or suppressor on or about the offender's person or under 7482
the offender's control while committing the offense and 7483
specifies that the offender previously has been convicted of or 7484
pleaded guilty to a specification of the type described in 7485
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 7486
the Revised Code; 7487

(v) A prison term of fifty-four months if the 7488
specification is of the type described in division (D) of 7489
section 2941.145 of the Revised Code that charges the offender 7490
with having a firearm on or about the offender's person or under 7491
the offender's control while committing the offense and 7492
displaying the firearm, brandishing the firearm, indicating that 7493
the offender possessed the firearm, or using the firearm to 7494
facilitate the offense and that the offender previously has been 7495
convicted of or pleaded guilty to a specification of the type 7496
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 7497
2941.1412 of the Revised Code; 7498

(vi) A prison term of eighteen months if the specification 7499
is of the type described in division (D) of section 2941.141 of 7500
the Revised Code that charges the offender with having a firearm 7501
on or about the offender's person or under the offender's 7502
control while committing the offense and that the offender 7503
previously has been convicted of or pleaded guilty to a 7504
specification of the type described in section 2941.141, 7505
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 7506

(b) If a court imposes a prison term on an offender under 7507
division (B) (1) (a) of this section, the prison term shall not be 7508
reduced pursuant to section 2967.19, section 2929.20, section 7509
2967.193, or any other provision of Chapter 2967. or Chapter 7510
5120. of the Revised Code. Except as provided in division (B) (1) 7511
(g) of this section, a court shall not impose more than one 7512
prison term on an offender under division (B) (1) (a) of this 7513
section for felonies committed as part of the same act or 7514
transaction. 7515

(c) (i) Except as provided in division (B) (1) (e) of this 7516
section, if an offender who is convicted of or pleads guilty to 7517

a violation of section 2923.161 of the Revised Code or to a 7518
felony that includes, as an essential element, purposely or 7519
knowingly causing or attempting to cause the death of or 7520
physical harm to another, also is convicted of or pleads guilty 7521
to a specification of the type described in division (A) of 7522
section 2941.146 of the Revised Code that charges the offender 7523
with committing the offense by discharging a firearm from a 7524
motor vehicle other than a manufactured home, the court, after 7525
imposing a prison term on the offender for the violation of 7526
section 2923.161 of the Revised Code or for the other felony 7527
offense under division (A), (B) (2), or (B) (3) of this section, 7528
shall impose an additional prison term of five years upon the 7529
offender that shall not be reduced pursuant to section 2929.20, 7530
section 2967.19, section 2967.193, or any other provision of 7531
Chapter 2967. or Chapter 5120. of the Revised Code. 7532

(ii) Except as provided in division (B) (1) (e) of this 7533
section, if an offender who is convicted of or pleads guilty to 7534
a violation of section 2923.161 of the Revised Code or to a 7535
felony that includes, as an essential element, purposely or 7536
knowingly causing or attempting to cause the death of or 7537
physical harm to another, also is convicted of or pleads guilty 7538
to a specification of the type described in division (C) of 7539
section 2941.146 of the Revised Code that charges the offender 7540
with committing the offense by discharging a firearm from a 7541
motor vehicle other than a manufactured home and that the 7542
offender previously has been convicted of or pleaded guilty to a 7543
specification of the type described in section 2941.141, 7544
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 7545
the court, after imposing a prison term on the offender for the 7546
violation of section 2923.161 of the Revised Code or for the 7547
other felony offense under division (A), (B) (2), or (3) of this 7548

section, shall impose an additional prison term of ninety months 7549
upon the offender that shall not be reduced pursuant to section 7550
2929.20, 2967.19, 2967.193, or any other provision of Chapter 7551
2967. or Chapter 5120. of the Revised Code. 7552

(iii) A court shall not impose more than one additional 7553
prison term on an offender under division (B) (1) (c) of this 7554
section for felonies committed as part of the same act or 7555
transaction. If a court imposes an additional prison term on an 7556
offender under division (B) (1) (c) of this section relative to an 7557
offense, the court also shall impose a prison term under 7558
division (B) (1) (a) of this section relative to the same offense, 7559
provided the criteria specified in that division for imposing an 7560
additional prison term are satisfied relative to the offender 7561
and the offense. 7562

(d) If an offender who is convicted of or pleads guilty to 7563
an offense of violence that is a felony also is convicted of or 7564
pleads guilty to a specification of the type described in 7565
section 2941.1411 of the Revised Code that charges the offender 7566
with wearing or carrying body armor while committing the felony 7567
offense of violence, the court shall impose on the offender ~~a~~an 7568
additional prison term of two years. The prison term so imposed, 7569
subject to divisions (C) to (I) of section 2967.19 of the 7570
Revised Code, shall not be reduced pursuant to section 2929.20, 7571
section 2967.19, section 2967.193, or any other provision of 7572
Chapter 2967. or Chapter 5120. of the Revised Code. A court 7573
shall not impose more than one prison term on an offender under 7574
division (B) (1) (d) of this section for felonies committed as 7575
part of the same act or transaction. If a court imposes an 7576
additional prison term under division (B) (1) (a) or (c) of this 7577
section, the court is not precluded from imposing an additional 7578
prison term under division (B) (1) (d) of this section. 7579

(e) The court shall not impose any of the prison terms 7580
described in division (B) (1) (a) of this section or any of the 7581
additional prison terms described in division (B) (1) (c) of this 7582
section upon an offender for a violation of section 2923.12 or 7583
2923.123 of the Revised Code. The court shall not impose any of 7584
the prison terms described in division (B) (1) (a) or (b) of this 7585
section upon an offender for a violation of section 2923.122 7586
that involves a deadly weapon that is a firearm other than a 7587
dangerous ordnance, section 2923.16, or section 2923.121 of the 7588
Revised Code. The court shall not impose any of the prison terms 7589
described in division (B) (1) (a) of this section or any of the 7590
additional prison terms described in division (B) (1) (c) of this 7591
section upon an offender for a violation of section 2923.13 of 7592
the Revised Code unless all of the following apply: 7593

(i) The offender previously has been convicted of 7594
aggravated murder, murder, or any felony of the first or second 7595
degree. 7596

(ii) Less than five years have passed since the offender 7597
was released from prison or post-release control, whichever is 7598
later, for the prior offense. 7599

(f) (i) If an offender is convicted of or pleads guilty to 7600
a felony that includes, as an essential element, causing or 7601
attempting to cause the death of or physical harm to another and 7602
also is convicted of or pleads guilty to a specification of the 7603
type described in division (A) of section 2941.1412 of the 7604
Revised Code that charges the offender with committing the 7605
offense by discharging a firearm at a peace officer as defined 7606
in section 2935.01 of the Revised Code or a corrections officer, 7607
as defined in section 2941.1412 of the Revised Code, the court, 7608
after imposing a prison term on the offender for the felony 7609

offense under division (A), (B) (2), or (B) (3) of this section, 7610
shall impose an additional prison term of seven years upon the 7611
offender that shall not be reduced pursuant to section 2929.20, 7612
section 2967.19, section 2967.193, or any other provision of 7613
Chapter 2967. or Chapter 5120. of the Revised Code. 7614

(ii) If an offender is convicted of or pleads guilty to a 7615
felony that includes, as an essential element, causing or 7616
attempting to cause the death of or physical harm to another and 7617
also is convicted of or pleads guilty to a specification of the 7618
type described in division (B) of section 2941.1412 of the 7619
Revised Code that charges the offender with committing the 7620
offense by discharging a firearm at a peace officer, as defined 7621
in section 2935.01 of the Revised Code, or a corrections 7622
officer, as defined in section 2941.1412 of the Revised Code, 7623
and that the offender previously has been convicted of or 7624
pleaded guilty to a specification of the type described in 7625
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 7626
the Revised Code, the court, after imposing a prison term on the 7627
offender for the felony offense under division (A), (B) (2), or 7628
(3) of this section, shall impose an additional prison term of 7629
one hundred twenty-six months upon the offender that shall not 7630
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 7631
any other provision of Chapter 2967. or 5120. of the Revised 7632
Code. 7633

(iii) If an offender is convicted of or pleads guilty to 7634
two or more felonies that include, as an essential element, 7635
causing or attempting to cause the death or physical harm to 7636
another and also is convicted of or pleads guilty to a 7637
specification of the type described under division (B) (1) (f) of 7638
this section in connection with two or more of the felonies of 7639
which the offender is convicted or to which the offender pleads 7640

guilty, the sentencing court shall impose on the offender the 7641
prison term specified under division (B) (1) (f) of this section 7642
for each of two of the specifications of which the offender is 7643
convicted or to which the offender pleads guilty and, in its 7644
discretion, also may impose on the offender the prison term 7645
specified under that division for any or all of the remaining 7646
specifications. If a court imposes an additional prison term on 7647
an offender under division (B) (1) (f) of this section relative to 7648
an offense, the court shall not impose a prison term under 7649
division (B) (1) (a) or (c) of this section relative to the same 7650
offense. 7651

(g) If an offender is convicted of or pleads guilty to two 7652
or more felonies, if one or more of those felonies are 7653
aggravated murder, murder, attempted aggravated murder, 7654
attempted murder, aggravated robbery, felonious assault, or 7655
rape, and if the offender is convicted of or pleads guilty to a 7656
specification of the type described under division (B) (1) (a) of 7657
this section in connection with two or more of the felonies, the 7658
sentencing court shall impose on the offender the prison term 7659
specified under division (B) (1) (a) of this section for each of 7660
the two most serious specifications of which the offender is 7661
convicted or to which the offender pleads guilty and, in its 7662
discretion, also may impose on the offender the prison term 7663
specified under that division for any or all of the remaining 7664
specifications. 7665

(2) (a) If division (B) (2) (b) of this section does not 7666
apply, the court may impose on an offender, in addition to the 7667
longest prison term authorized or required for the offense or, 7668
for offenses for which division (A) (1) (a) or (2) (a) of this 7669
section applies, in addition to the longest minimum prison term 7670
authorized or required for the offense, an additional definite 7671

prison term of one, two, three, four, five, six, seven, eight, 7672
nine, or ten years if all of the following criteria are met: 7673

(i) The offender is convicted of or pleads guilty to a 7674
specification of the type described in section 2941.149 of the 7675
Revised Code that the offender is a repeat violent offender. 7676

(ii) The offense of which the offender currently is 7677
convicted or to which the offender currently pleads guilty is 7678
aggravated murder and the court does not impose a sentence of 7679
death or life imprisonment without parole, murder, terrorism and 7680
the court does not impose a sentence of life imprisonment 7681
without parole, any felony of the first degree that is an 7682
offense of violence and the court does not impose a sentence of 7683
life imprisonment without parole, or any felony of the second 7684
degree that is an offense of violence and the trier of fact 7685
finds that the offense involved an attempt to cause or a threat 7686
to cause serious physical harm to a person or resulted in 7687
serious physical harm to a person. 7688

(iii) The court imposes the longest prison term for the 7689
offense or the longest minimum prison term for the offense, 7690
whichever is applicable, that is not life imprisonment without 7691
parole. 7692

(iv) The court finds that the prison terms imposed 7693
pursuant to division (B) (2) (a) (iii) of this section and, if 7694
applicable, division (B) (1) or (3) of this section are 7695
inadequate to punish the offender and protect the public from 7696
future crime, because the applicable factors under section 7697
2929.12 of the Revised Code indicating a greater likelihood of 7698
recidivism outweigh the applicable factors under that section 7699
indicating a lesser likelihood of recidivism. 7700

(v) The court finds that the prison terms imposed pursuant 7701
to division (B) (2) (a) (iii) of this section and, if applicable, 7702
division (B) (1) or (3) of this section are demeaning to the 7703
seriousness of the offense, because one or more of the factors 7704
under section 2929.12 of the Revised Code indicating that the 7705
offender's conduct is more serious than conduct normally 7706
constituting the offense are present, and they outweigh the 7707
applicable factors under that section indicating that the 7708
offender's conduct is less serious than conduct normally 7709
constituting the offense. 7710

(b) The court shall impose on an offender the longest 7711
prison term authorized or required for the offense or, for 7712
offenses for which division (A) (1) (a) or (2) (a) of this section 7713
applies, the longest minimum prison term authorized or required 7714
for the offense, and shall impose on the offender an additional 7715
definite prison term of one, two, three, four, five, six, seven, 7716
eight, nine, or ten years if all of the following criteria are 7717
met: 7718

(i) The offender is convicted of or pleads guilty to a 7719
specification of the type described in section 2941.149 of the 7720
Revised Code that the offender is a repeat violent offender. 7721

(ii) The offender within the preceding twenty years has 7722
been convicted of or pleaded guilty to three or more offenses 7723
described in division (CC) (1) of section 2929.01 of the Revised 7724
Code, including all offenses described in that division of which 7725
the offender is convicted or to which the offender pleads guilty 7726
in the current prosecution and all offenses described in that 7727
division of which the offender previously has been convicted or 7728
to which the offender previously pleaded guilty, whether 7729
prosecuted together or separately. 7730

(iii) The offense or offenses of which the offender 7731
currently is convicted or to which the offender currently pleads 7732
guilty is aggravated murder and the court does not impose a 7733
sentence of death or life imprisonment without parole, murder, 7734
terrorism and the court does not impose a sentence of life 7735
imprisonment without parole, any felony of the first degree that 7736
is an offense of violence and the court does not impose a 7737
sentence of life imprisonment without parole, or any felony of 7738
the second degree that is an offense of violence and the trier 7739
of fact finds that the offense involved an attempt to cause or a 7740
threat to cause serious physical harm to a person or resulted in 7741
serious physical harm to a person. 7742

(c) For purposes of division (B) (2) (b) of this section, 7743
two or more offenses committed at the same time or as part of 7744
the same act or event shall be considered one offense, and that 7745
one offense shall be the offense with the greatest penalty. 7746

(d) A sentence imposed under division (B) (2) (a) or (b) of 7747
this section shall not be reduced pursuant to section 2929.20, 7748
section 2967.19, or section 2967.193, or any other provision of 7749
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 7750
shall serve an additional prison term imposed under division (B) 7751
(2) (a) or (b) of this section consecutively to and prior to the 7752
prison term imposed for the underlying offense. 7753

(e) When imposing a sentence pursuant to division (B) (2) 7754
(a) or (b) of this section, the court shall state its findings 7755
explaining the imposed sentence. 7756

(3) Except when an offender commits a violation of section 7757
2903.01 or 2907.02 of the Revised Code and the penalty imposed 7758
for the violation is life imprisonment or commits a violation of 7759
section 2903.02 of the Revised Code, if the offender commits a 7760

violation of section 2925.03 or 2925.11 of the Revised Code and 7761
that section classifies the offender as a major drug offender, 7762
if the offender commits a felony violation of section 2925.02, 7763
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 7764
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 7765
division (E) of section 4729.51, or division (J) of section 7766
4729.54 of the Revised Code that includes the sale, offer to 7767
sell, or possession of a schedule I or II controlled substance, 7768
with the exception of marihuana, and the court imposing sentence 7769
upon the offender finds that the offender is guilty of a 7770
specification of the type described in section 2941.1410 of the 7771
Revised Code charging that the offender is a major drug 7772
offender, if the court imposing sentence upon an offender for a 7773
felony finds that the offender is guilty of corrupt activity 7774
with the most serious offense in the pattern of corrupt activity 7775
being a felony of the first degree, or if the offender is guilty 7776
of an attempted violation of section 2907.02 of the Revised Code 7777
and, had the offender completed the violation of section 2907.02 7778
of the Revised Code that was attempted, the offender would have 7779
been subject to a sentence of life imprisonment or life 7780
imprisonment without parole for the violation of section 2907.02 7781
of the Revised Code, the court shall impose upon the offender 7782
for the felony violation a mandatory prison term ~~of the maximum~~ 7783
~~prison term prescribed for a felony of the first degree~~ 7784
determined as described in this division that, subject to 7785
divisions (C) to (I) of section 2967.19 of the Revised Code, 7786
cannot be reduced pursuant to section 2929.20, section 2967.19, 7787
or any other provision of Chapter 2967. or 5120. of the Revised 7788
Code. The mandatory prison term shall be the maximum definite 7789
prison term prescribed in division (A) (1) (b) of this section for 7790
a felony of the first degree, except that for offenses for which 7791
division (A) (1) (a) of this section applies, the mandatory prison 7792

term shall be the longest minimum prison term prescribed in that 7793
division for the offense. 7794

(4) If the offender is being sentenced for a third or 7795
fourth degree felony OVI offense under division (G) (2) of 7796
section 2929.13 of the Revised Code, the sentencing court shall 7797
impose upon the offender a mandatory prison term in accordance 7798
with that division. In addition to the mandatory prison term, if 7799
the offender is being sentenced for a fourth degree felony OVI 7800
offense, the court, notwithstanding division (A) (4) of this 7801
section, may sentence the offender to a definite prison term of 7802
not less than six months and not more than thirty months, and if 7803
the offender is being sentenced for a third degree felony OVI 7804
offense, the sentencing court may sentence the offender to an 7805
additional prison term of any duration specified in division (A) 7806
(3) of this section. In either case, the additional prison term 7807
imposed shall be reduced by the sixty or one hundred twenty days 7808
imposed upon the offender as the mandatory prison term. The 7809
total of the additional prison term imposed under division (B) 7810
(4) of this section plus the sixty or one hundred twenty days 7811
imposed as the mandatory prison term shall equal a definite term 7812
in the range of six months to thirty months for a fourth degree 7813
felony OVI offense and shall equal one of the authorized prison 7814
terms specified in division (A) (3) of this section for a third 7815
degree felony OVI offense. If the court imposes an additional 7816
prison term under division (B) (4) of this section, the offender 7817
shall serve the additional prison term after the offender has 7818
served the mandatory prison term required for the offense. In 7819
addition to the mandatory prison term or mandatory and 7820
additional prison term imposed as described in division (B) (4) 7821
of this section, the court also may sentence the offender to a 7822
community control sanction under section 2929.16 or 2929.17 of 7823

the Revised Code, but the offender shall serve all of the prison 7824
terms so imposed prior to serving the community control 7825
sanction. 7826

If the offender is being sentenced for a fourth degree 7827
felony OVI offense under division (G) (1) of section 2929.13 of 7828
the Revised Code and the court imposes a mandatory term of local 7829
incarceration, the court may impose a prison term as described 7830
in division (A) (1) of that section. 7831

(5) If an offender is convicted of or pleads guilty to a 7832
violation of division (A) (1) or (2) of section 2903.06 of the 7833
Revised Code and also is convicted of or pleads guilty to a 7834
specification of the type described in section 2941.1414 of the 7835
Revised Code that charges that the victim of the offense is a 7836
peace officer, as defined in section 2935.01 of the Revised 7837
Code, or an investigator of the bureau of criminal 7838
identification and investigation, as defined in section 2903.11 7839
of the Revised Code, the court shall impose on the offender a 7840
prison term of five years. If a court imposes a prison term on 7841
an offender under division (B) (5) of this section, the prison 7842
term, subject to divisions (C) to (I) of section 2967.19 of the 7843
Revised Code, shall not be reduced pursuant to section 2929.20, 7844
section 2967.19, section 2967.193, or any other provision of 7845
Chapter 2967. or Chapter 5120. of the Revised Code. A court 7846
shall not impose more than one prison term on an offender under 7847
division (B) (5) of this section for felonies committed as part 7848
of the same act. 7849

(6) If an offender is convicted of or pleads guilty to a 7850
violation of division (A) (1) or (2) of section 2903.06 of the 7851
Revised Code and also is convicted of or pleads guilty to a 7852
specification of the type described in section 2941.1415 of the 7853

Revised Code that charges that the offender previously has been 7854
convicted of or pleaded guilty to three or more violations of 7855
division (A) or (B) of section 4511.19 of the Revised Code or an 7856
equivalent offense, as defined in section 2941.1415 of the 7857
Revised Code, or three or more violations of any combination of 7858
those divisions and offenses, the court shall impose on the 7859
offender a prison term of three years. If a court imposes a 7860
prison term on an offender under division (B) (6) of this 7861
section, the prison term, subject to divisions (C) to (I) of 7862
section 2967.19 of the Revised Code, shall not be reduced 7863
pursuant to section 2929.20, section 2967.19, section 2967.193, 7864
or any other provision of Chapter 2967. or Chapter 5120. of the 7865
Revised Code. A court shall not impose more than one prison term 7866
on an offender under division (B) (6) of this section for 7867
felonies committed as part of the same act. 7868

(7) (a) If an offender is convicted of or pleads guilty to 7869
a felony violation of section 2905.01, 2905.02, 2907.21, 7870
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 7871
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 7872
section 2919.22 of the Revised Code and also is convicted of or 7873
pleads guilty to a specification of the type described in 7874
section 2941.1422 of the Revised Code that charges that the 7875
offender knowingly committed the offense in furtherance of human 7876
trafficking, the court shall impose on the offender a mandatory 7877
prison term that is one of the following: 7878

(i) If the offense is a felony of the first degree, a 7879
definite prison term of not less than five years and not greater 7880
than ~~ten~~ eleven years, except that if the offense is a felony of 7881
the first degree committed on or after the effective date of 7882
this amendment, the court shall impose as the minimum prison 7883
term a mandatory term of not less than five years and not 7884

greater than eleven years; 7885

(ii) If the offense is a felony of the second or third 7886
degree, a definite prison term of not less than three years and 7887
not greater than the maximum prison term allowed for the offense 7888
by division (A) (2) (b) or (3) of this section ~~2929.14 of the~~ 7889
Revised Code, except that if the offense is a felony of the 7890
second degree committed on or after the effective date of this 7891
amendment, the court shall impose as the minimum prison term a 7892
mandatory term of not less than three years and not greater than 7893
eight years; 7894

(iii) If the offense is a felony of the fourth or fifth 7895
degree, a definite prison term that is the maximum prison term 7896
allowed for the offense by division (A) of section 2929.14 of 7897
the Revised Code. 7898

(b) Subject to divisions (C) to (I) of section 2967.19 of 7899
the Revised Code, the prison term imposed under division (B) (7) 7900
(a) of this section shall not be reduced pursuant to section 7901
2929.20, section 2967.19, section 2967.193, or any other 7902
provision of Chapter 2967. of the Revised Code. A court shall 7903
not impose more than one prison term on an offender under 7904
division (B) (7) (a) of this section for felonies committed as 7905
part of the same act, scheme, or plan. 7906

(8) If an offender is convicted of or pleads guilty to a 7907
felony violation of section 2903.11, 2903.12, or 2903.13 of the 7908
Revised Code and also is convicted of or pleads guilty to a 7909
specification of the type described in section 2941.1423 of the 7910
Revised Code that charges that the victim of the violation was a 7911
woman whom the offender knew was pregnant at the time of the 7912
violation, notwithstanding the range ~~of prison terms~~ prescribed 7913
in division (A) of this section as the definite prison term or 7914

minimum prison term for felonies of the same degree as the 7915
violation, the court shall impose on the offender a mandatory 7916
prison term that is either a definite prison term of six months 7917
or one of the prison terms prescribed in division (A) of this 7918
section 2929.14 of the Revised Code for felonies of the same 7919
degree as the violation, except that if the violation is a 7920
felony of the first or second degree committed on or after the 7921
effective date of this amendment, the court shall impose as the 7922
minimum prison term under division (A) (1) (a) or (2) (a) of this 7923
section a mandatory term that is one of the terms prescribed in 7924
that division, whichever is applicable, for the offense. 7925

(9) (a) If an offender is convicted of or pleads guilty to 7926
a violation of division (A) (1) or (2) of section 2903.11 of the 7927
Revised Code and also is convicted of or pleads guilty to a 7928
specification of the type described in section 2941.1425 of the 7929
Revised Code, the court shall impose on the offender a mandatory 7930
prison term of six years if either of the following applies: 7931

(i) The violation is a violation of division (A) (1) of 7932
section 2903.11 of the Revised Code and the specification 7933
charges that the offender used an accelerant in committing the 7934
violation and the serious physical harm to another or to 7935
another's unborn caused by the violation resulted in a 7936
permanent, serious disfigurement or permanent, substantial 7937
incapacity; 7938

(ii) The violation is a violation of division (A) (2) of 7939
section 2903.11 of the Revised Code and the specification 7940
charges that the offender used an accelerant in committing the 7941
violation, that the violation caused physical harm to another or 7942
to another's unborn, and that the physical harm resulted in a 7943
permanent, serious disfigurement or permanent, substantial 7944

incapacity. 7945

(b) If a court imposes a prison term on an offender under 7946
division (B) (9) (a) of this section, the prison term shall not be 7947
reduced pursuant to section 2929.20, section 2967.19, section 7948
2967.193, or any other provision of Chapter 2967. or Chapter 7949
5120. of the Revised Code. A court shall not impose more than 7950
one prison term on an offender under division (B) (9) of this 7951
section for felonies committed as part of the same act. 7952

(c) The provisions of divisions (B) (9) and (C) (6) of this 7953
section and of division (D) (2) of section 2903.11, division (F) 7954
(20) of section 2929.13, and section 2941.1425 of the Revised 7955
Code shall be known as "Judy's Law." 7956

(C) (1) (a) Subject to division (C) (1) (b) of this section, 7957
if a mandatory prison term is imposed upon an offender pursuant 7958
to division (B) (1) (a) of this section for having a firearm on or 7959
about the offender's person or under the offender's control 7960
while committing a felony, if a mandatory prison term is imposed 7961
upon an offender pursuant to division (B) (1) (c) of this section 7962
for committing a felony specified in that division by 7963
discharging a firearm from a motor vehicle, or if both types of 7964
mandatory prison terms are imposed, the offender shall serve any 7965
mandatory prison term imposed under either division 7966
consecutively to any other mandatory prison term imposed under 7967
either division or under division (B) (1) (d) of this section, 7968
consecutively to and prior to any prison term imposed for the 7969
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 7970
this section or any other section of the Revised Code, and 7971
consecutively to any other prison term or mandatory prison term 7972
previously or subsequently imposed upon the offender. 7973

(b) If a mandatory prison term is imposed upon an offender 7974

pursuant to division (B)(1)(d) of this section for wearing or 7975
carrying body armor while committing an offense of violence that 7976
is a felony, the offender shall serve the mandatory term so 7977
imposed consecutively to any other mandatory prison term imposed 7978
under that division or under division (B)(1)(a) or (c) of this 7979
section, consecutively to and prior to any prison term imposed 7980
for the underlying felony under division (A), (B)(2), or (B)(3) 7981
of this section or any other section of the Revised Code, and 7982
consecutively to any other prison term or mandatory prison term 7983
previously or subsequently imposed upon the offender. 7984

(c) If a mandatory prison term is imposed upon an offender 7985
pursuant to division (B)(1)(f) of this section, the offender 7986
shall serve the mandatory prison term so imposed consecutively 7987
to and prior to any prison term imposed for the underlying 7988
felony under division (A), (B)(2), or (B)(3) of this section or 7989
any other section of the Revised Code, and consecutively to any 7990
other prison term or mandatory prison term previously or 7991
subsequently imposed upon the offender. 7992

(d) If a mandatory prison term is imposed upon an offender 7993
pursuant to division (B)(7) or (8) of this section, the offender 7994
shall serve the mandatory prison term so imposed consecutively 7995
to any other mandatory prison term imposed under that division 7996
or under any other provision of law and consecutively to any 7997
other prison term or mandatory prison term previously or 7998
subsequently imposed upon the offender. 7999

(2) If an offender who is an inmate in a jail, prison, or 8000
other residential detention facility violates section 2917.02, 8001
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 8002
(2) of section 2921.34 of the Revised Code, if an offender who 8003
is under detention at a detention facility commits a felony 8004

violation of section 2923.131 of the Revised Code, or if an 8005
offender who is an inmate in a jail, prison, or other 8006
residential detention facility or is under detention at a 8007
detention facility commits another felony while the offender is 8008
an escapee in violation of division (A) (1) or (2) of section 8009
2921.34 of the Revised Code, any prison term imposed upon the 8010
offender for one of those violations shall be served by the 8011
offender consecutively to the prison term or term of 8012
imprisonment the offender was serving when the offender 8013
committed that offense and to any other prison term previously 8014
or subsequently imposed upon the offender. 8015

(3) If a prison term is imposed for a violation of 8016
division (B) of section 2911.01 of the Revised Code, a violation 8017
of division (A) of section 2913.02 of the Revised Code in which 8018
the stolen property is a firearm or dangerous ordnance, or a 8019
felony violation of division (B) of section 2921.331 of the 8020
Revised Code, the offender shall serve that prison term 8021
consecutively to any other prison term or mandatory prison term 8022
previously or subsequently imposed upon the offender. 8023

(4) If multiple prison terms are imposed on an offender 8024
for convictions of multiple offenses, the court may require the 8025
offender to serve the prison terms consecutively if the court 8026
finds that the consecutive service is necessary to protect the 8027
public from future crime or to punish the offender and that 8028
consecutive sentences are not disproportionate to the 8029
seriousness of the offender's conduct and to the danger the 8030
offender poses to the public, and if the court also finds any of 8031
the following: 8032

(a) The offender committed one or more of the multiple 8033
offenses while the offender was awaiting trial or sentencing, 8034

was under a sanction imposed pursuant to section 2929.16, 8035
2929.17, or 2929.18 of the Revised Code, or was under post- 8036
release control for a prior offense. 8037

(b) At least two of the multiple offenses were committed 8038
as part of one or more courses of conduct, and the harm caused 8039
by two or more of the multiple offenses so committed was so 8040
great or unusual that no single prison term for any of the 8041
offenses committed as part of any of the courses of conduct 8042
adequately reflects the seriousness of the offender's conduct. 8043

(c) The offender's history of criminal conduct 8044
demonstrates that consecutive sentences are necessary to protect 8045
the public from future crime by the offender. 8046

(5) If a mandatory prison term is imposed upon an offender 8047
pursuant to division (B) (5) or (6) of this section, the offender 8048
shall serve the mandatory prison term consecutively to and prior 8049
to any prison term imposed for the underlying violation of 8050
division (A) (1) or (2) of section 2903.06 of the Revised Code 8051
pursuant to division (A) of this section or section 2929.142 of 8052
the Revised Code. If a mandatory prison term is imposed upon an 8053
offender pursuant to division (B) (5) of this section, and if a 8054
mandatory prison term also is imposed upon the offender pursuant 8055
to division (B) (6) of this section in relation to the same 8056
violation, the offender shall serve the mandatory prison term 8057
imposed pursuant to division (B) (5) of this section 8058
consecutively to and prior to the mandatory prison term imposed 8059
pursuant to division (B) (6) of this section and consecutively to 8060
and prior to any prison term imposed for the underlying 8061
violation of division (A) (1) or (2) of section 2903.06 of the 8062
Revised Code pursuant to division (A) of this section or section 8063
2929.142 of the Revised Code. 8064

(6) If a mandatory prison term is imposed on an offender 8065
pursuant to division (B) (9) of this section, the offender shall 8066
serve the mandatory prison term consecutively to and prior to 8067
any prison term imposed for the underlying violation of division 8068
(A) (1) or (2) of section 2903.11 of the Revised Code and 8069
consecutively to and prior to any other prison term or mandatory 8070
prison term previously or subsequently imposed on the offender. 8071

(7) When consecutive prison terms are imposed pursuant to 8072
division (C) (1), (2), (3), (4), (5), or (6) or division (H) (1) 8073
or (2) of this section, subject to division (C) (8) of this 8074
section, the term to be served is the aggregate of all of the 8075
terms so imposed. 8076

(8) When a court sentences an offender to a non-life 8077
felony indefinite prison term, any definite prison term or 8078
mandatory definite prison term previously or subsequently 8079
imposed on the offender in addition to that indefinite sentence 8080
that is required to be served consecutively to that indefinite 8081
sentence shall be served prior to the indefinite sentence. 8082

(9) If a court is sentencing an offender for a felony of 8083
the first or second degree, if division (A) (1) (a) or (2) (a) of 8084
this section applies with respect to the sentencing for the 8085
offense, and if the court is required under the Revised Code 8086
section that sets forth the offense or any other Revised Code 8087
provision to impose a mandatory prison term for the offense, the 8088
court shall impose the required mandatory prison term as the 8089
minimum term imposed under division (A) (1) (a) or (2) (a) of this 8090
section, whichever is applicable. 8091

(D) (1) If a court imposes a prison term, other than a term 8092
of life imprisonment, for a felony of the first degree, for a 8093
felony of the second degree, for a felony sex offense, or for a 8094

felony of the third degree that is an offense of violence and 8095
that is not a felony sex offense ~~and in the commission of which~~ 8096
~~the offender caused or threatened to cause physical harm to a~~ 8097
~~person,~~ it shall include in the sentence a requirement that the 8098
offender be subject to a period of post-release control after 8099
the offender's release from imprisonment, in accordance with 8100
~~that division~~ section 2967.28 of the Revised Code. If a court 8101
imposes a sentence including a prison term of a type described 8102
in this division on or after July 11, 2006, the failure of a 8103
court to include a post-release control requirement in the 8104
sentence pursuant to this division does not negate, limit, or 8105
otherwise affect the mandatory period of post-release control 8106
that is required for the offender under division (B) of section 8107
2967.28 of the Revised Code. Section 2929.191 of the Revised 8108
Code applies if, prior to July 11, 2006, a court imposed a 8109
sentence including a prison term of a type described in this 8110
division and failed to include in the sentence pursuant to this 8111
division a statement regarding post-release control. 8112

(2) If a court imposes a prison term for a felony of the 8113
third, fourth, or fifth degree that is not subject to division 8114
(D)(1) of this section, it shall include in the sentence a 8115
requirement that the offender be subject to a period of post- 8116
release control after the offender's release from imprisonment, 8117
in accordance with that division, if the parole board determines 8118
that a period of post-release control is necessary. Section 8119
2929.191 of the Revised Code applies if, prior to July 11, 2006, 8120
a court imposed a sentence including a prison term of a type 8121
described in this division and failed to include in the sentence 8122
pursuant to this division a statement regarding post-release 8123
control. 8124

(E) The court shall impose sentence upon the offender in 8125

accordance with section 2971.03 of the Revised Code, and Chapter 8126
2971. of the Revised Code applies regarding the prison term or 8127
term of life imprisonment without parole imposed upon the 8128
offender and the service of that term of imprisonment if any of 8129
the following apply: 8130

(1) A person is convicted of or pleads guilty to a violent 8131
sex offense or a designated homicide, assault, or kidnapping 8132
offense, and, in relation to that offense, the offender is 8133
adjudicated a sexually violent predator. 8134

(2) A person is convicted of or pleads guilty to a 8135
violation of division (A) (1) (b) of section 2907.02 of the 8136
Revised Code committed on or after January 2, 2007, and either 8137
the court does not impose a sentence of life without parole when 8138
authorized pursuant to division (B) of section 2907.02 of the 8139
Revised Code, or division (B) of section 2907.02 of the Revised 8140
Code provides that the court shall not sentence the offender 8141
pursuant to section 2971.03 of the Revised Code. 8142

(3) A person is convicted of or pleads guilty to attempted 8143
rape committed on or after January 2, 2007, and a specification 8144
of the type described in section 2941.1418, 2941.1419, or 8145
2941.1420 of the Revised Code. 8146

(4) A person is convicted of or pleads guilty to a 8147
violation of section 2905.01 of the Revised Code committed on or 8148
after January 1, 2008, and that section requires the court to 8149
sentence the offender pursuant to section 2971.03 of the Revised 8150
Code. 8151

(5) A person is convicted of or pleads guilty to 8152
aggravated murder committed on or after January 1, 2008, and 8153
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 8154

(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 8155
(d) of section 2929.03, or division (A) or (B) of section 8156
2929.06 of the Revised Code requires the court to sentence the 8157
offender pursuant to division (B) (3) of section 2971.03 of the 8158
Revised Code. 8159

(6) A person is convicted of or pleads guilty to murder 8160
committed on or after January 1, 2008, and division (B) (2) of 8161
section 2929.02 of the Revised Code requires the court to 8162
sentence the offender pursuant to section 2971.03 of the Revised 8163
Code. 8164

(F) If a person who has been convicted of or pleaded 8165
guilty to a felony is sentenced to a prison term or term of 8166
imprisonment under this section, sections 2929.02 to 2929.06 of 8167
the Revised Code, section 2929.142 of the Revised Code, section 8168
2971.03 of the Revised Code, or any other provision of law, 8169
section 5120.163 of the Revised Code applies regarding the 8170
person while the person is confined in a state correctional 8171
institution. 8172

(G) If an offender who is convicted of or pleads guilty to 8173
a felony that is an offense of violence also is convicted of or 8174
pleads guilty to a specification of the type described in 8175
section 2941.142 of the Revised Code that charges the offender 8176
with having committed the felony while participating in a 8177
criminal gang, the court shall impose upon the offender an 8178
additional prison term of one, two, or three years. 8179

(H) (1) If an offender who is convicted of or pleads guilty 8180
to aggravated murder, murder, or a felony of the first, second, 8181
or third degree that is an offense of violence also is convicted 8182
of or pleads guilty to a specification of the type described in 8183
section 2941.143 of the Revised Code that charges the offender 8184

with having committed the offense in a school safety zone or 8185
towards a person in a school safety zone, the court shall impose 8186
upon the offender an additional prison term of two years. The 8187
offender shall serve the additional two years consecutively to 8188
and prior to the prison term imposed for the underlying offense. 8189

(2) (a) If an offender is convicted of or pleads guilty to 8190
a felony violation of section 2907.22, 2907.24, 2907.241, or 8191
2907.25 of the Revised Code and to a specification of the type 8192
described in section 2941.1421 of the Revised Code and if the 8193
court imposes a prison term on the offender for the felony 8194
violation, the court may impose upon the offender an additional 8195
prison term as follows: 8196

(i) Subject to division (H) (2) (a) (ii) of this section, an 8197
additional prison term of one, two, three, four, five, or six 8198
months; 8199

(ii) If the offender previously has been convicted of or 8200
pleaded guilty to one or more felony or misdemeanor violations 8201
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 8202
the Revised Code and also was convicted of or pleaded guilty to 8203
a specification of the type described in section 2941.1421 of 8204
the Revised Code regarding one or more of those violations, an 8205
additional prison term of one, two, three, four, five, six, 8206
seven, eight, nine, ten, eleven, or twelve months. 8207

(b) In lieu of imposing an additional prison term under 8208
division (H) (2) (a) of this section, the court may directly 8209
impose on the offender a sanction that requires the offender to 8210
wear a real-time processing, continual tracking electronic 8211
monitoring device during the period of time specified by the 8212
court. The period of time specified by the court shall equal the 8213
duration of an additional prison term that the court could have 8214

imposed upon the offender under division (H) (2) (a) of this 8215
section. A sanction imposed under this division shall commence 8216
on the date specified by the court, provided that the sanction 8217
shall not commence until after the offender has served the 8218
prison term imposed for the felony violation of section 2907.22, 8219
2907.24, 2907.241, or 2907.25 of the Revised Code and any 8220
residential sanction imposed for the violation under section 8221
2929.16 of the Revised Code. A sanction imposed under this 8222
division shall be considered to be a community control sanction 8223
for purposes of section 2929.15 of the Revised Code, and all 8224
provisions of the Revised Code that pertain to community control 8225
sanctions shall apply to a sanction imposed under this division, 8226
except to the extent that they would by their nature be clearly 8227
inapplicable. The offender shall pay all costs associated with a 8228
sanction imposed under this division, including the cost of the 8229
use of the monitoring device. 8230

(I) At the time of sentencing, the court may recommend the 8231
offender for placement in a program of shock incarceration under 8232
section 5120.031 of the Revised Code or for placement in an 8233
intensive program prison under section 5120.032 of the Revised 8234
Code, disapprove placement of the offender in a program of shock 8235
incarceration or an intensive program prison of that nature, or 8236
make no recommendation on placement of the offender. In no case 8237
shall the department of rehabilitation and correction place the 8238
offender in a program or prison of that nature unless the 8239
department determines as specified in section 5120.031 or 8240
5120.032 of the Revised Code, whichever is applicable, that the 8241
offender is eligible for the placement. 8242

If the court disapproves placement of the offender in a 8243
program or prison of that nature, the department of 8244
rehabilitation and correction shall not place the offender in 8245

any program of shock incarceration or intensive program prison. 8246

If the court recommends placement of the offender in a 8247
program of shock incarceration or in an intensive program 8248
prison, and if the offender is subsequently placed in the 8249
recommended program or prison, the department shall notify the 8250
court of the placement and shall include with the notice a brief 8251
description of the placement. 8252

If the court recommends placement of the offender in a 8253
program of shock incarceration or in an intensive program prison 8254
and the department does not subsequently place the offender in 8255
the recommended program or prison, the department shall send a 8256
notice to the court indicating why the offender was not placed 8257
in the recommended program or prison. 8258

If the court does not make a recommendation under this 8259
division with respect to an offender and if the department 8260
determines as specified in section 5120.031 or 5120.032 of the 8261
Revised Code, whichever is applicable, that the offender is 8262
eligible for placement in a program or prison of that nature, 8263
the department shall screen the offender and determine if there 8264
is an available program of shock incarceration or an intensive 8265
program prison for which the offender is suited. If there is an 8266
available program of shock incarceration or an intensive program 8267
prison for which the offender is suited, the department shall 8268
notify the court of the proposed placement of the offender as 8269
specified in section 5120.031 or 5120.032 of the Revised Code 8270
and shall include with the notice a brief description of the 8271
placement. The court shall have ten days from receipt of the 8272
notice to disapprove the placement. 8273

(J) If a person is convicted of or pleads guilty to 8274
aggravated vehicular homicide in violation of division (A) (1) of 8275

section 2903.06 of the Revised Code and division (B) (2) (c) of 8276
that section applies, the person shall be sentenced pursuant to 8277
section 2929.142 of the Revised Code. 8278

(K) (1) The court shall impose an additional mandatory 8279
prison term of two, three, four, five, six, seven, eight, nine, 8280
ten, or eleven years on an offender who is convicted of or 8281
pleads guilty to a violent felony offense if the offender also 8282
is convicted of or pleads guilty to a specification of the type 8283
described in section 2941.1424 of the Revised Code that charges 8284
that the offender is a violent career criminal and had a firearm 8285
on or about the offender's person or under the offender's 8286
control while committing the presently charged violent felony 8287
offense and displayed or brandished the firearm, indicated that 8288
the offender possessed a firearm, or used the firearm to 8289
facilitate the offense. The offender shall serve the prison term 8290
imposed under this division consecutively to and prior to the 8291
prison term imposed for the underlying offense. The prison term 8292
shall not be reduced pursuant to section 2929.20 or 2967.19 or 8293
any other provision of Chapter 2967. or 5120. of the Revised 8294
Code. A court may not impose more than one sentence under 8295
division (B) (2) (a) of this section and this division for acts 8296
committed as part of the same act or transaction. 8297

(2) As used in division (K) (1) of this section, "violent 8298
career criminal" and "violent felony offense" have the same 8299
meanings as in section 2923.132 of the Revised Code. 8300

Sec. 2929.142. (A) Notwithstanding the definite prison 8301
~~term terms and minimum prison terms specified in division~~ 8302
divisions (A) (1) (a) and (b) of section 2929.14 of the Revised 8303
Code for a felony of the first degree, if an offender is 8304
convicted of or pleads guilty to aggravated vehicular homicide 8305

in violation of division (A) (1) of section 2903.06 of the Revised Code, the court shall impose upon the offender a mandatory prison term of ten, eleven, twelve, thirteen, fourteen, or fifteen years, determined as specified in division (B) of this section, if any of the following apply:

~~(A)~~ (1) The offender previously has been convicted of or pleaded guilty to three or more prior violations of section 4511.19 of the Revised Code or of a substantially equivalent municipal ordinance within the previous ten years.

~~(B)~~ (2) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A) of section 1547.11 of the Revised Code or of a substantially equivalent municipal ordinance within the previous ten years.

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

~~(D)~~ (4) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A) (1) of section 2903.06 of the Revised Code.

~~(E)~~ (5) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A) (1) of section 2903.08 of the Revised Code.

~~(F)~~ (6) The offender previously has been convicted of or pleaded guilty to three or more prior violations of section 2903.04 of the Revised Code in circumstances in which division (D) of that section applied regarding the violations.

~~(G)~~ (7) The offender previously has been convicted of or pleaded guilty to three or more violations of any combination of

the offenses listed in division (A), ~~(B), (C), (D), (E), or (F)~~ 8335
(1), (2), (3), (4), (5), or (6) of this section. 8336

~~(H)~~ (8) The offender previously has been convicted of or 8337
pleaded guilty to a second or subsequent felony violation of 8338
division (A) of section 4511.19 of the Revised Code. 8339

(B) The mandatory prison term required under division (A) 8340
of this section shall be a definite term of ten, eleven, twelve, 8341
thirteen, fourteen, or fifteen years, except that if the 8342
aggravated vehicular homicide is committed on or after the 8343
effective date of this amendment, the court shall impose as the 8344
minimum prison term for the offense under division (A)(1)(a) of 8345
section 2929.14 of the Revised Code a mandatory prison term that 8346
is ten, eleven, twelve, thirteen, fourteen, or fifteen years. 8347

Sec. 2929.144. (A) As used in this section, "qualifying 8348
felony of the first or second degree" means a felony of the 8349
first or second degree committed on or after the effective date 8350
of this section. 8351

(B) The court imposing a prison term on an offender under 8352
division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised 8353
Code for a qualifying felony of the first or second degree shall 8354
determine the maximum prison term that is part of the sentence 8355
in accordance with the following: 8356

(1) If the offender is being sentenced for one felony and 8357
the felony is a qualifying felony of the first or second degree, 8358
the maximum prison term shall be equal to the minimum term 8359
imposed on the offender under division (A)(1)(a) or (2)(a) of 8360
section 2929.14 of the Revised Code plus fifty per cent of that 8361
term. 8362

(2) If the offender is being sentenced for more than one 8363

felony, if one or more of the felonies is a qualifying felony of 8364
the first or second degree, and if the court orders that some or 8365
all of the prison terms imposed are to be served consecutively, 8366
the court shall add all of the minimum terms imposed on the 8367
offender under division (A)(1)(a) or (2)(a) of section 2929.14 8368
of the Revised Code for a qualifying felony of the first or 8369
second degree that are to be served consecutively and all of the 8370
definite terms of the felonies that are not qualifying felonies 8371
of the first or second degree that are to be served 8372
consecutively, and the maximum term shall be equal to the total 8373
of those terms so added by the court plus fifty per cent of the 8374
longest minimum term or definite term for the most serious 8375
felony being sentenced. 8376

(3) If the offender is being sentenced for more than one 8377
felony, if one or more of the felonies is a qualifying felony of 8378
the first or second degree, and if the court orders that all of 8379
the prison terms imposed are to run concurrently, the maximum 8380
term shall be equal to the longest of the minimum terms imposed 8381
on the offender under division (A)(1)(a) or (2)(a) of section 8382
2929.14 of the Revised Code for a qualifying felony of the first 8383
or second degree for which the sentence is being imposed plus 8384
fifty per cent of the longest minimum term for the most serious 8385
qualifying felony being sentenced. 8386

(4) Any mandatory prison term, or portion of a mandatory 8387
prison term, that is imposed or to be imposed on the offender 8388
under division (B), (G), or (H) of section 2929.14 of the 8389
Revised Code or under any other provision of the Revised Code, 8390
with respect to a conviction of or plea of guilty to a 8391
specification, and that is in addition to the sentence imposed 8392
for the underlying offense is separate from the sentence being 8393
imposed for the qualifying first or second degree felony 8394

committed on or after the effective date of this section and 8395
shall not be considered or included in determining a maximum 8396
prison term for the offender under divisions (B)(1) to (3) of 8397
this section. 8398

(C) The court imposing a prison term on an offender 8399
pursuant to division (A)(1)(a) or (2)(a) of section 2929.14 of 8400
the Revised Code for a qualifying felony of the first or second 8401
degree shall sentence the offender, as part of the sentence, to 8402
the maximum prison term determined under division (B) of this 8403
section. The court shall impose this maximum term at sentencing 8404
as part of the sentence it imposes under section 2929.14 of the 8405
Revised Code, and shall state the minimum term it imposes under 8406
division (A)(1)(a) or (2)(a) of that section, and this maximum 8407
term, in the sentencing entry. 8408

(D) If a court imposes a prison term on an offender 8409
pursuant to division (A)(1)(a) or (2)(a) of section 2929.14 of 8410
the Revised Code for a qualifying felony of the first or second 8411
degree, section 2967.271 of the Revised Code applies with 8412
respect to the offender's service of the prison term. 8413

Sec. 2929.15. (A)(1) If in sentencing an offender for a 8414
felony the court is not required to impose a prison term, a 8415
mandatory prison term, or a term of life imprisonment upon the 8416
offender, the court may directly impose a sentence that consists 8417
of one or more community control sanctions authorized pursuant 8418
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 8419
the court is sentencing an offender for a fourth degree felony 8420
OVI offense under division (G)(1) of section 2929.13 of the 8421
Revised Code, in addition to the mandatory term of local 8422
incarceration imposed under that division and the mandatory fine 8423
required by division (B)(3) of section 2929.18 of the Revised 8424

Code, the court may impose upon the offender a community control 8425
sanction or combination of community control sanctions in 8426
accordance with sections 2929.16 and 2929.17 of the Revised 8427
Code. If the court is sentencing an offender for a third or 8428
fourth degree felony OVI offense under division (G) (2) of 8429
section 2929.13 of the Revised Code, in addition to the 8430
mandatory prison term or mandatory prison term and additional 8431
prison term imposed under that division, the court also may 8432
impose upon the offender a community control sanction or 8433
combination of community control sanctions under section 2929.16 8434
or 2929.17 of the Revised Code, but the offender shall serve all 8435
of the prison terms so imposed prior to serving the community 8436
control sanction. 8437

The duration of all community control sanctions imposed 8438
upon an offender under this division shall not exceed five 8439
years. If the offender absconds or otherwise leaves the 8440
jurisdiction of the court in which the offender resides without 8441
obtaining permission from the court or the offender's probation 8442
officer to leave the jurisdiction of the court, or if the 8443
offender is confined in any institution for the commission of 8444
any offense while under a community control sanction, the period 8445
of the community control sanction ceases to run until the 8446
offender is brought before the court for its further action. If 8447
the court sentences the offender to one or more nonresidential 8448
sanctions under section 2929.17 of the Revised Code, the court 8449
shall impose as a condition of the nonresidential sanctions 8450
that, during the period of the sanctions, the offender must 8451
abide by the law and must not leave the state without the 8452
permission of the court or the offender's probation officer. The 8453
court may impose any other conditions of release under a 8454
community control sanction that the court considers appropriate, 8455

including, but not limited to, requiring that the offender not 8456
ingest or be injected with a drug of abuse and submit to random 8457
drug testing as provided in division (D) of this section to 8458
determine whether the offender ingested or was injected with a 8459
drug of abuse and requiring that the results of the drug test 8460
indicate that the offender did not ingest or was not injected 8461
with a drug of abuse. 8462

(2) (a) If a court sentences an offender to any community 8463
control sanction or combination of community control sanctions 8464
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 8465
the Revised Code, the court shall place the offender under the 8466
general control and supervision of a department of probation in 8467
the county that serves the court for purposes of reporting to 8468
the court a violation of any condition of the sanctions, any 8469
condition of release under a community control sanction imposed 8470
by the court, a violation of law, or the departure of the 8471
offender from this state without the permission of the court or 8472
the offender's probation officer. Alternatively, if the offender 8473
resides in another county and a county department of probation 8474
has been established in that county or that county is served by 8475
a multicounty probation department established under section 8476
2301.27 of the Revised Code, the court may request the court of 8477
common pleas of that county to receive the offender into the 8478
general control and supervision of that county or multicounty 8479
department of probation for purposes of reporting to the court a 8480
violation of any condition of the sanctions, any condition of 8481
release under a community control sanction imposed by the court, 8482
a violation of law, or the departure of the offender from this 8483
state without the permission of the court or the offender's 8484
probation officer, subject to the jurisdiction of the trial 8485
judge over and with respect to the person of the offender, and 8486

to the rules governing that department of probation. 8487

If there is no department of probation in the county that 8488
serves the court, the court shall place the offender, regardless 8489
of the offender's county of residence, under the general control 8490
and supervision of the adult parole authority for purposes of 8491
reporting to the court a violation of any of the sanctions, any 8492
condition of release under a community control sanction imposed 8493
by the court, a violation of law, or the departure of the 8494
offender from this state without the permission of the court or 8495
the offender's probation officer. 8496

(b) If the court imposing sentence upon an offender 8497
sentences the offender to any community control sanction or 8498
combination of community control sanctions authorized pursuant 8499
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 8500
if the offender violates any condition of the sanctions, any 8501
condition of release under a community control sanction imposed 8502
by the court, violates any law, or departs the state without the 8503
permission of the court or the offender's probation officer, the 8504
public or private person or entity that operates or administers 8505
the sanction or the program or activity that comprises the 8506
sanction shall report the violation or departure directly to the 8507
sentencing court, or shall report the violation or departure to 8508
the county or multicounty department of probation with general 8509
control and supervision over the offender under division (A)(2) 8510
(a) of this section or the officer of that department who 8511
supervises the offender, or, if there is no such department with 8512
general control and supervision over the offender under that 8513
division, to the adult parole authority. If the public or 8514
private person or entity that operates or administers the 8515
sanction or the program or activity that comprises the sanction 8516
reports the violation or departure to the county or multicounty 8517

department of probation or the adult parole authority, the 8518
department's or authority's officers may treat the offender as 8519
if the offender were on probation and in violation of the 8520
probation, and shall report the violation of the condition of 8521
the sanction, any condition of release under a community control 8522
sanction imposed by the court, the violation of law, or the 8523
departure from the state without the required permission to the 8524
sentencing court. 8525

(3) If an offender who is eligible for community control 8526
sanctions under this section admits to being drug addicted or 8527
the court has reason to believe that the offender is drug 8528
addicted, and if the offense for which the offender is being 8529
sentenced was related to the addiction, the court may require 8530
that the offender be assessed by a properly credentialed 8531
professional within a specified period of time and shall require 8532
the professional to file a written assessment of the offender 8533
with the court. If a court imposes treatment and recovery 8534
support services as a community control sanction, the court 8535
shall direct the level and type of treatment and recovery 8536
support services after consideration of the written assessment, 8537
if available at the time of sentencing, and recommendations of 8538
the professional and other treatment and recovery support 8539
services providers. 8540

(4) If an assessment completed pursuant to division (A) (3) 8541
of this section indicates that the offender is addicted to drugs 8542
or alcohol, the court may include in any community control 8543
sanction imposed for a violation of section 2925.02, 2925.03, 8544
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 8545
2925.36, or 2925.37 of the Revised Code a requirement that the 8546
offender participate in alcohol and drug addiction services and 8547
recovery supports certified under section 5119.36 of the Revised 8548

Code or offered by a properly credentialed community addiction 8549
services provider. 8550

(B) (1) If the conditions of a community control sanction 8551
are violated or if the offender violates a law or leaves the 8552
state without the permission of the court or the offender's 8553
probation officer, the sentencing court may impose upon the 8554
violator one or more of the following penalties: 8555

(a) A longer time under the same sanction if the total 8556
time under the sanctions does not exceed the five-year limit 8557
specified in division (A) of this section; 8558

(b) A more restrictive sanction under section 2929.16, 8559
2929.17, or 2929.18 of the Revised Code; 8560

(c) A prison term on the offender pursuant to section 8561
2929.14 of the Revised Code and division (B) (3) of this section, 8562
provided that a prison term imposed under this division is 8563
subject to the following limitations, as applicable: 8564

(i) If the prison term is imposed for any technical 8565
violation of the conditions of a community control sanction 8566
imposed for a felony of the fifth degree or for any violation of 8567
law committed while under a community control sanction imposed 8568
for such a felony that consists of a new criminal offense and 8569
that is not a felony, the prison term shall not exceed ninety 8570
days. 8571

(ii) If the prison term is imposed for any technical 8572
violation of the conditions of a community control sanction 8573
imposed for a felony of the fourth degree that is not an offense 8574
of violence and is not a sexually oriented offense or for any 8575
violation of law committed while under a community control 8576
sanction imposed for such a felony that consists of a new 8577

criminal offense and that is not a felony, the prison term shall 8578
not exceed one hundred eighty days. 8579

(2) If an offender was acting pursuant to division (B) (2) 8580
(b) of section 2925.11 of the Revised Code and in so doing 8581
violated the conditions of a community control sanction based on 8582
a minor drug possession offense, as defined in section 2925.11 8583
of the Revised Code, the sentencing court may consider the 8584
offender's conduct in seeking or obtaining medical assistance 8585
for another in good faith or for self or may consider the 8586
offender being the subject of another person seeking or 8587
obtaining medical assistance in accordance with that division as 8588
a mitigating factor before imposing any of the penalties 8589
described in division (B) (1) of this section. 8590

(3) The prison term, if any, imposed upon a violator 8591
pursuant to this division and division (B) (1) of this section 8592
shall be within the range of prison terms ~~available for the~~ 8593
~~offense for which the sanction that was violated was imposed~~ 8594
described in this division and shall not exceed the prison term 8595
specified in the notice provided to the offender at the 8596
sentencing hearing pursuant to division (B) (2) of section 8597
2929.19 of the Revised Code. The court may reduce the longer 8598
period of time that the offender is required to spend under the 8599
longer sanction, the more restrictive sanction, or a prison term 8600
imposed pursuant to division (B) (1) of this section by the time 8601
the offender successfully spent under the sanction that was 8602
initially imposed. Except as otherwise specified in this 8603
division, the prison term imposed under this division and 8604
division (B) (1) of this section shall be within the range of 8605
prison terms available as a definite term for the offense for 8606
which the sanction that was violated was imposed. If the offense 8607
for which the sanction that was violated was imposed is a felony 8608

of the first or second degree committed on or after the 8609
effective date of this amendment, the prison term so imposed 8610
under this division shall be within the range of prison terms 8611
available as a minimum term for the offense under division (A) 8612
(1) (a) or (2) (a) of section 2929.14 of the Revised Code. 8613

(C) If an offender, for a significant period of time, 8614
fulfills the conditions of a sanction imposed pursuant to 8615
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 8616
exemplary manner, the court may reduce the period of time under 8617
the sanction or impose a less restrictive sanction, but the 8618
court shall not permit the offender to violate any law or permit 8619
the offender to leave the state without the permission of the 8620
court or the offender's probation officer. 8621

(D) (1) If a court under division (A) (1) of this section 8622
imposes a condition of release under a community control 8623
sanction that requires the offender to submit to random drug 8624
testing, the department of probation or the adult parole 8625
authority that has general control and supervision of the 8626
offender under division (A) (2) (a) of this section may cause the 8627
offender to submit to random drug testing performed by a 8628
laboratory or entity that has entered into a contract with any 8629
of the governmental entities or officers authorized to enter 8630
into a contract with that laboratory or entity under section 8631
341.26, 753.33, or 5120.63 of the Revised Code. 8632

(2) If no laboratory or entity described in division (D) 8633
(1) of this section has entered into a contract as specified in 8634
that division, the department of probation or the adult parole 8635
authority that has general control and supervision of the 8636
offender under division (A) (2) (a) of this section shall cause 8637
the offender to submit to random drug testing performed by a 8638

reputable public laboratory to determine whether the individual 8639
who is the subject of the drug test ingested or was injected 8640
with a drug of abuse. 8641

(3) A laboratory or entity that has entered into a 8642
contract pursuant to section 341.26, 753.33, or 5120.63 of the 8643
Revised Code shall perform the random drug tests under division 8644
(D) (1) of this section in accordance with the applicable 8645
standards that are included in the terms of that contract. A 8646
public laboratory shall perform the random drug tests under 8647
division (D) (2) of this section in accordance with the standards 8648
set forth in the policies and procedures established by the 8649
department of rehabilitation and correction pursuant to section 8650
5120.63 of the Revised Code. An offender who is required under 8651
division (A) (1) of this section to submit to random drug testing 8652
as a condition of release under a community control sanction and 8653
whose test results indicate that the offender ingested or was 8654
injected with a drug of abuse shall pay the fee for the drug 8655
test if the department of probation or the adult parole 8656
authority that has general control and supervision of the 8657
offender requires payment of a fee. A laboratory or entity that 8658
performs the random drug testing on an offender under division 8659
(D) (1) or (2) of this section shall transmit the results of the 8660
drug test to the appropriate department of probation or the 8661
adult parole authority that has general control and supervision 8662
of the offender under division (A) (2) (a) of this section. 8663

Sec. 2929.18. (A) Except as otherwise provided in this 8664
division and in addition to imposing court costs pursuant to 8665
section 2947.23 of the Revised Code, the court imposing a 8666
sentence upon an offender for a felony may sentence the offender 8667
to any financial sanction or combination of financial sanctions 8668
authorized under this section or, in the circumstances specified 8669

in section 2929.32 of the Revised Code, may impose upon the 8670
offender a fine in accordance with that section. Financial 8671
sanctions that may be imposed pursuant to this section include, 8672
but are not limited to, the following: 8673

(1) Restitution by the offender to the victim of the 8674
offender's crime or any survivor of the victim, in an amount 8675
based on the victim's economic loss. If the court imposes 8676
restitution, the court shall order that the restitution be made 8677
to the victim in open court, to the adult probation department 8678
that serves the county on behalf of the victim, to the clerk of 8679
courts, or to another agency designated by the court. If the 8680
court imposes restitution, at sentencing, the court shall 8681
determine the amount of restitution to be made by the offender. 8682
If the court imposes restitution, the court may base the amount 8683
of restitution it orders on an amount recommended by the victim, 8684
the offender, a presentence investigation report, estimates or 8685
receipts indicating the cost of repairing or replacing property, 8686
and other information, provided that the amount the court orders 8687
as restitution shall not exceed the amount of the economic loss 8688
suffered by the victim as a direct and proximate result of the 8689
commission of the offense. If the court decides to impose 8690
restitution, the court shall hold a hearing on restitution if 8691
the offender, victim, or survivor disputes the amount. All 8692
restitution payments shall be credited against any recovery of 8693
economic loss in a civil action brought by the victim or any 8694
survivor of the victim against the offender. 8695

If the court imposes restitution, the court may order that 8696
the offender pay a surcharge of not more than five per cent of 8697
the amount of the restitution otherwise ordered to the entity 8698
responsible for collecting and processing restitution payments. 8699

The victim or survivor may request that the prosecutor in 8700
the case file a motion, or the offender may file a motion, for 8701
modification of the payment terms of any restitution ordered. If 8702
the court grants the motion, it may modify the payment terms as 8703
it determines appropriate. 8704

(2) Except as provided in division (B) (1), (3), or (4) of 8705
this section, a fine payable by the offender to the state, to a 8706
political subdivision, or as described in division (B) (2) of 8707
this section to one or more law enforcement agencies, with the 8708
amount of the fine based on a standard percentage of the 8709
offender's daily income over a period of time determined by the 8710
court and based upon the seriousness of the offense. A fine 8711
ordered under this division shall not exceed the maximum 8712
conventional fine amount authorized for the level of the offense 8713
under division (A) (3) of this section. 8714

(3) Except as provided in division (B) (1), (3), or (4) of 8715
this section, a fine payable by the offender to the state, to a 8716
political subdivision when appropriate for a felony, or as 8717
described in division (B) (2) of this section to one or more law 8718
enforcement agencies, in the following amount: 8719

(a) For a felony of the first degree, not more than twenty 8720
thousand dollars; 8721

(b) For a felony of the second degree, not more than 8722
fifteen thousand dollars; 8723

(c) For a felony of the third degree, not more than ten 8724
thousand dollars; 8725

(d) For a felony of the fourth degree, not more than five 8726
thousand dollars; 8727

(e) For a felony of the fifth degree, not more than two 8728

thousand five hundred dollars. 8729

(4) A state fine or costs as defined in section 2949.111 8730
of the Revised Code. 8731

(5) (a) Reimbursement by the offender of any or all of the 8732
costs of sanctions incurred by the government, including the 8733
following: 8734

(i) All or part of the costs of implementing any community 8735
control sanction, including a supervision fee under section 8736
2951.021 of the Revised Code; 8737

(ii) All or part of the costs of confinement under a 8738
sanction imposed pursuant to section 2929.14, 2929.142, or 8739
2929.16 of the Revised Code, provided that the amount of 8740
reimbursement ordered under this division shall not exceed the 8741
total amount of reimbursement the offender is able to pay as 8742
determined at a hearing and shall not exceed the actual cost of 8743
the confinement; 8744

(iii) All or part of the cost of purchasing and using an 8745
immobilizing or disabling device, including a certified ignition 8746
interlock device, or a remote alcohol monitoring device that a 8747
court orders an offender to use under section 4510.13 of the 8748
Revised Code. 8749

(b) If the offender is sentenced to a sanction of 8750
confinement pursuant to section 2929.14 or 2929.16 of the 8751
Revised Code that is to be served in a facility operated by a 8752
board of county commissioners, a legislative authority of a 8753
municipal corporation, or another local governmental entity, if, 8754
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 8755
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 8756
section 2929.37 of the Revised Code, the board, legislative 8757

authority, or other local governmental entity requires prisoners 8758
to reimburse the county, municipal corporation, or other entity 8759
for its expenses incurred by reason of the prisoner's 8760
confinement, and if the court does not impose a financial 8761
sanction under division (A)(5)(a)(ii) of this section, 8762
confinement costs may be assessed pursuant to section 2929.37 of 8763
the Revised Code. In addition, the offender may be required to 8764
pay the fees specified in section 2929.38 of the Revised Code in 8765
accordance with that section. 8766

(c) Reimbursement by the offender for costs pursuant to 8767
section 2929.71 of the Revised Code. 8768

(B)(1) For a first, second, or third degree felony 8769
violation of any provision of Chapter 2925., 3719., or 4729. of 8770
the Revised Code, the sentencing court shall impose upon the 8771
offender a mandatory fine of at least one-half of, but not more 8772
than, the maximum statutory fine amount authorized for the level 8773
of the offense pursuant to division (A)(3) of this section. If 8774
an offender alleges in an affidavit filed with the court prior 8775
to sentencing that the offender is indigent and unable to pay 8776
the mandatory fine and if the court determines the offender is 8777
an indigent person and is unable to pay the mandatory fine 8778
described in this division, the court shall not impose the 8779
mandatory fine upon the offender. 8780

(2) Any mandatory fine imposed upon an offender under 8781
division (B)(1) of this section and any fine imposed upon an 8782
offender under division (A)(2) or (3) of this section for any 8783
fourth or fifth degree felony violation of any provision of 8784
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 8785
to law enforcement agencies pursuant to division (F) of section 8786
2925.03 of the Revised Code. 8787

(3) For a fourth degree felony OVI offense and for a third 8788
degree felony OVI offense, the sentencing court shall impose 8789
upon the offender a mandatory fine in the amount specified in 8790
division (G) (1) (d) or (e) of section 4511.19 of the Revised 8791
Code, whichever is applicable. The mandatory fine so imposed 8792
shall be disbursed as provided in the division pursuant to which 8793
it is imposed. 8794

(4) Notwithstanding any fine otherwise authorized or 8795
required to be imposed under division (A) (2) or (3) or (B) (1) of 8796
this section or section 2929.31 of the Revised Code for a 8797
violation of section 2925.03 of the Revised Code, in addition to 8798
any penalty or sanction imposed for that offense under section 8799
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 8800
in addition to the forfeiture of property in connection with the 8801
offense as prescribed in Chapter 2981. of the Revised Code, the 8802
court that sentences an offender for a violation of section 8803
2925.03 of the Revised Code may impose upon the offender a fine 8804
in addition to any fine imposed under division (A) (2) or (3) of 8805
this section and in addition to any mandatory fine imposed under 8806
division (B) (1) of this section. The fine imposed under division 8807
(B) (4) of this section shall be used as provided in division (H) 8808
of section 2925.03 of the Revised Code. A fine imposed under 8809
division (B) (4) of this section shall not exceed whichever of 8810
the following is applicable: 8811

(a) The total value of any personal or real property in 8812
which the offender has an interest and that was used in the 8813
course of, intended for use in the course of, derived from, or 8814
realized through conduct in violation of section 2925.03 of the 8815
Revised Code, including any property that constitutes proceeds 8816
derived from that offense; 8817

(b) If the offender has no interest in any property of the 8818
type described in division (B) (4) (a) of this section or if it is 8819
not possible to ascertain whether the offender has an interest 8820
in any property of that type in which the offender may have an 8821
interest, the amount of the mandatory fine for the offense 8822
imposed under division (B) (1) of this section or, if no 8823
mandatory fine is imposed under division (B) (1) of this section, 8824
the amount of the fine authorized for the level of the offense 8825
imposed under division (A) (3) of this section. 8826

(5) Prior to imposing a fine under division (B) (4) of this 8827
section, the court shall determine whether the offender has an 8828
interest in any property of the type described in division (B) 8829
(4) (a) of this section. Except as provided in division (B) (6) or 8830
(7) of this section, a fine that is authorized and imposed under 8831
division (B) (4) of this section does not limit or affect the 8832
imposition of the penalties and sanctions for a violation of 8833
section 2925.03 of the Revised Code prescribed under those 8834
sections or sections 2929.11 to 2929.18 of the Revised Code and 8835
does not limit or affect a forfeiture of property in connection 8836
with the offense as prescribed in Chapter 2981. of the Revised 8837
Code. 8838

(6) If the sum total of a mandatory fine amount imposed 8839
for a first, second, or third degree felony violation of section 8840
2925.03 of the Revised Code under division (B) (1) of this 8841
section plus the amount of any fine imposed under division (B) 8842
(4) of this section does not exceed the maximum statutory fine 8843
amount authorized for the level of the offense under division 8844
(A) (3) of this section or section 2929.31 of the Revised Code, 8845
the court may impose a fine for the offense in addition to the 8846
mandatory fine and the fine imposed under division (B) (4) of 8847
this section. The sum total of the amounts of the mandatory 8848

fine, the fine imposed under division (B) (4) of this section, 8849
and the additional fine imposed under division (B) (6) of this 8850
section shall not exceed the maximum statutory fine amount 8851
authorized for the level of the offense under division (A) (3) of 8852
this section or section 2929.31 of the Revised Code. The clerk 8853
of the court shall pay any fine that is imposed under division 8854
(B) (6) of this section to the county, township, municipal 8855
corporation, park district as created pursuant to section 511.18 8856
or 1545.04 of the Revised Code, or state law enforcement 8857
agencies in this state that primarily were responsible for or 8858
involved in making the arrest of, and in prosecuting, the 8859
offender pursuant to division (F) of section 2925.03 of the 8860
Revised Code. 8861

(7) If the sum total of the amount of a mandatory fine 8862
imposed for a first, second, or third degree felony violation of 8863
section 2925.03 of the Revised Code plus the amount of any fine 8864
imposed under division (B) (4) of this section exceeds the 8865
maximum statutory fine amount authorized for the level of the 8866
offense under division (A) (3) of this section or section 2929.31 8867
of the Revised Code, the court shall not impose a fine under 8868
division (B) (6) of this section. 8869

(8) (a) If an offender who is convicted of or pleads guilty 8870
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 8871
2923.32, division (A) (1) or (2) of section 2907.323 involving a 8872
minor, or division (B) (1), (2), (3), (4), or (5) of section 8873
2919.22 of the Revised Code also is convicted of or pleads 8874
guilty to a specification of the type described in section 8875
2941.1422 of the Revised Code that charges that the offender 8876
knowingly committed the offense in furtherance of human 8877
trafficking, the sentencing court shall sentence the offender to 8878
a financial sanction of restitution by the offender to the 8879

victim or any survivor of the victim, with the restitution 8880
including the costs of housing, counseling, and medical and 8881
legal assistance incurred by the victim as a direct result of 8882
the offense and the greater of the following: 8883

(i) The gross income or value to the offender of the 8884
victim's labor or services; 8885

(ii) The value of the victim's labor as guaranteed under 8886
the minimum wage and overtime provisions of the "Federal Fair 8887
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 8888
state labor laws. 8889

(b) If a court imposing sentence upon an offender for a 8890
felony is required to impose upon the offender a financial 8891
sanction of restitution under division (B) (8) (a) of this 8892
section, in addition to that financial sanction of restitution, 8893
the court may sentence the offender to any other financial 8894
sanction or combination of financial sanctions authorized under 8895
this section, including a restitution sanction under division 8896
(A) (1) of this section. 8897

(9) In addition to any other fine that is or may be 8898
imposed under this section, the court imposing sentence upon an 8899
offender for a felony that is a sexually oriented offense or a 8900
child-victim oriented offense, as those terms are defined in 8901
section 2950.01 of the Revised Code, may impose a fine of not 8902
less than fifty nor more than five hundred dollars. 8903

(10) For a felony violation of division (A) of section 8904
2921.321 of the Revised Code that results in the death of the 8905
police dog or horse that is the subject of the violation, the 8906
sentencing court shall impose upon the offender a mandatory fine 8907
from the range of fines provided under division (A) (3) of this 8908

section for a felony of the third degree. A mandatory fine 8909
imposed upon an offender under division (B) (10) of this section 8910
shall be paid to the law enforcement agency that was served by 8911
the police dog or horse that was killed in the felony violation 8912
of division (A) of section 2921.321 of the Revised Code to be 8913
used as provided in division (E) (1) (b) of that section. 8914

(11) In addition to any other fine that is or may be 8915
imposed under this section, the court imposing sentence upon an 8916
offender for any of the following offenses that is a felony may 8917
impose a fine of not less than seventy nor more than five 8918
hundred dollars, which shall be transmitted to the treasurer of 8919
state to be credited to the address confidentiality program fund 8920
created by section 111.48 of the Revised Code: 8921

(a) Domestic violence; 8922

(b) Menacing by stalking; 8923

(c) Rape; 8924

(d) Sexual battery; 8925

(e) Trafficking in persons; 8926

(f) A violation of section 2905.01, 2905.02, 2907.21, 8927
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 8928
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 8929
section 2919.22 of the Revised Code, if the offender also is 8930
convicted of a specification of the type described in section 8931
2941.1422 of the Revised Code that charges that the offender 8932
knowingly committed the offense in furtherance of human 8933
trafficking. 8934

(C) (1) Except as provided in section 2951.021 of the 8935
Revised Code, the offender shall pay reimbursements imposed upon 8936

the offender pursuant to division (A) (5) (a) of this section to 8937
pay the costs incurred by a county pursuant to any sanction 8938
imposed under this section or section 2929.16 or 2929.17 of the 8939
Revised Code or in operating a facility used to confine 8940
offenders pursuant to a sanction imposed under section 2929.16 8941
of the Revised Code to the county treasurer. The county 8942
treasurer shall deposit the reimbursements in the sanction cost 8943
reimbursement fund that each board of county commissioners shall 8944
create in its county treasury. The county shall use the amounts 8945
deposited in the fund to pay the costs incurred by the county 8946
pursuant to any sanction imposed under this section or section 8947
2929.16 or 2929.17 of the Revised Code or in operating a 8948
facility used to confine offenders pursuant to a sanction 8949
imposed under section 2929.16 of the Revised Code. 8950

(2) Except as provided in section 2951.021 of the Revised 8951
Code, the offender shall pay reimbursements imposed upon the 8952
offender pursuant to division (A) (5) (a) of this section to pay 8953
the costs incurred by a municipal corporation pursuant to any 8954
sanction imposed under this section or section 2929.16 or 8955
2929.17 of the Revised Code or in operating a facility used to 8956
confine offenders pursuant to a sanction imposed under section 8957
2929.16 of the Revised Code to the treasurer of the municipal 8958
corporation. The treasurer shall deposit the reimbursements in a 8959
special fund that shall be established in the treasury of each 8960
municipal corporation. The municipal corporation shall use the 8961
amounts deposited in the fund to pay the costs incurred by the 8962
municipal corporation pursuant to any sanction imposed under 8963
this section or section 2929.16 or 2929.17 of the Revised Code 8964
or in operating a facility used to confine offenders pursuant to 8965
a sanction imposed under section 2929.16 of the Revised Code. 8966

(3) Except as provided in section 2951.021 of the Revised 8967

Code, the offender shall pay reimbursements imposed pursuant to 8968
division (A) (5) (a) of this section for the costs incurred by a 8969
private provider pursuant to a sanction imposed under this 8970
section or section 2929.16 or 2929.17 of the Revised Code to the 8971
provider. 8972

(D) Except as otherwise provided in this division, a 8973
financial sanction imposed pursuant to division (A) or (B) of 8974
this section is a judgment in favor of the state or a political 8975
subdivision in which the court that imposed the financial 8976
sanction is located, and the offender subject to the financial 8977
sanction is the judgment debtor. A financial sanction of 8978
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 8979
section upon an offender who is incarcerated in a state facility 8980
or a municipal jail is a judgment in favor of the state or the 8981
municipal corporation, and the offender subject to the financial 8982
sanction is the judgment debtor. A financial sanction of 8983
reimbursement imposed upon an offender pursuant to this section 8984
for costs incurred by a private provider of sanctions is a 8985
judgment in favor of the private provider, and the offender 8986
subject to the financial sanction is the judgment debtor. A 8987
financial sanction of a mandatory fine imposed under division 8988
(B) (10) of this section that is required under that division to 8989
be paid to a law enforcement agency is a judgment in favor of 8990
the specified law enforcement agency, and the offender subject 8991
to the financial sanction is the judgment debtor. A financial 8992
sanction of restitution imposed pursuant to division (A) (1) or 8993
(B) (8) of this section is an order in favor of the victim of the 8994
offender's criminal act that can be collected through a 8995
certificate of judgment as described in division (D) (1) of this 8996
section, through execution as described in division (D) (2) of 8997
this section, or through an order as described in division (D) 8998

(3) of this section, and the offender shall be considered for 8999
purposes of the collection as the judgment debtor. Imposition of 9000
a financial sanction and execution on the judgment does not 9001
preclude any other power of the court to impose or enforce 9002
sanctions on the offender. Once the financial sanction is 9003
imposed as a judgment or order under this division, the victim, 9004
private provider, state, or political subdivision may do any of 9005
the following: 9006

(1) Obtain from the clerk of the court in which the 9007
judgment was entered a certificate of judgment that shall be in 9008
the same manner and form as a certificate of judgment issued in 9009
a civil action; 9010

(2) Obtain execution of the judgment or order through any 9011
available procedure, including: 9012

(a) An execution against the property of the judgment 9013
debtor under Chapter 2329. of the Revised Code; 9014

(b) An execution against the person of the judgment debtor 9015
under Chapter 2331. of the Revised Code; 9016

(c) A proceeding in aid of execution under Chapter 2333. 9017
of the Revised Code, including: 9018

(i) A proceeding for the examination of the judgment 9019
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 9020
2333.27 of the Revised Code; 9021

(ii) A proceeding for attachment of the person of the 9022
judgment debtor under section 2333.28 of the Revised Code; 9023

(iii) A creditor's suit under section 2333.01 of the 9024
Revised Code. 9025

(d) The attachment of the property of the judgment debtor 9026

under Chapter 2715. of the Revised Code; 9027

(e) The garnishment of the property of the judgment debtor 9028
under Chapter 2716. of the Revised Code. 9029

(3) Obtain an order for the assignment of wages of the 9030
judgment debtor under section 1321.33 of the Revised Code. 9031

(E) A court that imposes a financial sanction upon an 9032
offender may hold a hearing if necessary to determine whether 9033
the offender is able to pay the sanction or is likely in the 9034
future to be able to pay it. 9035

(F) Each court imposing a financial sanction upon an 9036
offender under this section or under section 2929.32 of the 9037
Revised Code may designate the clerk of the court or another 9038
person to collect the financial sanction. The clerk or other 9039
person authorized by law or the court to collect the financial 9040
sanction may enter into contracts with one or more public 9041
agencies or private vendors for the collection of, amounts due 9042
under the financial sanction imposed pursuant to this section or 9043
section 2929.32 of the Revised Code. Before entering into a 9044
contract for the collection of amounts due from an offender 9045
pursuant to any financial sanction imposed pursuant to this 9046
section or section 2929.32 of the Revised Code, a court shall 9047
comply with sections 307.86 to 307.92 of the Revised Code. 9048

(G) If a court that imposes a financial sanction under 9049
division (A) or (B) of this section finds that an offender 9050
satisfactorily has completed all other sanctions imposed upon 9051
the offender and that all restitution that has been ordered has 9052
been paid as ordered, the court may suspend any financial 9053
sanctions imposed pursuant to this section or section 2929.32 of 9054
the Revised Code that have not been paid. 9055

(H) No financial sanction imposed under this section or 9056
section 2929.32 of the Revised Code shall preclude a victim from 9057
bringing a civil action against the offender. 9058

Sec. 2929.19. (A) The court shall hold a sentencing 9059
hearing before imposing a sentence under this chapter upon an 9060
offender who was convicted of or pleaded guilty to a felony and 9061
before resentencing an offender who was convicted of or pleaded 9062
guilty to a felony and whose case was remanded pursuant to 9063
section 2953.07 or 2953.08 of the Revised Code. At the hearing, 9064
the offender, the prosecuting attorney, the victim or the 9065
victim's representative in accordance with section 2930.14 of 9066
the Revised Code, and, with the approval of the court, any other 9067
person may present information relevant to the imposition of 9068
sentence in the case. The court shall inform the offender of the 9069
verdict of the jury or finding of the court and ask the offender 9070
whether the offender has anything to say as to why sentence 9071
should not be imposed upon the offender. 9072

(B) (1) At the sentencing hearing, the court, before 9073
imposing sentence, shall consider the record, any information 9074
presented at the hearing by any person pursuant to division (A) 9075
of this section, and, if one was prepared, the presentence 9076
investigation report made pursuant to section 2951.03 of the 9077
Revised Code or Criminal Rule 32.2, and any victim impact 9078
statement made pursuant to section 2947.051 of the Revised Code. 9079

(2) Subject to division (B) (3) of this section, if the 9080
sentencing court determines at the sentencing hearing that a 9081
prison term is necessary or required, the court shall do all of 9082
the following: 9083

(a) Impose a stated prison term and, if the court imposes 9084
a mandatory prison term, notify the offender that the prison 9085

term is a mandatory prison term; 9086

(b) In addition to any other information, include in the 9087
sentencing entry the name and section reference to the offense 9088
or offenses, the sentence or sentences imposed and whether the 9089
sentence or sentences contain mandatory prison terms, if 9090
sentences are imposed for multiple counts whether the sentences 9091
are to be served concurrently or consecutively, and the name and 9092
section reference of any specification or specifications for 9093
which sentence is imposed and the sentence or sentences imposed 9094
for the specification or specifications; 9095

(c) If the prison term is a non-life felony indefinite 9096
prison term, notify the offender of all of the following: 9097

(i) That it is rebuttably presumed that the offender will 9098
be released from service of the sentence on the expiration of 9099
the minimum prison term imposed as part of the sentence or on 9100
the offender's presumptive earned early release date, as defined 9101
in section 2967.271 of the Revised Code, whichever is earlier; 9102

(ii) That the department of rehabilitation and correction 9103
may rebut the presumption described in division (B)(2)(c)(i) of 9104
this section if, at a hearing held under section 2967.271 of the 9105
Revised Code, the department makes specified determinations 9106
regarding the offender's conduct while confined, the offender's 9107
rehabilitation, the offender's threat to society, the offender's 9108
restrictive housing, if any, while confined, and the offender's 9109
security classification; 9110

(iii) That if, as described in division (B)(2)(c)(ii) of 9111
this section, the department at the hearing makes the specified 9112
determinations and rebuts the presumption, the department may 9113
maintain the offender's incarceration after the expiration of 9114

that minimum term or after that presumptive earned early release 9115
date for the length of time the department determines to be 9116
reasonable, subject to the limitation specified in section 9117
2967.271 of the Revised Code; 9118

(iv) That the department may make the specified 9119
determinations and maintain the offender's incarceration under 9120
the provisions described in divisions (B) (2) (c) (i) and (ii) of 9121
this section more than one time, subject to the limitation 9122
specified in section 2967.271 of the Revised Code; 9123

(v) That if the offender has not been released prior to 9124
the expiration of the offender's maximum prison term imposed as 9125
part of the sentence, the offender must be released upon the 9126
expiration of that term. 9127

(d) Notify the offender that the offender will be 9128
supervised under section 2967.28 of the Revised Code after the 9129
offender leaves prison if the offender is being sentenced, other 9130
than to a sentence of life imprisonment, for a felony of the 9131
first degree or second degree, for a felony sex offense, or for 9132
a felony of the third degree that is an offense of violence and 9133
is not a felony sex offense and in the commission of which the 9134
offender caused or threatened to cause physical harm to a 9135
person. This division applies with respect to all prison terms 9136
imposed for an offense of a type described in this division, 9137
including a non-life felony indefinite prison term and including 9138
a term imposed for any ~~such~~ offense of a type described in this 9139
division that is a risk reduction sentence, as defined in 9140
section 2967.28 of the Revised Code. If a court imposes a 9141
sentence including a prison term of a type described in division 9142
(B) (2) ~~(e)~~ (d) of this section on or after July 11, 2006, the 9143
failure of a court to notify the offender pursuant to division 9144

(B) (2) ~~(e)~~ (d) of this section that the offender will be 9145
supervised under section 2967.28 of the Revised Code after the 9146
offender leaves prison or to include in the judgment of 9147
conviction entered on the journal a statement to that effect 9148
does not negate, limit, or otherwise affect the mandatory period 9149
of supervision that is required for the offender under division 9150
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 9151
the Revised Code applies if, prior to July 11, 2006, a court 9152
imposed a sentence including a prison term of a type described 9153
in division (B) (2) ~~(e)~~ (d) of this section and failed to notify 9154
the offender pursuant to division (B) (2) ~~(e)~~ (d) of this section 9155
regarding post-release control or to include in the judgment of 9156
conviction entered on the journal or in the sentence a statement 9157
regarding post-release control. 9158

~~(d)~~ (e) Notify the offender that the offender may be 9159
supervised under section 2967.28 of the Revised Code after the 9160
offender leaves prison if the offender is being sentenced for a 9161
felony of the third, fourth, or fifth degree that is not subject 9162
to division (B) (2) ~~(e)~~ (d) of this section. This division applies 9163
with respect to all prison terms imposed for an offense of a 9164
type described in this division, including a term imposed for 9165
any such offense that is a risk reduction sentence, as defined 9166
in section 2967.28 of the Revised Code. Section 2929.191 of the 9167
Revised Code applies if, prior to July 11, 2006, a court imposed 9168
a sentence including a prison term of a type described in 9169
division (B) (2) ~~(d)~~ (e) of this section and failed to notify the 9170
offender pursuant to division (B) (2) ~~(d)~~ (e) of this section 9171
regarding post-release control or to include in the judgment of 9172
conviction entered on the journal or in the sentence a statement 9173
regarding post-release control. 9174

~~(e)~~ (f) Notify the offender that, if a period of 9175

supervision is imposed following the offender's release from 9176
prison, as described in division (B) (2) ~~(e)~~ (d) or ~~(d)~~ (e) of this 9177
section, and if the offender violates that supervision or a 9178
condition of post-release control imposed under division (B) of 9179
section 2967.131 of the Revised Code, the parole board may 9180
impose a prison term, as part of the sentence, of up to one-half 9181
of the ~~stated~~ definite prison term originally imposed upon the 9182
offender as the offender's stated prison term or up to one-half 9183
of the minimum prison term originally imposed upon the offender 9184
as part of the offender's stated non-life felony indefinite 9185
prison term. If a court imposes a sentence including a prison 9186
term on or after July 11, 2006, the failure of a court to notify 9187
the offender pursuant to division (B) (2) ~~(e)~~ (f) of this section 9188
that the parole board may impose a prison term as described in 9189
division (B) (2) ~~(e)~~ (f) of this section for a violation of that 9190
supervision or a condition of post-release control imposed under 9191
division (B) of section 2967.131 of the Revised Code or to 9192
include in the judgment of conviction entered on the journal a 9193
statement to that effect does not negate, limit, or otherwise 9194
affect the authority of the parole board to so impose a prison 9195
term for a violation of that nature if, pursuant to division (D) 9196
(1) of section 2967.28 of the Revised Code, the parole board 9197
notifies the offender prior to the offender's release of the 9198
board's authority to so impose a prison term. Section 2929.191 9199
of the Revised Code applies if, prior to July 11, 2006, a court 9200
imposed a sentence including a prison term and failed to notify 9201
the offender pursuant to division (B) (2) ~~(e)~~ (f) of this section 9202
regarding the possibility of the parole board imposing a prison 9203
term for a violation of supervision or a condition of post- 9204
release control. 9205

~~(f)~~ (g) Require that the offender not ingest or be injected 9206

with a drug of abuse and submit to random drug testing as 9207
provided in section 341.26, 753.33, or 5120.63 of the Revised 9208
Code, whichever is applicable to the offender who is serving a 9209
prison term, and require that the results of the drug test 9210
administered under any of those sections indicate that the 9211
offender did not ingest or was not injected with a drug of 9212
abuse. 9213

~~(g)~~(h)(i) Determine, notify the offender of, and include 9214
in the sentencing entry the number of days that the offender has 9215
been confined for any reason arising out of the offense for 9216
which the offender is being sentenced and by which the 9217
department of rehabilitation and correction must reduce the 9218
stated definite prison term imposed on the offender as the 9219
offender's stated prison term or, if the offense is an offense 9220
for which a non-life felony indefinite prison term is imposed 9221
under division (A) (1) (a) or (2) (a) of section 2929.14 of the 9222
Revised Code, the minimum and maximum prison terms imposed on 9223
the offender as part of that non-life felony indefinite prison 9224
term, under section 2967.191 of the Revised Code. The court's 9225
calculation shall not include the number of days, if any, that 9226
the offender previously served in the custody of the department 9227
of rehabilitation and correction arising out of the offense for 9228
which the prisoner was convicted and sentenced. 9229

(ii) In making a determination under division (B) (2) ~~(g)~~(h) 9230
(i) of this section, the court shall consider the arguments of 9231
the parties and conduct a hearing if one is requested. 9232

(iii) The sentencing court retains continuing jurisdiction 9233
to correct any error not previously raised at sentencing in 9234
making a determination under division (B) (2) ~~(g)~~(h) (i) of this 9235
section. The offender may, at any time after sentencing, file a 9236

motion in the sentencing court to correct any error made in 9237
making a determination under division (B) (2) ~~(g)~~ (h) (i) of this 9238
section, and the court may in its discretion grant or deny that 9239
motion. If the court changes the number of days in its 9240
determination or redetermination, the court shall cause the 9241
entry granting that change to be delivered to the department of 9242
rehabilitation and correction without delay. Sections 2931.15 9243
and 2953.21 of the Revised Code do not apply to a motion made 9244
under this section. 9245

(iv) An inaccurate determination under division (B) (2) ~~(g)~~ 9246
(h) (i) of this section is not grounds for setting aside the 9247
offender's conviction or sentence and does not otherwise render 9248
the sentence void or voidable. 9249

(3) (a) The court shall include in the offender's sentence 9250
a statement that the offender is a tier III sex offender/child- 9251
victim offender, and the court shall comply with the 9252
requirements of section 2950.03 of the Revised Code if any of 9253
the following apply: 9254

(i) The offender is being sentenced for a violent sex 9255
offense or designated homicide, assault, or kidnapping offense 9256
that the offender committed on or after January 1, 1997, and the 9257
offender is adjudicated a sexually violent predator in relation 9258
to that offense. 9259

(ii) The offender is being sentenced for a sexually 9260
oriented offense that the offender committed on or after January 9261
1, 1997, and the offender is a tier III sex offender/child- 9262
victim offender relative to that offense. 9263

(iii) The offender is being sentenced on or after July 31, 9264
2003, for a child-victim oriented offense, and the offender is a 9265

tier III sex offender/child-victim offender relative to that offense. 9266
9267

(iv) The offender is being sentenced under section 2971.03 of the Revised Code for a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007. 9268
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(v) The offender is sentenced to a term of life without parole under division (B) of section 2907.02 of the Revised Code. 9272
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(vi) The offender is being sentenced for attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code. 9275
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(vii) The offender is being sentenced under division (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code for an offense described in those divisions committed on or after January 1, 2008. 9279
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(b) Additionally, if any criterion set forth in divisions (B)(3)(a)(i) to (vii) of this section is satisfied, in the circumstances described in division (E) of section 2929.14 of the Revised Code, the court shall impose sentence on the offender as described in that division. 9283
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(4) If the sentencing court determines at the sentencing hearing that a community control sanction should be imposed and the court is not prohibited from imposing a community control sanction, the court shall impose a community control sanction. The court shall notify the offender that, if the conditions of the sanction are violated, if the offender commits a violation of any law, or if the offender leaves this state without the 9288
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permission of the court or the offender's probation officer, the 9295
court may impose a longer time under the same sanction, may 9296
impose a more restrictive sanction, or may impose a prison term 9297
on the offender and shall indicate the specific prison term that 9298
may be imposed as a sanction for the violation, as selected by 9299
the court from the range of prison terms for the offense 9300
pursuant to section 2929.14 of the Revised Code and as described 9301
in section 2929.15 of the Revised Code. 9302

(5) Before imposing a financial sanction under section 9303
2929.18 of the Revised Code or a fine under section 2929.32 of 9304
the Revised Code, the court shall consider the offender's 9305
present and future ability to pay the amount of the sanction or 9306
fine. 9307

(6) If the sentencing court sentences the offender to a 9308
sanction of confinement pursuant to section 2929.14 or 2929.16 9309
of the Revised Code that is to be served in a local detention 9310
facility, as defined in section 2929.36 of the Revised Code, and 9311
if the local detention facility is covered by a policy adopted 9312
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 9313
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 9314
and section 2929.37 of the Revised Code, both of the following 9315
apply: 9316

(a) The court shall specify both of the following as part 9317
of the sentence: 9318

(i) If the offender is presented with an itemized bill 9319
pursuant to section 2929.37 of the Revised Code for payment of 9320
the costs of confinement, the offender is required to pay the 9321
bill in accordance with that section. 9322

(ii) If the offender does not dispute the bill described 9323

in division (B) (6) (a) (i) of this section and does not pay the 9324
bill by the times specified in section 2929.37 of the Revised 9325
Code, the clerk of the court may issue a certificate of judgment 9326
against the offender as described in that section. 9327

(b) The sentence automatically includes any certificate of 9328
judgment issued as described in division (B) (6) (a) (ii) of this 9329
section. 9330

(7) The failure of the court to notify the offender that a 9331
prison term is a mandatory prison term pursuant to division (B) 9332
(2) (a) of this section or to include in the sentencing entry any 9333
information required by division (B) (2) (b) of this section does 9334
not affect the validity of the imposed sentence or sentences. If 9335
the sentencing court notifies the offender at the sentencing 9336
hearing that a prison term is mandatory but the sentencing entry 9337
does not specify that the prison term is mandatory, the court 9338
may complete a corrected journal entry and send copies of the 9339
corrected entry to the offender and the department of 9340
rehabilitation and correction, or, at the request of the state, 9341
the court shall complete a corrected journal entry and send 9342
copies of the corrected entry to the offender and department of 9343
rehabilitation and correction. 9344

(C) (1) If the offender is being sentenced for a fourth 9345
degree felony OVI offense under division (G) (1) of section 9346
2929.13 of the Revised Code, the court shall impose the 9347
mandatory term of local incarceration in accordance with that 9348
division, shall impose a mandatory fine in accordance with 9349
division (B) (3) of section 2929.18 of the Revised Code, and, in 9350
addition, may impose additional sanctions as specified in 9351
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 9352
Code. The court shall not impose a prison term on the offender 9353

except that the court may impose a prison term upon the offender 9354
as provided in division (A) (1) of section 2929.13 of the Revised 9355
Code. 9356

(2) If the offender is being sentenced for a third or 9357
fourth degree felony OVI offense under division (G) (2) of 9358
section 2929.13 of the Revised Code, the court shall impose the 9359
mandatory prison term in accordance with that division, shall 9360
impose a mandatory fine in accordance with division (B) (3) of 9361
section 2929.18 of the Revised Code, and, in addition, may 9362
impose an additional prison term as specified in section 2929.14 9363
of the Revised Code. In addition to the mandatory prison term or 9364
mandatory prison term and additional prison term the court 9365
imposes, the court also may impose a community control sanction 9366
on the offender, but the offender shall serve all of the prison 9367
terms so imposed prior to serving the community control 9368
sanction. 9369

(D) The sentencing court, pursuant to division (I) (1) of 9370
section 2929.14 of the Revised Code, may recommend placement of 9371
the offender in a program of shock incarceration under section 9372
5120.031 of the Revised Code or an intensive program prison 9373
under section 5120.032 of the Revised Code, disapprove placement 9374
of the offender in a program or prison of that nature, or make 9375
no recommendation. If the court recommends or disapproves 9376
placement, it shall make a finding that gives its reasons for 9377
its recommendation or disapproval. 9378

Sec. 2929.191. (A) (1) If, prior to July 11, 2006, a court 9379
imposed a sentence including a prison term of a type described 9380
in division (B) (2) ~~(e)~~ (d) of section 2929.19 of the Revised Code 9381
and failed to notify the offender pursuant to that division that 9382
the offender will be supervised under section 2967.28 of the 9383

Revised Code after the offender leaves prison or to include a 9384
statement to that effect in the judgment of conviction entered 9385
on the journal or in the sentence pursuant to division (D) (1) of 9386
section 2929.14 of the Revised Code, at any time before the 9387
offender is released from imprisonment under that term and at a 9388
hearing conducted in accordance with division (C) of this 9389
section, the court may prepare and issue a correction to the 9390
judgment of conviction that includes in the judgment of 9391
conviction the statement that the offender will be supervised 9392
under section 2967.28 of the Revised Code after the offender 9393
leaves prison. 9394

If, prior to July 11, 2006, a court imposed a sentence 9395
including a prison term of a type described in division (B) (2) 9396
~~(d)~~ (e) of section 2929.19 of the Revised Code and failed to 9397
notify the offender pursuant to that division that the offender 9398
may be supervised under section 2967.28 of the Revised Code 9399
after the offender leaves prison or to include a statement to 9400
that effect in the judgment of conviction entered on the journal 9401
or in the sentence pursuant to division (D) (2) of section 9402
2929.14 of the Revised Code, at any time before the offender is 9403
released from imprisonment under that term and at a hearing 9404
conducted in accordance with division (C) of this section, the 9405
court may prepare and issue a correction to the judgment of 9406
conviction that includes in the judgment of conviction the 9407
statement that the offender may be supervised under section 9408
2967.28 of the Revised Code after the offender leaves prison. 9409

(2) If a court prepares and issues a correction to a 9410
judgment of conviction as described in division (A) (1) of this 9411
section before the offender is released from imprisonment under 9412
the prison term the court imposed prior to July 11, 2006, the 9413
court shall place upon the journal of the court an entry nunc 9414

pro tunc to record the correction to the judgment of conviction 9415
and shall provide a copy of the entry to the offender or, if the 9416
offender is not physically present at the hearing, shall send a 9417
copy of the entry to the department of rehabilitation and 9418
correction for delivery to the offender. If the court sends a 9419
copy of the entry to the department, the department promptly 9420
shall deliver a copy of the entry to the offender. The court's 9421
placement upon the journal of the entry nunc pro tunc before the 9422
offender is released from imprisonment under the term shall be 9423
considered, and shall have the same effect, as if the court at 9424
the time of original sentencing had included the statement in 9425
the sentence and the judgment of conviction entered on the 9426
journal and had notified the offender that the offender will be 9427
so supervised regarding a sentence including a prison term of a 9428
type described in division (B) (2) ~~(e)~~ (d) of section 2929.19 of 9429
the Revised Code or that the offender may be so supervised 9430
regarding a sentence including a prison term of a type described 9431
in division (B) (2) ~~(d)~~ (e) of that section. 9432

(B) (1) If, prior to July 11, 2006, a court imposed a 9433
sentence including a prison term and failed to notify the 9434
offender pursuant to division (B) (2) ~~(e)~~ (f) of section 2929.19 of 9435
the Revised Code regarding the possibility of the parole board 9436
imposing a prison term for a violation of supervision or a 9437
condition of post-release control or to include in the judgment 9438
of conviction entered on the journal a statement to that effect, 9439
at any time before the offender is released from imprisonment 9440
under that term and at a hearing conducted in accordance with 9441
division (C) of this section, the court may prepare and issue a 9442
correction to the judgment of conviction that includes in the 9443
judgment of conviction the statement that if a period of 9444
supervision is imposed following the offender's release from 9445

prison, as described in division (B) (2) ~~(e)~~ (d) or ~~(d)~~ (e) of 9446
section 2929.19 of the Revised Code, and if the offender 9447
violates that supervision or a condition of post-release control 9448
imposed under division (B) of section 2967.131 of the Revised 9449
Code the parole board may impose as part of the sentence a 9450
prison term of up to one-half of the stated prison term 9451
originally imposed upon the offender. 9452

(2) If the court prepares and issues a correction to a 9453
judgment of conviction as described in division (B) (1) of this 9454
section before the offender is released from imprisonment under 9455
the term, the court shall place upon the journal of the court an 9456
entry nunc pro tunc to record the correction to the judgment of 9457
conviction and shall provide a copy of the entry to the offender 9458
or, if the offender is not physically present at the hearing, 9459
shall send a copy of the entry to the department of 9460
rehabilitation and correction for delivery to the offender. If 9461
the court sends a copy of the entry to the department, the 9462
department promptly shall deliver a copy of the entry to the 9463
offender. The court's placement upon the journal of the entry 9464
nunc pro tunc before the offender is released from imprisonment 9465
under the term shall be considered, and shall have the same 9466
effect, as if the court at the time of original sentencing had 9467
included the statement in the judgment of conviction entered on 9468
the journal and had notified the offender pursuant to division 9469
(B) (2) ~~(e)~~ (f) of section 2929.19 of the Revised Code regarding 9470
the possibility of the parole board imposing a prison term for a 9471
violation of supervision or a condition of post-release control. 9472

(C) On and after July 11, 2006, a court that wishes to 9473
prepare and issue a correction to a judgment of conviction of a 9474
type described in division (A) (1) or (B) (1) of this section 9475
shall not issue the correction until after the court has 9476

conducted a hearing in accordance with this division. Before a court holds a hearing pursuant to this division, the court shall provide notice of the date, time, place, and purpose of the hearing to the offender who is the subject of the hearing, the prosecuting attorney of the county, and the department of rehabilitation and correction. The offender has the right to be physically present at the hearing, except that, upon the court's own motion or the motion of the offender or the prosecuting attorney, the court may permit the offender to appear at the hearing by video conferencing equipment if available and compatible. An appearance by video conferencing equipment pursuant to this division has the same force and effect as if the offender were physically present at the hearing. At the hearing, the offender and the prosecuting attorney may make a statement as to whether the court should issue a correction to the judgment of conviction.

Sec. 2929.20. (A) As used in this section:

(1) (a) Except as provided in division (A) (1) (b) of this section, "eligible offender" means any person who, on or after April 7, 2009, is serving a stated prison term that includes one or more nonmandatory prison terms.

(b) "Eligible offender" does not include any person who, on or after April 7, 2009, is serving a stated prison term for any of the following criminal offenses that was a felony and was committed while the person held a public office in this state:

(i) A violation of section 2921.02, 2921.03, 2921.05, 2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised Code;

(ii) A violation of section 2913.42, 2921.04, 2921.11, or

2921.12 of the Revised Code, when the conduct constituting the 9506
violation was related to the duties of the offender's public 9507
office or to the offender's actions as a public official holding 9508
that public office; 9509

(iii) A violation of an existing or former municipal 9510
ordinance or law of this or any other state or the United States 9511
that is substantially equivalent to any violation listed in 9512
division (A) (1) (b) (i) of this section; 9513

(iv) A violation of an existing or former municipal 9514
ordinance or law of this or any other state or the United States 9515
that is substantially equivalent to any violation listed in 9516
division (A) (1) (b) (ii) of this section, when the conduct 9517
constituting the violation was related to the duties of the 9518
offender's public office or to the offender's actions as a 9519
public official holding that public office; 9520

(v) A conspiracy to commit, attempt to commit, or 9521
complicity in committing any offense listed in division (A) (1) 9522
(b) (i) or described in division (A) (1) (b) (iii) of this section; 9523

(vi) A conspiracy to commit, attempt to commit, or 9524
complicity in committing any offense listed in division (A) (1) 9525
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 9526
if the conduct constituting the offense that was the subject of 9527
the conspiracy, that would have constituted the offense 9528
attempted, or constituting the offense in which the offender was 9529
complicit was or would have been related to the duties of the 9530
offender's public office or to the offender's actions as a 9531
public official holding that public office. 9532

(2) "Nonmandatory prison term" means a prison term that is 9533
not a mandatory prison term. 9534

(3) "Public office" means any elected federal, state, or local government office in this state. 9535
9536

(4) "Victim's representative" has the same meaning as in section 2930.01 of the Revised Code. 9537
9538

(5) "Imminent danger of death," "medically incapacitated," and "terminal illness" have the same meanings as in section 2967.05 of the Revised Code. 9539
9540
9541

(6) "Aggregated nonmandatory prison term or terms" means the aggregate of the following: 9542
9543

(a) All nonmandatory definite prison terms; 9544

(b) With respect to any non-life felony indefinite prison term, all nonmandatory minimum prison terms imposed as part of the non-life felony indefinite prison term or terms. 9545
9546
9547

(B) On the motion of an eligible offender or upon its own motion, the sentencing court may reduce the eligible offender's aggregated nonmandatory prison term or terms through a judicial release under this section. 9548
9549
9550
9551

(C) An eligible offender may file a motion for judicial release with the sentencing court within the following applicable periods: 9552
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9554

(1) If the aggregated nonmandatory prison term or terms is less than two years, the eligible offender may file the motion at any time after the offender is delivered to a state correctional institution or, if the prison term includes a mandatory prison term or terms, at any time after the expiration of all mandatory prison terms. 9555
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(2) If the aggregated nonmandatory prison term or terms is at least two years but less than five years, the eligible 9561
9562

offender may file the motion not earlier than one hundred eighty 9563
days after the offender is delivered to a state correctional 9564
institution or, if the prison term includes a mandatory prison 9565
term or terms, not earlier than one hundred eighty days after 9566
the expiration of all mandatory prison terms. 9567

(3) If the aggregated nonmandatory prison term or terms is 9568
five years, the eligible offender may file the motion not 9569
earlier than the date on which the eligible offender has served 9570
four years of the offender's stated prison term or, if the 9571
prison term includes a mandatory prison term or terms, not 9572
earlier than four years after the expiration of all mandatory 9573
prison terms. 9574

(4) If the aggregated nonmandatory prison term or terms is 9575
more than five years but not more than ten years, the eligible 9576
offender may file the motion not earlier than the date on which 9577
the eligible offender has served five years of the offender's 9578
stated prison term or, if the prison term includes a mandatory 9579
prison term or terms, not earlier than five years after the 9580
expiration of all mandatory prison terms. 9581

(5) If the aggregated nonmandatory prison term or terms is 9582
more than ten years, the eligible offender may file the motion 9583
not earlier than the later of the date on which the offender has 9584
served one-half of the offender's stated prison term or the date 9585
specified in division (C) (4) of this section. 9586

(D) Upon receipt of a timely motion for judicial release 9587
filed by an eligible offender under division (C) of this section 9588
or upon the sentencing court's own motion made within the 9589
appropriate time specified in that division, the court may deny 9590
the motion without a hearing or schedule a hearing on the 9591
motion. The court shall not grant the motion without a hearing. 9592

If a court denies a motion without a hearing, the court later 9593
may consider judicial release for that eligible offender on a 9594
subsequent motion filed by that eligible offender unless the 9595
court denies the motion with prejudice. If a court denies a 9596
motion with prejudice, the court may later consider judicial 9597
release on its own motion. If a court denies a motion after a 9598
hearing, the court shall not consider a subsequent motion for 9599
that eligible offender. The court shall hold only one hearing 9600
for any eligible offender. 9601

A hearing under this section shall be conducted in open 9602
court not less than thirty or more than sixty days after the 9603
motion is filed, provided that the court may delay the hearing 9604
for one hundred eighty additional days. If the court holds a 9605
hearing, the court shall enter a ruling on the motion within ten 9606
days after the hearing. If the court denies the motion without a 9607
hearing, the court shall enter its ruling on the motion within 9608
sixty days after the motion is filed. 9609

(E) If a court schedules a hearing under division (D) of 9610
this section, the court shall notify the eligible offender and 9611
the head of the state correctional institution in which the 9612
eligible offender is confined prior to the hearing. The head of 9613
the state correctional institution immediately shall notify the 9614
appropriate person at the department of rehabilitation and 9615
correction of the hearing, and the department within twenty-four 9616
hours after receipt of the notice, shall post on the database it 9617
maintains pursuant to section 5120.66 of the Revised Code the 9618
offender's name and all of the information specified in division 9619
(A) (1) (c) (i) of that section. If the court schedules a hearing 9620
for judicial release, the court promptly shall give notice of 9621
the hearing to the prosecuting attorney of the county in which 9622
the eligible offender was indicted. Upon receipt of the notice 9623

from the court, the prosecuting attorney shall do whichever of 9624
the following is applicable: 9625

(1) Subject to division (E) (2) of this section, notify the 9626
victim of the offense or the victim's representative pursuant to 9627
division (B) of section 2930.16 of the Revised Code; 9628

(2) If the offense was an offense of violence that is a 9629
felony of the first, second, or third degree, except as 9630
otherwise provided in this division, notify the victim or the 9631
victim's representative of the hearing regardless of whether the 9632
victim or victim's representative has requested the 9633
notification. The notice of the hearing shall not be given under 9634
this division to a victim or victim's representative if the 9635
victim or victim's representative has requested pursuant to 9636
division (B) (2) of section 2930.03 of the Revised Code that the 9637
victim or the victim's representative not be provided the 9638
notice. If notice is to be provided to a victim or victim's 9639
representative under this division, the prosecuting attorney may 9640
give the notice by any reasonable means, including regular mail, 9641
telephone, and electronic mail, in accordance with division (D) 9642
(1) of section 2930.16 of the Revised Code. If the notice is 9643
based on an offense committed prior to March 22, 2013, the 9644
notice also shall include the opt-out information described in 9645
division (D) (1) of section 2930.16 of the Revised Code. The 9646
prosecuting attorney, in accordance with division (D) (2) of 9647
section 2930.16 of the Revised Code, shall keep a record of all 9648
attempts to provide the notice, and of all notices provided, 9649
under this division. Division (E) (2) of this section, and the 9650
notice-related provisions of division (K) of this section, 9651
division (D) (1) of section 2930.16, division (H) of section 9652
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 9653
(b) of section 2967.26, division (D) (1) of section 2967.28, and 9654

division (A) (2) of section 5149.101 of the Revised Code enacted 9655
in the act in which division (E) (2) of this section was enacted, 9656
shall be known as "Roberta's Law." 9657

(F) Upon an offender's successful completion of 9658
rehabilitative activities, the head of the state correctional 9659
institution may notify the sentencing court of the successful 9660
completion of the activities. 9661

(G) Prior to the date of the hearing on a motion for 9662
judicial release under this section, the head of the state 9663
correctional institution in which the eligible offender is 9664
confined shall send to the court an institutional summary report 9665
on the eligible offender's conduct in the institution and in any 9666
institution from which the eligible offender may have been 9667
transferred. Upon the request of the prosecuting attorney of the 9668
county in which the eligible offender was indicted or of any law 9669
enforcement agency, the head of the state correctional 9670
institution, at the same time the person sends the institutional 9671
summary report to the court, also shall send a copy of the 9672
report to the requesting prosecuting attorney and law 9673
enforcement agencies. The institutional summary report shall 9674
cover the eligible offender's participation in school, 9675
vocational training, work, treatment, and other rehabilitative 9676
activities and any disciplinary action taken against the 9677
eligible offender. The report shall be made part of the record 9678
of the hearing. A presentence investigation report is not 9679
required for judicial release. 9680

(H) If the court grants a hearing on a motion for judicial 9681
release under this section, the eligible offender shall attend 9682
the hearing if ordered to do so by the court. Upon receipt of a 9683
copy of the journal entry containing the order, the head of the 9684

state correctional institution in which the eligible offender is 9685
incarcerated shall deliver the eligible offender to the sheriff 9686
of the county in which the hearing is to be held. The sheriff 9687
shall convey the eligible offender to and from the hearing. 9688

(I) At the hearing on a motion for judicial release under 9689
this section, the court shall afford the eligible offender and 9690
the eligible offender's attorney an opportunity to present 9691
written and, if present, oral information relevant to the 9692
motion. The court shall afford a similar opportunity to the 9693
prosecuting attorney, the victim or the victim's representative, 9694
and any other person the court determines is likely to present 9695
additional relevant information. The court shall consider any 9696
statement of a victim made pursuant to section 2930.14 or 9697
2930.17 of the Revised Code, any victim impact statement 9698
prepared pursuant to section 2947.051 of the Revised Code, and 9699
any report made under division (G) of this section. The court 9700
may consider any written statement of any person submitted to 9701
the court pursuant to division (L) of this section. After ruling 9702
on the motion, the court shall notify the victim of the ruling 9703
in accordance with sections 2930.03 and 2930.16 of the Revised 9704
Code. 9705

(J) (1) A court shall not grant a judicial release under 9706
this section to an eligible offender who is imprisoned for a 9707
felony of the first or second degree, or to an eligible offender 9708
who committed an offense under Chapter 2925. or 3719. of the 9709
Revised Code and for whom there was a presumption under section 9710
2929.13 of the Revised Code in favor of a prison term, unless 9711
the court, with reference to factors under section 2929.12 of 9712
the Revised Code, finds both of the following: 9713

(a) That a sanction other than a prison term would 9714

adequately punish the offender and protect the public from 9715
future criminal violations by the eligible offender because the 9716
applicable factors indicating a lesser likelihood of recidivism 9717
outweigh the applicable factors indicating a greater likelihood 9718
of recidivism; 9719

(b) That a sanction other than a prison term would not 9720
demean the seriousness of the offense because factors indicating 9721
that the eligible offender's conduct in committing the offense 9722
was less serious than conduct normally constituting the offense 9723
outweigh factors indicating that the eligible offender's conduct 9724
was more serious than conduct normally constituting the offense. 9725

(2) A court that grants a judicial release to an eligible 9726
offender under division (J) (1) of this section shall specify on 9727
the record both findings required in that division and also 9728
shall list all the factors described in that division that were 9729
presented at the hearing. 9730

(K) If the court grants a motion for judicial release 9731
under this section, the court shall order the release of the 9732
eligible offender, shall place the eligible offender under an 9733
appropriate community control sanction, under appropriate 9734
conditions, and under the supervision of the department of 9735
probation serving the court and shall reserve the right to 9736
reimpose the sentence that it reduced if the offender violates 9737
the sanction. If the court reimposes the reduced sentence, it 9738
may do so either concurrently with, or consecutive to, any new 9739
sentence imposed upon the eligible offender as a result of the 9740
violation that is a new offense. Except as provided in division 9741
(R) (2) of this section, the period of community control shall be 9742
no longer than five years. The court, in its discretion, may 9743
reduce the period of community control by the amount of time the 9744

eligible offender spent in jail or prison for the offense and in 9745
prison. If the court made any findings pursuant to division (J) 9746
(1) of this section, the court shall serve a copy of the 9747
findings upon counsel for the parties within fifteen days after 9748
the date on which the court grants the motion for judicial 9749
release. 9750

If the court grants a motion for judicial release, the 9751
court shall notify the appropriate person at the department of 9752
rehabilitation and correction, and the department shall post 9753
notice of the release on the database it maintains pursuant to 9754
section 5120.66 of the Revised Code. The court also shall notify 9755
the prosecuting attorney of the county in which the eligible 9756
offender was indicted that the motion has been granted. Unless 9757
the victim or the victim's representative has requested pursuant 9758
to division (B) (2) of section 2930.03 of the Revised Code that 9759
the victim or victim's representative not be provided the 9760
notice, the prosecuting attorney shall notify the victim or the 9761
victim's representative of the judicial release in any manner, 9762
and in accordance with the same procedures, pursuant to which 9763
the prosecuting attorney is authorized to provide notice of the 9764
hearing pursuant to division (E) (2) of this section. If the 9765
notice is based on an offense committed prior to March 22, 2013, 9766
the notice to the victim or victim's representative also shall 9767
include the opt-out information described in division (D) (1) of 9768
section 2930.16 of the Revised Code. 9769

(L) In addition to and independent of the right of a 9770
victim to make a statement pursuant to section 2930.14, 2930.17, 9771
or 2946.051 of the Revised Code and any right of a person to 9772
present written information or make a statement pursuant to 9773
division (I) of this section, any person may submit to the 9774
court, at any time prior to the hearing on the offender's motion 9775

for judicial release, a written statement concerning the effects 9776
of the offender's crime or crimes, the circumstances surrounding 9777
the crime or crimes, the manner in which the crime or crimes 9778
were perpetrated, and the person's opinion as to whether the 9779
offender should be released. 9780

(M) The changes to this section that are made on September 9781
30, 2011, apply to any judicial release decision made on or 9782
after September 30, 2011, for any eligible offender. 9783

(N) Notwithstanding the eligibility requirements specified 9784
in division (A) of this section and the filing time frames 9785
specified in division (C) of this section and notwithstanding 9786
the findings required under division (J) of this section, the 9787
sentencing court, upon the court's own motion and after 9788
considering whether the release of the offender into society 9789
would create undue risk to public safety, may grant a judicial 9790
release to an offender who is not serving a life sentence at any 9791
time during the offender's imposed sentence when the director of 9792
rehabilitation and correction certifies to the sentencing court 9793
through the chief medical officer for the department of 9794
rehabilitation and correction that the offender is in imminent 9795
danger of death, is medically incapacitated, or is suffering 9796
from a terminal illness. 9797

(O) The director of rehabilitation and correction shall 9798
not certify any offender under division (N) of this section who 9799
is serving a death sentence. 9800

(P) A motion made by the court under division (N) of this 9801
section is subject to the notice, hearing, and other procedural 9802
requirements specified in divisions (D), (E), (G), (H), (I), 9803
(K), and (L) of this section, except for the following: 9804

(1) The court may waive the offender's appearance at any hearing scheduled by the court if the offender's condition makes it impossible for the offender to participate meaningfully in the proceeding.

(2) The court may grant the motion without a hearing, provided that the prosecuting attorney and victim or victim's representative to whom notice of the hearing was provided under division (E) of this section indicate that they do not wish to participate in the hearing or present information relevant to the motion.

(Q) The court may request health care records from the department of rehabilitation and correction to verify the certification made under division (N) of this section.

(R) (1) If the court grants judicial release under division (N) of this section, the court shall do all of the following:

(a) Order the release of the offender;

(b) Place the offender under an appropriate community control sanction, under appropriate conditions;

(c) Place the offender under the supervision of the department of probation serving the court or under the supervision of the adult parole authority.

(2) The court, in its discretion, may revoke the judicial release if the offender violates the community control sanction described in division (R) (1) of this section. The period of that community control is not subject to the five-year limitation described in division (K) of this section and shall not expire earlier than the date on which all of the offender's mandatory prison terms expire.

(S) If the health of an offender who is released under 9833
division (N) of this section improves so that the offender is no 9834
longer terminally ill, medically incapacitated, or in imminent 9835
danger of death, the court shall, upon the court's own motion, 9836
revoke the judicial release. The court shall not grant the 9837
motion without a hearing unless the offender waives a hearing. 9838
If a hearing is held, the court shall afford the offender and 9839
the offender's attorney an opportunity to present written and, 9840
if the offender or the offender's attorney is present, oral 9841
information relevant to the motion. The court shall afford a 9842
similar opportunity to the prosecuting attorney, the victim or 9843
the victim's representative, and any other person the court 9844
determines is likely to present additional relevant information. 9845
A court that grants a motion under this division shall specify 9846
its findings on the record. 9847

Sec. 2929.61. (A) Persons charged with a capital offense 9848
committed prior to January 1, 1974, shall be prosecuted under 9849
the law as it existed at the time the offense was committed, 9850
and, if convicted, shall be imprisoned for life, except that 9851
whenever the statute under which any such person is prosecuted 9852
provides for a lesser penalty under the circumstances of the 9853
particular case, such lesser penalty shall be imposed. 9854

(B) Persons charged with an offense, other than a capital 9855
offense, committed prior to January 1, 1974, shall be prosecuted 9856
under the law as it existed at the time the offense was 9857
committed. Persons convicted or sentenced on or after January 1, 9858
1974, for an offense committed prior to January 1, 1974, shall 9859
be sentenced according to the penalty for commission of the 9860
substantially equivalent offense under Amended Substitute House 9861
Bill 511 of the 109th General Assembly. If the offense for which 9862
sentence is being imposed does not have a substantial equivalent 9863

under that act, or if that act provides a more severe penalty 9864
than that originally prescribed for the offense of which the 9865
person is convicted, then sentence shall be imposed under the 9866
law as it existed prior to January 1, 1974. 9867

(C) Persons charged with an offense that is a felony of 9868
the third or fourth degree and that was committed on or after 9869
January 1, 1974, and before July 1, 1983, shall be prosecuted 9870
under the law as it existed at the time the offense was 9871
committed. Persons convicted or sentenced on or after July 1, 9872
1983, for an offense that is a felony of the third or fourth 9873
degree and that was committed on or after January 1, 1974, and 9874
before July 1, 1983, shall be notified by the court sufficiently 9875
in advance of sentencing that they may choose to be sentenced 9876
pursuant to either the law in effect at the time of the 9877
commission of the offense or the law in effect at the time of 9878
sentencing. This notice shall be written and shall include the 9879
differences between and possible effects of the alternative 9880
sentence forms and the effect of the person's refusal to choose. 9881
The person to be sentenced shall then inform the court in 9882
writing of ~~his~~ the person's choice, and shall be sentenced 9883
accordingly. Any person choosing to be sentenced pursuant to the 9884
law in effect at the time of the commission of an offense that 9885
is a felony of the third or fourth degree shall then be eligible 9886
for parole, and this person cannot at a later date have ~~his~~ the 9887
person's sentence converted to a definite sentence. If the 9888
person refuses to choose between the two possible sentences, the 9889
person shall be sentenced pursuant to the law in effect at the 9890
time of the commission of the offense. 9891

(D) Persons charged with an offense that was a felony of 9892
the first or second degree at the time it was committed, that 9893
was committed on or after January 1, 1974, and that was 9894

committed prior to July 1, 1983, shall be prosecuted for that 9895
offense and, if convicted, shall be sentenced under the law as 9896
it existed at the time the offense was committed. 9897

(E) Persons charged with an offense that is a felony of 9898
the first or second degree that was committed prior to the 9899
effective date of this amendment shall be prosecuted for that 9900
offense and, if convicted, shall be sentenced under the law as 9901
it existed at the time the offense was committed. 9902

Sec. 2930.16. (A) If a defendant is incarcerated, a victim 9903
in a case who has requested to receive notice under this section 9904
shall be given notice of the incarceration of the defendant. If 9905
an alleged juvenile offender is committed to the temporary 9906
custody of a school, camp, institution, or other facility 9907
operated for the care of delinquent children or to the legal 9908
custody of the department of youth services, a victim in a case 9909
who has requested to receive notice under this section shall be 9910
given notice of the commitment. Promptly after sentence is 9911
imposed upon the defendant or the commitment of the alleged 9912
juvenile offender is ordered, the prosecutor in the case shall 9913
notify the victim of the date on which the defendant will be 9914
released, or initially will be eligible for release, from 9915
confinement or the prosecutor's reasonable estimate of that date 9916
or the date on which the alleged juvenile offender will have 9917
served the minimum period of commitment or the prosecutor's 9918
reasonable estimate of that date. The prosecutor also shall 9919
notify the victim of the name of the custodial agency of the 9920
defendant or alleged juvenile offender and tell the victim how 9921
to contact that custodial agency. If the custodial agency is the 9922
department of rehabilitation and correction, the prosecutor 9923
shall notify the victim of the services offered by the office of 9924
victims' services pursuant to section 5120.60 of the Revised 9925

Code. If the custodial agency is the department of youth 9926
services, the prosecutor shall notify the victim of the services 9927
provided by the office of victims' services within the release 9928
authority of the department pursuant to section 5139.55 of the 9929
Revised Code and the victim's right pursuant to section 5139.56 9930
of the Revised Code to submit a written request to the release 9931
authority to be notified of actions the release authority takes 9932
with respect to the alleged juvenile offender. The victim shall 9933
keep the custodial agency informed of the victim's current 9934
address and telephone number. 9935

(B) (1) Upon the victim's request or in accordance with 9936
division (D) of this section, the prosecutor promptly shall 9937
notify the victim of any hearing for judicial release of the 9938
defendant pursuant to section 2929.20 of the Revised Code, of 9939
any hearing for release of the defendant pursuant to section 9940
2967.19 of the Revised Code, or of any hearing for judicial 9941
release or early release of the alleged juvenile offender 9942
pursuant to section 2151.38 of the Revised Code and of the 9943
victim's right to make a statement under those sections. The 9944
court shall notify the victim of its ruling in each of those 9945
hearings and on each of those applications. 9946

(2) If an offender is sentenced to a prison term pursuant 9947
to division (A) (3) or (B) of section 2971.03 of the Revised 9948
Code, upon the request of the victim of the crime or in 9949
accordance with division (D) of this section, the prosecutor 9950
promptly shall notify the victim of any hearing to be conducted 9951
pursuant to section 2971.05 of the Revised Code to determine 9952
whether to modify the requirement that the offender serve the 9953
entire prison term in a state correctional facility in 9954
accordance with division (C) of that section, whether to 9955
continue, revise, or revoke any existing modification of that 9956

requirement, or whether to terminate the prison term in 9957
accordance with division (D) of that section. The court shall 9958
notify the victim of any order issued at the conclusion of the 9959
hearing. 9960

(C) Upon the victim's request made at any time before the 9961
particular notice would be due or in accordance with division 9962
(D) of this section, the custodial agency of a defendant or 9963
alleged juvenile offender shall give the victim any of the 9964
following notices that is applicable: 9965

(1) At least sixty days before the adult parole authority 9966
recommends a pardon or commutation of sentence for the defendant 9967
or at least sixty days prior to a hearing before the adult 9968
parole authority regarding a grant of parole to the defendant, 9969
notice of the victim's right to submit a statement regarding the 9970
impact of the defendant's release in accordance with section 9971
2967.12 of the Revised Code and, if applicable, of the victim's 9972
right to appear at a full board hearing of the parole board to 9973
give testimony as authorized by section 5149.101 of the Revised 9974
Code; and at least sixty days prior to a hearing before the 9975
department regarding a determination of whether the inmate must 9976
be released under division (C) or (D) (2) of section 2967.271 of 9977
the Revised Code if the inmate is serving a non-life felony 9978
indefinite prison term, notice of the fact that the inmate will 9979
be having a hearing regarding a possible grant of release, the 9980
date of any hearing regarding a possible grant of release, and 9981
the right of any person to submit a written statement regarding 9982
the pending action; 9983

(2) At least sixty days before the defendant is 9984
transferred to transitional control under section 2967.26 of the 9985
Revised Code, notice of the pendency of the transfer and of the 9986

victim's right under that section to submit a statement 9987
regarding the impact of the transfer; 9988

(3) At least sixty days before the release authority of 9989
the department of youth services holds a release review, release 9990
hearing, or discharge review for the alleged juvenile offender, 9991
notice of the pendency of the review or hearing, of the victim's 9992
right to make an oral or written statement regarding the impact 9993
of the crime upon the victim or regarding the possible release 9994
or discharge, and, if the notice pertains to a hearing, of the 9995
victim's right to attend and make statements or comments at the 9996
hearing as authorized by section 5139.56 of the Revised Code; 9997

(4) Prompt notice of the defendant's or alleged juvenile 9998
offender's escape from a facility of the custodial agency in 9999
which the defendant was incarcerated or in which the alleged 10000
juvenile offender was placed after commitment, of the 10001
defendant's or alleged juvenile offender's absence without leave 10002
from a mental health or developmental disabilities facility or 10003
from other custody, and of the capture of the defendant or 10004
alleged juvenile offender after an escape or absence; 10005

(5) Notice of the defendant's or alleged juvenile 10006
offender's death while in confinement or custody; 10007

(6) Notice of the filing of a petition by the director of 10008
rehabilitation and correction pursuant to section 2967.19 of the 10009
Revised Code requesting the early release under that section of 10010
the defendant; 10011

(7) Notice of the defendant's or alleged juvenile 10012
offender's release from confinement or custody and the terms and 10013
conditions of the release. 10014

(D) (1) If a defendant is incarcerated for the commission 10015

of aggravated murder, murder, or an offense of violence that is 10016
a felony of the first, second, or third degree or is under a 10017
sentence of life imprisonment or if an alleged juvenile offender 10018
has been charged with the commission of an act that would be 10019
aggravated murder, murder, or an offense of violence that is a 10020
felony of the first, second, or third degree or be subject to a 10021
sentence of life imprisonment if committed by an adult, except 10022
as otherwise provided in this division, the notices described in 10023
divisions (B) and (C) of this section shall be given regardless 10024
of whether the victim has requested the notification. The 10025
notices described in divisions (B) and (C) of this section shall 10026
not be given under this division to a victim if the victim has 10027
requested pursuant to division (B) (2) of section 2930.03 of the 10028
Revised Code that the victim not be provided the notice. 10029
Regardless of whether the victim has requested that the notices 10030
described in division (C) of this section be provided or not be 10031
provided, the custodial agency shall give notice similar to 10032
those notices to the prosecutor in the case, to the sentencing 10033
court, to the law enforcement agency that arrested the defendant 10034
or alleged juvenile offender if any officer of that agency was a 10035
victim of the offense, and to any member of the victim's 10036
immediate family who requests notification. If the notice given 10037
under this division to the victim is based on an offense 10038
committed prior to March 22, 2013, and if the prosecutor or 10039
custodial agency has not previously successfully provided any 10040
notice to the victim under this division or division (B) or (C) 10041
of this section with respect to that offense and the offender 10042
who committed it, the notice also shall inform the victim that 10043
the victim may request that the victim not be provided any 10044
further notices with respect to that offense and the offender 10045
who committed it and shall describe the procedure for making 10046
that request. If the notice given under this division to the 10047

victim pertains to a hearing regarding a grant of a parole to 10048
the defendant, the notice also shall inform the victim that the 10049
victim, a member of the victim's immediate family, or the 10050
victim's representative may request a victim conference, as 10051
described in division (E) of this section, and shall provide an 10052
explanation of a victim conference. 10053

The prosecutor or custodial agency may give the notices to 10054
which this division applies by any reasonable means, including 10055
regular mail, telephone, and electronic mail. If the prosecutor 10056
or custodial agency attempts to provide notice to a victim under 10057
this division but the attempt is unsuccessful because the 10058
prosecutor or custodial agency is unable to locate the victim, 10059
is unable to provide the notice by its chosen method because it 10060
cannot determine the mailing address, telephone number, or 10061
electronic mail address at which to provide the notice, or, if 10062
the notice is sent by mail, the notice is returned, the 10063
prosecutor or custodial agency shall make another attempt to 10064
provide the notice to the victim. If the second attempt is 10065
unsuccessful, the prosecutor or custodial agency shall make at 10066
least one more attempt to provide the notice. If the notice is 10067
based on an offense committed prior to March 22, 2013, in each 10068
attempt to provide the notice to the victim, the notice shall 10069
include the opt-out information described in the preceding 10070
paragraph. The prosecutor or custodial agency, in accordance 10071
with division (D)(2) of this section, shall keep a record of all 10072
attempts to provide the notice, and of all notices provided, 10073
under this division. 10074

Division (D)(1) of this section, and the notice-related 10075
provisions of divisions (E)(2) and (K) of section 2929.20, 10076
division (H) of section 2967.12, division (E)(1)(b) of section 10077
2967.19, division (A)(3)(b) of section 2967.26, division (D)(1) 10078

of section 2967.28, and division (A)(2) of section 5149.101 of 10079
the Revised Code enacted in the act in which division (D)(1) of 10080
this section was enacted, shall be known as "Roberta's Law." 10081

(2) Each prosecutor and custodial agency that attempts to 10082
give any notice to which division (D)(1) of this section applies 10083
shall keep a record of all attempts to give the notice. The 10084
record shall indicate the person who was to be the recipient of 10085
the notice, the date on which the attempt was made, the manner 10086
in which the attempt was made, and the person who made the 10087
attempt. If the attempt is successful and the notice is given, 10088
the record shall indicate that fact. The record shall be kept in 10089
a manner that allows public inspection of attempts and notices 10090
given to persons other than victims without revealing the names, 10091
addresses, or other identifying information relating to victims. 10092
The record of attempts and notices given to victims is not a 10093
public record, but the prosecutor or custodial agency shall 10094
provide upon request a copy of that record to a prosecuting 10095
attorney, judge, law enforcement agency, or member of the 10096
general assembly. The record of attempts and notices given to 10097
persons other than victims is a public record. A record kept 10098
under this division may be indexed by offender name, or in any 10099
other manner determined by the prosecutor or the custodial 10100
agency. Each prosecutor or custodial agency that is required to 10101
keep a record under this division shall determine the procedures 10102
for keeping the record and the manner in which it is to be kept, 10103
subject to the requirements of this division. 10104

(E) The adult parole authority shall adopt rules under 10105
Chapter 119. of the Revised Code providing for a victim 10106
conference, upon request of the victim, a member of the victim's 10107
immediate family, or the victim's representative, prior to a 10108
parole hearing in the case of a prisoner who is incarcerated for 10109

the commission of aggravated murder, murder, or an offense of violence that is a felony of the first, second, or third degree or is under a sentence of life imprisonment. The rules shall provide for, but not be limited to, all of the following:

(1) Subject to division (E)(3) of this section, attendance by the victim, members of the victim's immediate family, the victim's representative, and, if practicable, other individuals;

(2) Allotment of up to one hour for the conference;

(3) A specification of the number of persons specified in division (E)(1) of this section who may be present at any single victim conference, if limited by the department pursuant to division (F) of this section.

(F) The department may limit the number of persons specified in division (E)(1) of this section who may be present at any single victim conference, provided that the department shall not limit the number of persons who may be present at any single conference to fewer than three. If the department limits the number of persons who may be present at any single victim conference, the department shall permit and schedule, upon request of the victim, a member of the victim's immediate family, or the victim's representative, multiple victim conferences for the persons specified in division (E)(1) of this section.

(G) As used in this section, "victim's immediate family" has the same meaning as in section 2967.12 of the Revised Code.

Sec. 2943.032. (A) Prior to accepting a guilty plea or a plea of no contest to an indictment, information, or complaint that charges a felony, the court shall inform the defendant personally that, if the defendant pleads guilty or no contest to

the felony so charged or any other felony, if the court imposes 10139
a prison term upon the defendant for the felony, and if the 10140
offender violates the conditions of a post-release control 10141
sanction imposed by the parole board upon the completion of the 10142
stated prison term, the parole board may impose upon the 10143
offender a residential sanction that includes a new prison term 10144
of up to nine months, subject to a maximum cumulative prison 10145
term for all violations that does not exceed one-half of the 10146
definite prison term that is the stated prison term originally 10147
imposed upon the offender or, with respect to a non-life felony 10148
indefinite prison term, one-half of the minimum prison term 10149
included as part of the stated non-life felony indefinite prison 10150
term originally imposed on the offender. 10151

(B) As used in this section, "non-life felony indefinite 10152
prison term" has the same meaning as in section 2929.01 of the 10153
Revised Code. 10154

Sec. 2953.08. (A) In addition to any other right to appeal 10155
and except as provided in division (D) of this section, a 10156
defendant who is convicted of or pleads guilty to a felony may 10157
appeal as a matter of right the sentence imposed upon the 10158
defendant on one of the following grounds: 10159

(1) The sentence consisted of or included the maximum 10160
definite prison term allowed for the offense by division (A) of 10161
section 2929.14 or section 2929.142 of the Revised Code or, with 10162
respect to a non-life felony indefinite prison term, the longest 10163
minimum prison term allowed for the offense by division (A) (1) 10164
(a) or (2) (a) of section 2929.14 of the Revised Code, the 10165
maximum definite prison term or longest minimum prison term was 10166
not required for the offense pursuant to Chapter 2925. or any 10167
other provision of the Revised Code, and the court imposed the 10168

sentence under one of the following circumstances: 10169

(a) The sentence was imposed for only one offense. 10170

(b) The sentence was imposed for two or more offenses 10171
arising out of a single incident, and the court imposed the 10172
maximum definite prison term or longest minimum prison term for 10173
the offense of the highest degree. 10174

(2) The sentence consisted of or included a prison term 10175
and the offense for which it was imposed is a felony of the 10176
fourth or fifth degree or is a felony drug offense that is a 10177
violation of a provision of Chapter 2925. of the Revised Code 10178
and that is specified as being subject to division (B) of 10179
section 2929.13 of the Revised Code for purposes of sentencing. 10180
If the court specifies that it found one or more of the factors 10181
in division (B) (1) (b) of section 2929.13 of the Revised Code to 10182
apply relative to the defendant, the defendant is not entitled 10183
under this division to appeal as a matter of right the sentence 10184
imposed upon the offender. 10185

(3) The person was convicted of or pleaded guilty to a 10186
violent sex offense or a designated homicide, assault, or 10187
kidnapping offense, was adjudicated a sexually violent predator 10188
in relation to that offense, and was sentenced pursuant to 10189
division (A) (3) of section 2971.03 of the Revised Code, if the 10190
minimum term of the indefinite term imposed pursuant to division 10191
(A) (3) of section 2971.03 of the Revised Code is the longest 10192
term available for the offense from among the range of definite 10193
terms listed in section 2929.14 of the Revised Code or, with 10194
respect to a non-life felony indefinite prison term, the longest 10195
minimum prison term allowed for the offense by division (A) (1) 10196
(a) or (2) (a) of section 2929.14 of the Revised Code. As used in 10197
this division, "designated homicide, assault, or kidnapping 10198

offense" and "violent sex offense" have the same meanings as in 10199
section 2971.01 of the Revised Code. As used in this division, 10200
"adjudicated a sexually violent predator" has the same meaning 10201
as in section 2929.01 of the Revised Code, and a person is 10202
"adjudicated a sexually violent predator" in the same manner and 10203
the same circumstances as are described in that section. 10204

(4) The sentence is contrary to law. 10205

(5) The sentence consisted of an additional prison term of 10206
ten years imposed pursuant to division (B)(2)(a) of section 10207
2929.14 of the Revised Code. 10208

(B) In addition to any other right to appeal and except as 10209
provided in division (D) of this section, a prosecuting 10210
attorney, a city director of law, village solicitor, or similar 10211
chief legal officer of a municipal corporation, or the attorney 10212
general, if one of those persons prosecuted the case, may appeal 10213
as a matter of right a sentence imposed upon a defendant who is 10214
convicted of or pleads guilty to a felony or, in the 10215
circumstances described in division (B)(3) of this section the 10216
modification of a sentence imposed upon such a defendant, on any 10217
of the following grounds: 10218

(1) The sentence did not include a prison term despite a 10219
presumption favoring a prison term for the offense for which it 10220
was imposed, as set forth in section 2929.13 or Chapter 2925. of 10221
the Revised Code. 10222

(2) The sentence is contrary to law. 10223

(3) The sentence is a modification under section 2929.20 10224
of the Revised Code of a sentence that was imposed for a felony 10225
of the first or second degree. 10226

(C)(1) In addition to the right to appeal a sentence 10227

granted under division (A) or (B) of this section, a defendant 10228
who is convicted of or pleads guilty to a felony may seek leave 10229
to appeal a sentence imposed upon the defendant on the basis 10230
that the sentencing judge has imposed consecutive sentences 10231
under division (C) (3) of section 2929.14 of the Revised Code and 10232
that the consecutive sentences exceed the maximum definite 10233
prison term allowed by division (A) of that section for the most 10234
serious offense of which the defendant was convicted or, with 10235
respect to a non-life felony indefinite prison term, exceed the 10236
longest minimum prison term allowed by division (A) (1) (a) or (2) 10237
(a) of that section for the most serious such offense. Upon the 10238
filing of a motion under this division, the court of appeals may 10239
grant leave to appeal the sentence if the court determines that 10240
the allegation included as the basis of the motion is true. 10241

(2) A defendant may seek leave to appeal an additional 10242
sentence imposed upon the defendant pursuant to division (B) (2) 10243
(a) or (b) of section 2929.14 of the Revised Code if the 10244
additional sentence is for a definite prison term that is longer 10245
than five years. 10246

(D) (1) A sentence imposed upon a defendant is not subject 10247
to review under this section if the sentence is authorized by 10248
law, has been recommended jointly by the defendant and the 10249
prosecution in the case, and is imposed by a sentencing judge. 10250

(2) Except as provided in division (C) (2) of this section, 10251
a sentence imposed upon a defendant is not subject to review 10252
under this section if the sentence is imposed pursuant to 10253
division (B) (2) (b) of section 2929.14 of the Revised Code. 10254
Except as otherwise provided in this division, a defendant 10255
retains all rights to appeal as provided under this chapter or 10256
any other provision of the Revised Code. A defendant has the 10257

right to appeal under this chapter or any other provision of the Revised Code the court's application of division (B) (2) (c) of section 2929.14 of the Revised Code.

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

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

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

(1) Any presentence, psychiatric, or other investigative report that was submitted to the court in writing before the sentence was imposed. An appellate court that reviews a presentence investigation report prepared pursuant to section 2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in connection with the appeal of a sentence under this section shall comply with division (D) (3) of section 2951.03 of the Revised Code when the appellate court is not using the presentence investigation report, and the appellate court's use

of a presentence investigation report of that nature in 10288
connection with the appeal of a sentence under this section does 10289
not affect the otherwise confidential character of the contents 10290
of that report as described in division (D) (1) of section 10291
2951.03 of the Revised Code and does not cause that report to 10292
become a public record, as defined in section 149.43 of the 10293
Revised Code, following the appellate court's use of the report. 10294

(2) The trial record in the case in which the sentence was 10295
imposed; 10296

(3) Any oral or written statements made to or by the court 10297
at the sentencing hearing at which the sentence was imposed; 10298

(4) Any written findings that the court was required to 10299
make in connection with the modification of the sentence 10300
pursuant to a judicial release under division (I) of section 10301
2929.20 of the Revised Code. 10302

(G) (1) If the sentencing court was required to make the 10303
findings required by division (B) or (D) of section 2929.13 or 10304
division (I) of section 2929.20 of the Revised Code, or to state 10305
the findings of the trier of fact required by division (B) (2) (e) 10306
of section 2929.14 of the Revised Code, relative to the 10307
imposition or modification of the sentence, and if the 10308
sentencing court failed to state the required findings on the 10309
record, the court hearing an appeal under division (A), (B), or 10310
(C) of this section shall remand the case to the sentencing 10311
court and instruct the sentencing court to state, on the record, 10312
the required findings. 10313

(2) The court hearing an appeal under division (A), (B), 10314
or (C) of this section shall review the record, including the 10315
findings underlying the sentence or modification given by the 10316

sentencing court. 10317

The appellate court may increase, reduce, or otherwise 10318
modify a sentence that is appealed under this section or may 10319
vacate the sentence and remand the matter to the sentencing 10320
court for resentencing. The appellate court's standard for 10321
review is not whether the sentencing court abused its 10322
discretion. The appellate court may take any action authorized 10323
by this division if it clearly and convincingly finds either of 10324
the following: 10325

(a) That the record does not support the sentencing 10326
court's findings under division (B) or (D) of section 2929.13, 10327
division (B) (2) (e) or (C) (4) of section 2929.14, or division (I) 10328
of section 2929.20 of the Revised Code, whichever, if any, is 10329
relevant; 10330

(b) That the sentence is otherwise contrary to law. 10331

(H) A judgment or final order of a court of appeals under 10332
this section may be appealed, by leave of court, to the supreme 10333
court. 10334

(I) As used in this section, "non-life felony indefinite 10335
prison term" has the same meaning as in section 2929.01 of the 10336
Revised Code. 10337

Sec. 2967.01. As used in this chapter: 10338

(A) "State correctional institution" includes any 10339
institution or facility that is operated by the department of 10340
rehabilitation and correction and that is used for the custody, 10341
care, or treatment of criminal, delinquent, or psychologically 10342
or psychiatrically disturbed offenders. 10343

(B) "Pardon" means the remission of penalty by the 10344

governor in accordance with the power vested in the governor by 10345
the constitution. 10346

(C) "Commutation" or "commutation of sentence" means the 10347
substitution by the governor of a lesser for a greater 10348
punishment. A stated prison term may be commuted without the 10349
consent of the convict, except when granted upon the acceptance 10350
and performance by the convict of conditions precedent. After 10351
commutation, the commuted prison term shall be the only one in 10352
existence. The commutation may be stated in terms of commuting 10353
from a named offense to a lesser included offense with a shorter 10354
prison term, in terms of commuting from a stated prison term in 10355
months and years to a shorter prison term in months and years, 10356
or in terms of commuting from any other stated prison term to a 10357
shorter prison term. 10358

(D) "Reprieve" means the temporary suspension by the 10359
governor of the execution of a sentence or prison term. The 10360
governor may grant a reprieve without the consent of and against 10361
the will of the convict. 10362

(E) "Parole" means, regarding a prisoner who is serving a 10363
prison term for aggravated murder or murder, who is serving a 10364
prison term of life imprisonment for rape or for felonious 10365
sexual penetration as it existed under section 2907.12 of the 10366
Revised Code prior to September 3, 1996, or who was sentenced 10367
prior to July 1, 1996, a release of the prisoner from 10368
confinement in any state correctional institution by the adult 10369
parole authority that is subject to the eligibility criteria 10370
specified in this chapter and that is under the terms and 10371
conditions, and for the period of time, prescribed by the 10372
authority in its published rules and official minutes or 10373
required by division (A) of section 2967.131 of the Revised Code 10374

or another provision of this chapter. 10375

(F) "Head of a state correctional institution" or "head of the institution" means the resident head of the institution and the person immediately in charge of the institution, whether designated warden, superintendent, or any other name by which the head is known. 10376
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(G) "Convict" means a person who has been convicted of a felony under the laws of this state, whether or not actually confined in a state correctional institution, unless the person has been pardoned or has served the person's sentence or prison term. 10381
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(H) "Prisoner" means a person who is in actual confinement in a state correctional institution. 10386
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(I) "Parolee" means any inmate who has been released from confinement on parole by order of the adult parole authority or conditionally pardoned, who is under supervision of the adult parole authority and has not been granted a final release, and who has not been declared in violation of the inmate's parole by the authority or is performing the prescribed conditions of a conditional pardon. 10388
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(J) "Releasee" means an inmate who has been released from confinement pursuant to section 2967.28 of the Revised Code under a period of post-release control that includes one or more post-release control sanctions. 10395
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(K) "Final release" means a remission by the adult parole authority of the balance of the sentence or prison term of a parolee or prisoner or the termination by the authority of a term of post-release control of a releasee. 10399
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(L) "Parole violator" or "release violator" means any 10403

parolee or releasee who has been declared to be in violation of 10404
the condition of parole or post-release control specified in 10405
division (A) or (B) of section 2967.131 of the Revised Code or 10406
in violation of any other term, condition, or rule of the 10407
parolee's or releasee's parole or of the parolee's or releasee's 10408
post-release control sanctions, the determination of which has 10409
been made by the adult parole authority and recorded in its 10410
official minutes. 10411

(M) "Administrative release" means a termination of 10412
jurisdiction over a particular sentence or prison term by the 10413
adult parole authority for administrative convenience. 10414

(N) "Post-release control" means a period of supervision 10415
by the adult parole authority after a prisoner's release from 10416
imprisonment, other than under a term of life imprisonment, that 10417
includes one or more post-release control sanctions imposed 10418
under section 2967.28 of the Revised Code. 10419

(O) "Post-release control sanction" means a sanction that 10420
is authorized under sections 2929.16 to 2929.18 of the Revised 10421
Code and that is imposed upon a prisoner upon the prisoner's 10422
release from a prison term other than a term of life 10423
imprisonment. 10424

(P) "Community control sanction," "prison term," 10425
"mandatory prison term," and "stated prison term" have the same 10426
meanings as in section 2929.01 of the Revised Code. 10427

(Q) "Transitional control" means control of a prisoner 10428
under the transitional control program established by the 10429
department of rehabilitation and correction under section 10430
2967.26 of the Revised Code, if the department establishes a 10431
program of that nature under that section. 10432

(R) "Random drug testing" has the same meaning as in 10433
section 5120.63 of the Revised Code. 10434

(S) "Non-life felony indefinite prison term" has the same 10435
meaning as in section 2929.01 of the Revised Code. 10436

Sec. 2967.021. (A) Chapter 2967. of the Revised Code, as 10437
it existed prior to July 1, 1996, applies to a person upon whom 10438
a court imposed a term of imprisonment prior to July 1, 1996, 10439
and a person upon whom a court, on or after July 1, 1996, and in 10440
accordance with law existing prior to July 1, 1996, imposed a 10441
term of imprisonment for an offense that was committed prior to 10442
July 1, 1996. 10443

(B) Chapter 2967. of the Revised Code, as it exists on and 10444
after July 1, 1996, applies to a person upon whom a court 10445
imposed a stated prison term for an offense committed on or 10446
after July 1, 1996, subject to division (C) of this section. 10447

(C) Section 2967.271 of the Revised Code, and other 10448
provisions of Chapter 2967. of the Revised Code, as they exist 10449
on and after the effective date of this amendment, apply to a 10450
person who is sentenced to a non-life felony indefinite prison 10451
term. 10452

Sec. 2967.03. The adult parole authority may exercise its 10453
functions and duties in relation to the pardon, commutation of 10454
sentence, or reprieve of a convict upon direction of the 10455
governor or upon its own initiative. It may exercise its 10456
functions and duties in relation to the parole of a prisoner who 10457
is eligible for parole upon the initiative of the head of the 10458
institution in which the prisoner is confined or upon its own 10459
initiative. When a prisoner becomes eligible for parole, the 10460
head of the institution in which the prisoner is confined shall 10461

notify the authority in the manner prescribed by the authority. 10462
The authority may investigate and examine, or cause the 10463
investigation and examination of, prisoners confined in state 10464
correctional institutions concerning their conduct in the 10465
institutions, their mental and moral qualities and 10466
characteristics, their knowledge of a trade or profession, their 10467
former means of livelihood, their family relationships, and any 10468
other matters affecting their fitness to be at liberty without 10469
being a threat to society. 10470

The authority may recommend to the governor the pardon, 10471
commutation of sentence, or reprieve of any convict or prisoner 10472
or grant a parole to any prisoner for whom parole is authorized, 10473
if in its judgment there is reasonable ground to believe that 10474
granting a pardon, commutation, or reprieve to the convict or 10475
paroling the prisoner would further the interests of justice and 10476
be consistent with the welfare and security of society. However, 10477
the authority shall not recommend a pardon or commutation of 10478
sentence, or grant a parole to, any convict or prisoner until 10479
the authority has complied with the applicable notice 10480
requirements of sections 2930.16 and 2967.12 of the Revised Code 10481
and until it has considered any statement made by a victim or a 10482
victim's representative that is relevant to the convict's or 10483
prisoner's case and that was sent to the authority pursuant to 10484
section 2930.17 of the Revised Code, any other statement made by 10485
a victim or a victim's representative that is relevant to the 10486
convict's or prisoner's case and that was received by the 10487
authority after it provided notice of the pendency of the action 10488
under sections 2930.16 and 2967.12 of the Revised Code, and any 10489
written statement of any person submitted to the court pursuant 10490
to division (I) of section 2967.12 of the Revised Code. If a 10491
victim, victim's representative, or the victim's spouse, parent, 10492

sibling, or child appears at a full board hearing of the parole board and gives testimony as authorized by section 5149.101 of the Revised Code, the authority shall consider the testimony in determining whether to grant a parole. The trial judge and prosecuting attorney of the trial court in which a person was convicted shall furnish to the authority, at the request of the authority, a summarized statement of the facts proved at the trial and of all other facts having reference to the propriety of recommending a pardon or commutation or granting a parole, together with a recommendation for or against a pardon, commutation, or parole, and the reasons for the recommendation. The trial judge, the prosecuting attorney, specified law enforcement agency members, and a representative of the prisoner may appear at a full board hearing of the parole board and give testimony in regard to the grant of a parole to the prisoner as authorized by section 5149.101 of the Revised Code. All state and local officials shall furnish information to the authority, when so requested by it in the performance of its duties.

The adult parole authority shall exercise its functions and duties in relation to the release of prisoners who are serving a ~~stated definite~~ stated prison term as a stated prison term in accordance with section 2967.28 of the Revised Code, and the authority and the department of rehabilitation and correction shall exercise their functions and duties in relation to the release of prisoners who are serving a non-life felony indefinite prison term as a stated prison term in accordance with sections 2967.271 and 2967.28 of the Revised Code.

Sec. 2967.13. (A) Except as provided in division (G) of this section, a prisoner serving a sentence of imprisonment for life for an offense committed on or after July 1, 1996, is not entitled to any earned credit under section 2967.193 of the

Revised Code and becomes eligible for parole as follows:	10524
(1) If a sentence of imprisonment for life was imposed for the offense of murder, at the expiration of the prisoner's minimum term;	10525 10526 10527
(2) If a sentence of imprisonment for life with parole eligibility after serving twenty years of imprisonment was imposed pursuant to section 2929.022 or 2929.03 of the Revised Code, after serving a term of twenty years;	10528 10529 10530 10531
(3) If a sentence of imprisonment for life with parole eligibility after serving twenty-five full years of imprisonment was imposed pursuant to section 2929.022 or 2929.03 of the Revised Code, after serving a term of twenty-five full years;	10532 10533 10534 10535
(4) If a sentence of imprisonment for life with parole eligibility after serving thirty full years of imprisonment was imposed pursuant to section 2929.022 or 2929.03 of the Revised Code, after serving a term of thirty full years;	10536 10537 10538 10539
(5) If a sentence of imprisonment for life was imposed for rape, after serving a term of ten full years' imprisonment;	10540 10541
(6) If a sentence of imprisonment for life with parole eligibility after serving fifteen years of imprisonment was imposed for a violation of section 2927.24 of the Revised Code, after serving a term of fifteen years.	10542 10543 10544 10545
(B) Except as provided in division (G) of this section, a prisoner serving a sentence of imprisonment for life with parole eligibility after serving twenty years of imprisonment or a sentence of imprisonment for life with parole eligibility after serving twenty-five full years or thirty full years of imprisonment imposed pursuant to section 2929.022 or 2929.03 of the Revised Code for an offense committed on or after July 1,	10546 10547 10548 10549 10550 10551 10552

1996, consecutively to any other term of imprisonment, becomes 10553
eligible for parole after serving twenty years, twenty full 10554
years, or thirty full years, as applicable, as to each such 10555
sentence of life imprisonment, which shall not be reduced for 10556
earned credits under section 2967.193 of the Revised Code, plus 10557
the term or terms of the other sentences consecutively imposed 10558
or, if one of the other sentences is another type of life 10559
sentence with parole eligibility, the number of years before 10560
parole eligibility for that sentence. 10561

(C) Except as provided in division (G) of this section, a 10562
prisoner serving consecutively two or more sentences in which an 10563
indefinite term of imprisonment is imposed becomes eligible for 10564
parole upon the expiration of the aggregate of the minimum terms 10565
of the sentences. 10566

(D) Except as provided in division (G) of this section, a 10567
prisoner serving a term of imprisonment who is described in 10568
division (A) of section 2967.021 of the Revised Code becomes 10569
eligible for parole as described in that division or, if the 10570
prisoner is serving a definite term of imprisonment, shall be 10571
released as described in that division. 10572

(E) A prisoner serving a sentence of life imprisonment 10573
without parole imposed pursuant to section 2907.02 or section 10574
2929.03 or 2929.06 of the Revised Code is not eligible for 10575
parole and shall be imprisoned until death. 10576

(F) A prisoner serving a stated prison term that is a non- 10577
life felony indefinite prison term shall be released in 10578
accordance with sections 2967.271 and 2967.28 of the Revised 10579
Code. A prisoner serving a stated prison term of any other 10580
nature shall be released in accordance with section 2967.28 of 10581
the Revised Code. 10582

(G) A prisoner serving a prison term or term of life imprisonment without parole imposed pursuant to section 2971.03 of the Revised Code never becomes eligible for parole during that term of imprisonment.

Sec. 2967.19. (A) As used in this section:

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

(2) "Disqualifying prison term" means any of the following:

(a) A prison term imposed for aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, felonious assault, kidnapping, rape, aggravated arson, aggravated burglary, or aggravated robbery;

(b) A prison term imposed for complicity in, an attempt to commit, or conspiracy to commit any offense listed in division (A) (2) (a) of this section;

(c) A prison term of life imprisonment, including any term of life imprisonment that has parole eligibility;

(d) A prison term imposed for any felony other than carrying a concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance;

(e) A prison term imposed for any violation of section 2925.03 of the Revised Code that is a felony of the first or second degree;

(f) A prison term imposed for engaging in a pattern of corrupt activity in violation of section 2923.32 of the Revised Code;

(g) A prison term imposed pursuant to section 2971.03 of the Revised Code; 10611
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(h) A prison term imposed for any sexually oriented offense. 10613
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(3) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term. 10615
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(4) "Restricting prison term" means any of the following: 10618

(a) A mandatory prison term imposed under division (B) (1) (a), (B) (1) (c), (B) (1) (f), (B) (1) (g), (B) (2), or (B) (7) of section 2929.14 of the Revised Code for a specification of the type described in that division; 10619
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(b) In the case of an offender who has been sentenced to a mandatory prison term for a specification of the type described in division (A) (4) (a) of this section, the prison term imposed for the felony offense for which the specification was stated at the end of the body of the indictment, count in the indictment, or information charging the offense; 10623
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(c) A prison term imposed for trafficking in persons; 10629

(d) A prison term imposed for any offense that is described in division (A) (4) (d) (i) of this section if division (A) (4) (d) (ii) of this section applies to the offender: 10630
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(i) The offense is a felony of the first or second degree that is an offense of violence and that is not described in division (A) (2) (a) or (b) of this section, an attempt to commit a felony of the first or second degree that is an offense of violence and that is not described in division (A) (2) (a) or (b) of this section if the attempt is a felony of the first or 10633
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second degree, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to any other offense described in this division.

(ii) The offender previously was convicted of or pleaded guilty to any offense listed in division (A) (2) or (A) (4) (d) (i) of this section.

(5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(6) "Stated prison term of one year or more" means a definite prison term of one year or more imposed as a stated prison term, or a minimum prison term of one year or more imposed as part of a stated prison term that is a non-life felony indefinite prison term.

(B) The director of the department of rehabilitation and correction may recommend in writing to the sentencing court that the court consider releasing from prison any offender who, on or after September 30, 2011, is confined in a state correctional institution, who is serving a stated prison term of one year or more, and who is eligible under division (C) of this section for a release under this section. If the director wishes to recommend that the sentencing court consider releasing an offender under this section, the director shall notify the sentencing court in writing of the offender's eligibility not earlier than ninety days prior to the date on which the offender becomes eligible as described in division (C) of this section. The director's submission of the written notice constitutes a recommendation by the director that the court strongly consider release of the offender consistent with the purposes and principles of sentencing set forth in sections 2929.11 and

2929.13 of the Revised Code. Only an offender recommended by the director under division (B) of this section may be considered for early release under this section.

(C) (1) An offender serving a stated prison term of one year or more and who has commenced service of that stated prison term becomes eligible for release from prison under this section only as described in this division. An offender serving a stated prison term that includes a disqualifying prison term is not eligible for release from prison under this section. An offender serving a stated prison term that consists solely of one or more restricting prison terms is not eligible for release under this section. An offender serving a stated prison term of one year or more that includes one or more restricting prison terms and one or more eligible prison terms becomes eligible for release under this section after having fully served all restricting prison terms and having served eighty per cent of ~~the~~ that stated prison term that remains to be served after all restricting prison terms have been fully served. An offender serving a stated prison term of one year or more that consists solely of one or more eligible prison terms becomes eligible for release under this section after having served eighty per cent of that stated prison term. For purposes of determining an offender's eligibility for release under this section, if the offender's stated prison term includes consecutive prison terms, any restricting prison terms shall be deemed served prior to any eligible prison terms that run consecutively to the restricting prison terms, and the eligible prison terms are deemed to commence after all of the restricting prison terms have been fully served.

An offender serving a stated prison term of one year or more that includes a mandatory prison term that is not a

disqualifying prison term and is not a restricting prison term 10700
is not automatically ineligible as a result of the offender's 10701
service of that mandatory term for release from prison under 10702
this section, and the offender's eligibility for release from 10703
prison under this section is determined in accordance with this 10704
division. 10705

(2) If an offender confined in a state correctional 10706
institution under a stated prison term is eligible for release 10707
under this section as described in division (C) (1) of this 10708
section, the director of the department of rehabilitation and 10709
correction may recommend in writing that the sentencing court 10710
consider releasing the offender from prison under this section 10711
by submitting to the sentencing court the written notice 10712
described in division (B) of this section. 10713

(D) The director shall include with any notice submitted 10714
to the sentencing court under division (B) of this section an 10715
institutional summary report that covers the offender's 10716
participation while confined in a state correctional institution 10717
in school, training, work, treatment, and other rehabilitative 10718
activities and any disciplinary action taken against the 10719
offender while so confined. The director shall include with the 10720
notice any other documentation requested by the court, if 10721
available. 10722

(E) (1) When the director submits a written notice to a 10723
sentencing court that an offender is eligible to be considered 10724
for early release under this section, the department promptly 10725
shall provide to the prosecuting attorney of the county in which 10726
the offender was indicted a copy of the written notice, a copy 10727
of the institutional summary report, and any other information 10728
provided to the court and shall provide a copy of the 10729

institutional summary report to any law enforcement agency that 10730
requests the report. The department also promptly shall do 10731
whichever of the following is applicable: 10732

(a) Subject to division (E) (1) (b) of this section, give 10733
written notice of the submission to any victim of the offender 10734
or victim's representative of any victim of the offender who is 10735
registered with the office of victim's services. 10736

(b) If the offense was aggravated murder, murder, an 10737
offense of violence that is a felony of the first, second, or 10738
third degree, or an offense punished by a sentence of life 10739
imprisonment, except as otherwise provided in this division, 10740
notify the victim or the victim's representative of the filing 10741
of the petition regardless of whether the victim or victim's 10742
representative has registered with the office of victim's 10743
services. The notice of the filing of the petition shall not be 10744
given under this division to a victim or victim's representative 10745
if the victim or victim's representative has requested pursuant 10746
to division (B) (2) of section 2930.03 of the Revised Code that 10747
the victim or the victim's representative not be provided the 10748
notice. If notice is to be provided to a victim or victim's 10749
representative under this division, the department may give the 10750
notice by any reasonable means, including regular mail, 10751
telephone, and electronic mail, in accordance with division (D) 10752
(1) of section 2930.16 of the Revised Code. If the notice is 10753
based on an offense committed prior to ~~the effective date of~~ 10754
~~this amendment~~ March 22, 2013, the notice also shall include the 10755
opt-out information described in division (D) (1) of section 10756
2930.16 of the Revised Code. The department, in accordance with 10757
division (D) (2) of section 2930.16 of the Revised Code, shall 10758
keep a record of all attempts to provide the notice, and of all 10759
notices provided, under this division. 10760

Division (E) (1) (b) of this section, and the notice-related 10761
provisions of divisions (E) (2) and (K) of section 2929.20, 10762
division (D) (1) of section 2930.16, division (H) of section 10763
2967.12, division (A) (3) (b) of section 2967.26, division (D) (1) 10764
of section 2967.28, and division (A) (2) of section 5149.101 of 10765
the Revised Code enacted in the act in which division (E) (2) of 10766
this section was enacted, shall be known as "Roberta's Law." 10767

(2) When the director submits a petition under this 10768
section, the department also promptly shall post a copy of the 10769
written notice on the database it maintains under section 10770
5120.66 of the Revised Code and include information on where a 10771
person may send comments regarding the recommendation of early 10772
release. 10773

The information provided to the court, the prosecutor, and 10774
the victim or victim's representative under divisions (D) and 10775
(E) of this section shall include the name and contact 10776
information of a specific department of rehabilitation and 10777
correction employee who is available to answer questions about 10778
the offender who is the subject of the written notice submitted 10779
by the director, including, but not limited to, the offender's 10780
institutional conduct and rehabilitative activities while 10781
incarcerated. 10782

(F) Upon receipt of a written notice submitted by the 10783
director under division (B) of this section, the court either 10784
shall, on its own motion, schedule a hearing to consider 10785
releasing the offender who is the subject of the notice or shall 10786
inform the department that it will not be conducting a hearing 10787
relative to the offender. The court shall not grant an early 10788
release to an offender without holding a hearing. If a court 10789
declines to hold a hearing relative to an offender with respect 10790

to a written notice submitted by the director, the court may 10791
later consider release of that offender under this section on 10792
its own motion by scheduling a hearing for that purpose. Within 10793
thirty days after the written notice is submitted, the court 10794
shall inform the department whether or not the court is 10795
scheduling a hearing on the offender who is the subject of the 10796
notice. 10797

(G) If the court schedules a hearing upon receiving a 10798
written notice submitted under division (B) of this section or 10799
upon its own motion under division (F) of this section, the 10800
court shall notify the head of the state correctional 10801
institution in which the offender is confined of the hearing 10802
prior to the hearing. If the court makes a journal entry 10803
ordering the offender to be conveyed to the hearing, except as 10804
otherwise provided in this division, the head of the 10805
correctional institution shall deliver the offender to the 10806
sheriff of the county in which the hearing is to be held, and 10807
the sheriff shall convey the offender to and from the hearing. 10808
Upon the court's own motion or the motion of the offender or the 10809
prosecuting attorney of the county in which the offender was 10810
indicted, the court may permit the offender to appear at the 10811
hearing by video conferencing equipment if equipment of that 10812
nature is available and compatible. 10813

Upon receipt of notice from a court of a hearing on the 10814
release of an offender under this division, the head of the 10815
state correctional institution in which the offender is confined 10816
immediately shall notify the appropriate person at the 10817
department of rehabilitation and correction of the hearing, and 10818
the department within twenty-four hours after receipt of the 10819
notice shall post on the database it maintains pursuant to 10820
section 5120.66 of the Revised Code the offender's name and all 10821

of the information specified in division (A) (1) (c) (i) of that 10822
section. If the court schedules a hearing under this section, 10823
the court promptly shall give notice of the hearing to the 10824
prosecuting attorney of the county in which the offender was 10825
indicted. Upon receipt of the notice from the court, the 10826
prosecuting attorney shall notify pursuant to section 2930.16 of 10827
the Revised Code any victim of the offender or the victim's 10828
representative of the hearing. 10829

(H) If the court schedules a hearing under this section, 10830
at the hearing, the court shall afford the offender and the 10831
offender's attorney an opportunity to present written 10832
information and, if present, oral information relevant to the 10833
offender's early release. The court shall afford a similar 10834
opportunity to the prosecuting attorney, victim or victim's 10835
representative, as defined in section 2930.01 of the Revised 10836
Code, and any other person the court determines is likely to 10837
present additional relevant information. If the court pursuant 10838
to division (G) of this section permits the offender to appear 10839
at the hearing by video conferencing equipment, the offender's 10840
opportunity to present oral information shall be as a part of 10841
the video conferencing. The court shall consider any statement 10842
of a victim made under section 2930.14 or 2930.17 of the Revised 10843
Code, any victim impact statement prepared under section 10844
2947.051 of the Revised Code, and any report and other 10845
documentation submitted by the director under division (D) of 10846
this section. After ruling on whether to grant the offender 10847
early release, the court shall notify the victim in accordance 10848
with sections 2930.03 and 2930.16 of the Revised Code. 10849

(I) If the court grants an offender early release under 10850
this section, it shall order the release of the offender, shall 10851
place the offender under one or more appropriate community 10852

control sanctions, under appropriate conditions, and under the supervision of the department of probation that serves the court, and shall reserve the right to reimpose the sentence that it reduced and from which the offender was released if the offender violates the sanction. The court shall not make a release under this section effective prior to the date on which the offender becomes eligible as described in division (C) of this section. If the sentence under which the offender is confined in a state correctional institution and from which the offender is being released was imposed for a felony of the first or second degree, the court shall consider ordering that the offender be monitored by means of a global positioning device. If the court reimposes the sentence that it reduced and from which the offender was released and if the violation of the sanction is a new offense, the court may order that the reimposed sentence be served either concurrently with, or consecutive to, any new sentence imposed upon the offender as a result of the violation that is a new offense. The period of all community control sanctions imposed under this division shall not exceed five years. The court, in its discretion, may reduce the period of community control sanctions by the amount of time the offender spent in jail or prison for the offense.

If the court grants an offender early release under this section, it shall notify the appropriate person at the department of rehabilitation and correction of the release, and the department shall post notice of the release on the database it maintains pursuant to section 5120.66 of the Revised Code.

(J) The department shall adopt under Chapter 119. of the Revised Code any rules necessary to implement this section.

Sec. 2967.191. (A) The department of rehabilitation and

correction shall reduce the ~~stated~~ prison term of a prisoner ~~or,~~ 10883
~~if the prisoner is serving a term for which there is parole~~ 10884
~~eligibility, the minimum and maximum term or the parole~~ 10885
~~eligibility date of the prisoner,~~ as described in division (B) 10886
of this section, by the total number of days that the prisoner 10887
was confined for any reason arising out of the offense for which 10888
the prisoner was convicted and sentenced, including confinement 10889
in lieu of bail while awaiting trial, confinement for 10890
examination to determine the prisoner's competence to stand 10891
trial or sanity, confinement while awaiting transportation to 10892
the place where the prisoner is to serve the prisoner's prison 10893
term, as determined by the sentencing court under division (B) 10894
(2) ~~(g)~~ (h) (i) of section 2929.19 of the Revised Code, and 10895
confinement in a juvenile facility. The department of 10896
rehabilitation and correction also shall reduce the stated 10897
prison term of a prisoner or, if the prisoner is serving a term 10898
for which there is parole eligibility, the minimum and maximum 10899
term or the parole eligibility date of the prisoner by the total 10900
number of days, if any, that the prisoner previously served in 10901
the custody of the department of rehabilitation and correction 10902
arising out of the offense for which the prisoner was convicted 10903
and sentenced. 10904

(B) The reductions described in division (A) of this 10905
section shall be made to the following prison terms, as 10906
applicable: 10907

(1) The definite prison term of a prisoner serving a 10908
definite prison term as a stated prison term; 10909

(2) The minimum and maximum term of a prisoner serving a 10910
non-life felony indefinite prison term as a stated prison term; 10911

(3) The minimum and maximum term or the parole eligibility 10912

date of a prisoner serving a term for which there is parole 10913
eligibility. 10914

Sec. 2967.193. (A) (1) Except as provided in division (C) 10915
of this section and subject to the maximum aggregate total 10916
specified in division (A) (3) of this section, a person confined 10917
in a state correctional institution or placed in the substance 10918
use disorder treatment program may provisionally earn one day or 10919
five days of credit, based on the category set forth in division 10920
(D) (1), (2), (3), (4), or (5) of this section in which the 10921
person is included, toward satisfaction of the person's stated 10922
prison term, as described in division (F) of this section, for 10923
each completed month during which the person, if confined in a 10924
state correctional institution, productively participates in an 10925
education program, vocational training, employment in prison 10926
industries, treatment for substance abuse, or any other 10927
constructive program developed by the department with specific 10928
standards for performance by prisoners or during which the 10929
person, if placed in the substance use disorder treatment 10930
program, productively participates in the program. Except as 10931
provided in division (C) of this section and subject to the 10932
maximum aggregate total specified in division (A) (3) of this 10933
section, a person so confined in a state correctional 10934
institution who successfully completes two programs or 10935
activities of that type may, in addition, provisionally earn up 10936
to five days of credit toward satisfaction of the person's 10937
stated prison term, as described in division (F) of this 10938
section, for the successful completion of the second program or 10939
activity. The person shall not be awarded any provisional days 10940
of credit for the successful completion of the first program or 10941
activity or for the successful completion of any program or 10942
activity that is completed after the second program or activity. 10943

At the end of each calendar month in which a person productively 10944
participates in a program or activity listed in this division or 10945
successfully completes a program or activity listed in this 10946
division, the department of rehabilitation and correction shall 10947
determine and record the total number of days credit that the 10948
person provisionally earned in that calendar month. If the 10949
person in a state correctional institution violates prison rules 10950
or the person in the substance use disorder treatment program 10951
violates program or department rules, the department may deny 10952
the person a credit that otherwise could have been provisionally 10953
awarded to the person or may withdraw one or more credits 10954
previously provisionally earned by the person. Days of credit 10955
provisionally earned by a person shall be finalized and awarded 10956
by the department subject to administrative review by the 10957
department of the person's conduct. 10958

(2) Unless a person is serving a mandatory prison term or 10959
a prison term for an offense of violence or a sexually oriented 10960
offense, and notwithstanding the maximum aggregate total 10961
specified in division (A) (3) of this section, a person who 10962
successfully completes any of the following shall earn ninety 10963
days of credit toward satisfaction of the person's stated prison 10964
term or a ten per cent reduction of the person's stated prison 10965
term, whichever is less: 10966

(a) An Ohio high school diploma or Ohio certificate of 10967
high school equivalence certified by the Ohio central school 10968
system; 10969

(b) A therapeutic drug community program; 10970

(c) All three phases of the department of rehabilitation 10971
and correction's intensive outpatient drug treatment program; 10972

(d) A career technical vocational school program;	10973
(e) A college certification program;	10974
(f) The criteria for a certificate of achievement and employability as specified in division (A) (1) of section 2961.22 of the Revised Code.	10975 10976 10977
(3) Except for persons described in division (A) (2) of this section, the aggregate days of credit provisionally earned by a person for program or activity participation and program and activity completion under this section and the aggregate days of credit finally credited to a person under this section shall not exceed eight per cent of the total number of days in the person's stated prison term.	10978 10979 10980 10981 10982 10983 10984
(B) The department of rehabilitation and correction shall adopt rules that specify the programs or activities for which credit may be earned under this section, the criteria for determining productive participation in, or completion of, the programs or activities and the criteria for awarding credit, including criteria for awarding additional credit for successful program or activity completion, and the criteria for denying or withdrawing previously provisionally earned credit as a result of a violation of prison rules, or program or department rules, whichever is applicable.	10985 10986 10987 10988 10989 10990 10991 10992 10993 10994
(C) No person confined in a state correctional institution or placed in a substance use disorder treatment program to whom any of the following applies shall be awarded any days of credit under division (A) of this section:	10995 10996 10997 10998
(1) The person is serving a prison term that section 2929.13 or section 2929.14 of the Revised Code specifies cannot be reduced pursuant to this section or this chapter or is	10999 11000 11001

11002 serving a sentence for which section 2967.13 or division (B) of
11003 section 2929.143 of the Revised Code specifies that the person
11004 is not entitled to any earned credit under this section.

11005 (2) The person is sentenced to death or is serving a
11006 prison term or a term of life imprisonment for aggravated
11007 murder, murder, or a conspiracy or attempt to commit, or
11008 complicity in committing, aggravated murder or murder.

11009 (3) The person is serving a sentence of life imprisonment
11010 without parole imposed pursuant to section 2929.03 or 2929.06 of
11011 the Revised Code, a prison term or a term of life imprisonment
11012 without parole imposed pursuant to section 2971.03 of the
11013 Revised Code, or a sentence for a sexually oriented offense that
11014 was committed on or after September 30, 2011.

11015 (D) This division does not apply to a determination of
11016 whether a person confined in a state correctional institution or
11017 placed in a substance use disorder treatment program may earn
11018 any days of credit under division (A) of this section for
11019 successful completion of a second program or activity. The
11020 determination of whether a person confined in a state
11021 correctional institution may earn one day of credit or five days
11022 of credit under division (A) of this section for each completed
11023 month during which the person productively participates in a
11024 program or activity specified under that division shall be made
11025 in accordance with the following:

11026 (1) The offender may earn one day of credit under division
11027 (A) of this section, except as provided in division (C) of this
11028 section, if the most serious offense for which the offender is
11029 confined is any of the following that is a felony of the first
11030 or second degree:

(a) A violation of division (A) of section 2903.04 or of 11031
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 11032
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 11033
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 11034
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 11035
2927.24 of the Revised Code; 11036

(b) A conspiracy or attempt to commit, or complicity in 11037
committing, any other offense for which the maximum penalty is 11038
imprisonment for life or any offense listed in division (D) (1) 11039
(a) of this section. 11040

(2) The offender may earn one day of credit under division 11041
(A) of this section, except as provided in division (C) of this 11042
section, if the offender is serving a stated prison term that 11043
includes a prison term imposed for a sexually oriented offense 11044
that the offender committed prior to September 30, 2011. 11045

(3) The offender may earn one day of credit under division 11046
(A) of this section, except as provided in division (C) of this 11047
section, if the offender is serving a stated prison term that 11048
includes a prison term imposed for a felony other than carrying 11049
a concealed weapon an essential element of which is any conduct 11050
or failure to act expressly involving any deadly weapon or 11051
dangerous ordnance. 11052

(4) Except as provided in division (C) of this section, if 11053
the most serious offense for which the offender is confined is a 11054
felony of the first or second degree and divisions (D) (1), (2), 11055
and (3) of this section do not apply to the offender, the 11056
offender may earn one day of credit under division (A) of this 11057
section if the offender committed that offense prior to 11058
September 30, 2011, and the offender may earn five days of 11059
credit under division (A) of this section if the offender 11060

committed that offense on or after September 30, 2011. 11061

(5) Except as provided in division (C) of this section, if 11062
the most serious offense for which the offender is confined is a 11063
felony of the third, fourth, or fifth degree or an unclassified 11064
felony and neither division (D) (2) nor (3) of this section 11065
applies to the offender, the offender may earn one day of credit 11066
under division (A) of this section if the offender committed 11067
that offense prior to September 30, 2011, and the offender may 11068
earn five days of credit under division (A) of this section if 11069
the offender committed that offense on or after September 30, 11070
2011. 11071

(E) The department annually shall seek and consider the 11072
written feedback of the Ohio prosecuting attorneys association, 11073
the Ohio judicial conference, the Ohio public defender, the Ohio 11074
association of criminal defense lawyers, and other organizations 11075
and associations that have an interest in the operation of the 11076
corrections system and the earned credits program under this 11077
section as part of its evaluation of the program and in 11078
determining whether to modify the program. 11079

(F) Days of credit awarded under this section shall be 11080
applied toward satisfaction of a person's stated prison term as 11081
follows: 11082

(1) Toward the definite prison term of a prisoner serving 11083
a definite prison term as a stated prison term; 11084

(2) Toward the minimum and maximum terms of a prisoner 11085
serving an indefinite prison term imposed under division (A) (1) 11086
(a) or (2) (a) of section 2929.14 of the Revised Code for a 11087
felony of the first or second degree committed on or after the 11088
effective date of this amendment. 11089

(G) As used in this section: 11090

(1) "Sexually oriented offense" has the same meaning as in 11091
section 2950.01 of the Revised Code. 11092

(2) "Substance use disorder treatment program" means the 11093
substance use disorder treatment program established by the 11094
department of rehabilitation and correction under section 11095
5120.035 of the Revised Code. 11096

Sec. 2967.26. (A) (1) The department of rehabilitation and 11097
correction, by rule, may establish a transitional control 11098
program for the purpose of closely monitoring a prisoner's 11099
adjustment to community supervision during the final one hundred 11100
eighty days of the prisoner's confinement. If the department 11101
establishes a transitional control program under this division, 11102
the division of parole and community services of the department 11103
of rehabilitation and correction may transfer eligible prisoners 11104
to transitional control status under the program during the 11105
final one hundred eighty days of their confinement and under the 11106
terms and conditions established by the department, shall 11107
provide for the confinement as provided in this division of each 11108
eligible prisoner so transferred, and shall supervise each 11109
eligible prisoner so transferred in one or more community 11110
control sanctions. Each eligible prisoner who is transferred to 11111
transitional control status under the program shall be confined 11112
in a suitable facility that is licensed pursuant to division (C) 11113
of section 2967.14 of the Revised Code, or shall be confined in 11114
a residence the department has approved for this purpose and be 11115
monitored pursuant to an electronic monitoring device, as 11116
defined in section 2929.01 of the Revised Code. If the 11117
department establishes a transitional control program under this 11118
division, the rules establishing the program shall include 11119

criteria that define which prisoners are eligible for the 11120
program, criteria that must be satisfied to be approved as a 11121
residence that may be used for confinement under the program of 11122
a prisoner that is transferred to it and procedures for the 11123
department to approve residences that satisfy those criteria, 11124
and provisions of the type described in division (C) of this 11125
section. At a minimum, the criteria that define which prisoners 11126
are eligible for the program shall provide all of the following: 11127

(a) That a prisoner is eligible for the program if the 11128
prisoner is serving a prison term or term of imprisonment for an 11129
offense committed prior to March 17, 1998, and if, at the time 11130
at which eligibility is being determined, the prisoner would 11131
have been eligible for a furlough under this section as it 11132
existed immediately prior to March 17, 1998, or would have been 11133
eligible for conditional release under former section 2967.23 of 11134
the Revised Code as that section existed immediately prior to 11135
March 17, 1998; 11136

(b) That no prisoner who is serving a mandatory prison 11137
term is eligible for the program until after expiration of the 11138
mandatory term; 11139

(c) That no prisoner who is serving a prison term or term 11140
of life imprisonment without parole imposed pursuant to section 11141
2971.03 of the Revised Code is eligible for the program. 11142

(2) At least sixty days prior to transferring to 11143
transitional control under this section a prisoner who is 11144
serving a definite term of imprisonment or definite prison term 11145
of two years or less for an offense committed on or after July 11146
1, 1996, or who is serving a minimum term of two years or less 11147
under a non-life felony indefinite prison term, the division of 11148
parole and community services of the department of 11149

rehabilitation and correction shall give notice of the pendency 11150
of the transfer to transitional control to the court of common 11151
pleas of the county in which the indictment against the prisoner 11152
was found and of the fact that the court may disapprove the 11153
transfer of the prisoner to transitional control and shall 11154
include the institutional summary report prepared by the head of 11155
the state correctional institution in which the prisoner is 11156
confined. The head of the state correctional institution in 11157
which the prisoner is confined, upon the request of the division 11158
of parole and community services, shall provide to the division 11159
for inclusion in the notice sent to the court under this 11160
division an institutional summary report on the prisoner's 11161
conduct in the institution and in any institution from which the 11162
prisoner may have been transferred. The institutional summary 11163
report shall cover the prisoner's participation in school, 11164
vocational training, work, treatment, and other rehabilitative 11165
activities and any disciplinary action taken against the 11166
prisoner. If the court disapproves of the transfer of the 11167
prisoner to transitional control, the court shall notify the 11168
division of the disapproval within thirty days after receipt of 11169
the notice. If the court timely disapproves the transfer of the 11170
prisoner to transitional control, the division shall not proceed 11171
with the transfer. If the court does not timely disapprove the 11172
transfer of the prisoner to transitional control, the division 11173
may transfer the prisoner to transitional control. 11174

(3) (a) If the victim of an offense for which a prisoner 11175
was sentenced to a prison term or term of imprisonment has 11176
requested notification under section 2930.16 of the Revised Code 11177
and has provided the department of rehabilitation and correction 11178
with the victim's name and address or if division (A) (3) (b) of 11179
this section applies, the division of parole and community 11180

services, at least sixty days prior to transferring the prisoner 11181
to transitional control pursuant to this section, shall notify 11182
the victim of the pendency of the transfer and of the victim's 11183
right to submit a statement to the division regarding the impact 11184
of the transfer of the prisoner to transitional control. If the 11185
victim subsequently submits a statement of that nature to the 11186
division, the division shall consider the statement in deciding 11187
whether to transfer the prisoner to transitional control. 11188

(b) If a prisoner is incarcerated for the commission of 11189
aggravated murder, murder, or an offense of violence that is a 11190
felony of the first, second, or third degree or under a sentence 11191
of life imprisonment, except as otherwise provided in this 11192
division, the notice described in division (A) (3) (a) of this 11193
section shall be given regardless of whether the victim has 11194
requested the notification. The notice described in division (A) 11195
(3) (a) of this section shall not be given under this division to 11196
a victim if the victim has requested pursuant to division (B) (2) 11197
of section 2930.03 of the Revised Code that the victim not be 11198
provided the notice. If notice is to be provided to a victim 11199
under this division, the authority may give the notice by any 11200
reasonable means, including regular mail, telephone, and 11201
electronic mail, in accordance with division (D) (1) of section 11202
2930.16 of the Revised Code. If the notice is based on an 11203
offense committed prior to March 22, 2013, the notice also shall 11204
include the opt-out information described in division (D) (1) of 11205
section 2930.16 of the Revised Code. The authority, in 11206
accordance with division (D) (2) of section 2930.16 of the 11207
Revised Code, shall keep a record of all attempts to provide the 11208
notice, and of all notices provided, under this division. 11209

Division (A) (3) (b) of this section, and the notice-related 11210
provisions of divisions (E) (2) and (K) of section 2929.20, 11211

division (D) (1) of section 2930.16, division (H) of section 11212
2967.12, division (E) (1) (b) of section 2967.19, division (D) (1) 11213
of section 2967.28, and division (A) (2) of section 5149.101 of 11214
the Revised Code enacted in the act in which division (A) (3) (b) 11215
of this section was enacted, shall be known as "Roberta's Law." 11216

(4) The department of rehabilitation and correction, at 11217
least sixty days prior to transferring a prisoner to 11218
transitional control pursuant to this section, shall post on the 11219
database it maintains pursuant to section 5120.66 of the Revised 11220
Code the prisoner's name and all of the information specified in 11221
division (A) (1) (c) (iv) of that section. In addition to and 11222
independent of the right of a victim to submit a statement as 11223
described in division (A) (3) of this section or to otherwise 11224
make a statement and in addition to and independent of any other 11225
right or duty of a person to present information or make a 11226
statement, any person may send to the division of parole and 11227
community services at any time prior to the division's transfer 11228
of the prisoner to transitional control a written statement 11229
regarding the transfer of the prisoner to transitional control. 11230
In addition to the information, reports, and statements it 11231
considers under divisions (A) (2) and (3) of this section or that 11232
it otherwise considers, the division shall consider each 11233
statement submitted in accordance with this division in deciding 11234
whether to transfer the prisoner to transitional control. 11235

(B) Each prisoner transferred to transitional control 11236
under this section shall be confined in the manner described in 11237
division (A) of this section during any period of time that the 11238
prisoner is not actually working at the prisoner's approved 11239
employment, engaged in a vocational training or another 11240
educational program, engaged in another program designated by 11241
the director, or engaged in other activities approved by the 11242

department. 11243

(C) The department of rehabilitation and correction shall 11244
adopt rules for transferring eligible prisoners to transitional 11245
control, supervising and confining prisoners so transferred, 11246
administering the transitional control program in accordance 11247
with this section, and using the moneys deposited into the 11248
transitional control fund established under division (E) of this 11249
section. 11250

(D) The department of rehabilitation and correction may 11251
adopt rules for the issuance of passes for the limited purposes 11252
described in this division to prisoners who are transferred to 11253
transitional control under this section. If the department 11254
adopts rules of that nature, the rules shall govern the granting 11255
of the passes and shall provide for the supervision of prisoners 11256
who are temporarily released pursuant to one of those passes. 11257
Upon the adoption of rules under this division, the department 11258
may issue passes to prisoners who are transferred to 11259
transitional control status under this section in accordance 11260
with the rules and the provisions of this division. All passes 11261
issued under this division shall be for a maximum of forty-eight 11262
hours and may be issued only for the following purposes: 11263

(1) To visit a relative in imminent danger of death; 11264

(2) To have a private viewing of the body of a deceased 11265
relative; 11266

(3) To visit with family; 11267

(4) To otherwise aid in the rehabilitation of the 11268
prisoner. 11269

(E) The division of parole and community services may 11270
require a prisoner who is transferred to transitional control to 11271

pay to the division the reasonable expenses incurred by the 11272
division in supervising or confining the prisoner while under 11273
transitional control. Inability to pay those reasonable expenses 11274
shall not be grounds for refusing to transfer an otherwise 11275
eligible prisoner to transitional control. Amounts received by 11276
the division of parole and community services under this 11277
division shall be deposited into the transitional control fund, 11278
which is hereby created in the state treasury and which hereby 11279
replaces and succeeds the furlough services fund that formerly 11280
existed in the state treasury. All moneys that remain in the 11281
furlough services fund on March 17, 1998, shall be transferred 11282
on that date to the transitional control fund. The transitional 11283
control fund shall be used solely to pay costs related to the 11284
operation of the transitional control program established under 11285
this section. The director of rehabilitation and correction 11286
shall adopt rules in accordance with section 111.15 of the 11287
Revised Code for the use of the fund. 11288

(F) A prisoner who violates any rule established by the 11289
department of rehabilitation and correction under division (A), 11290
(C), or (D) of this section may be transferred to a state 11291
correctional institution pursuant to rules adopted under 11292
division (A), (C), or (D) of this section, but the prisoner 11293
shall receive credit towards completing the prisoner's sentence 11294
for the time spent under transitional control. 11295

If a prisoner is transferred to transitional control under 11296
this section, upon successful completion of the period of 11297
transitional control, the prisoner may be released on parole or 11298
under post-release control pursuant to section 2967.13 or 11299
2967.28 of the Revised Code and rules adopted by the department 11300
of rehabilitation and correction. If the prisoner is released 11301
under post-release control, the duration of the post-release 11302

control, the type of post-release control sanctions that may be 11303
imposed, the enforcement of the sanctions, and the treatment of 11304
prisoners who violate any sanction applicable to the prisoner 11305
are governed by section 2967.28 of the Revised Code. 11306

Sec. 2967.271. (A) As used in this section: 11307

(1) "Offender's minimum prison term" means the minimum 11308
prison term imposed on an offender under a non-life felony 11309
indefinite prison term, diminished as provided in section 11310
2967.191 or 2967.193 of the Revised Code or in any other 11311
provision of the Revised Code, other than division (F) of this 11312
section, that provides for diminution or reduction of an 11313
offender's sentence. 11314

(2) "Offender's presumptive earned early release date" 11315
means the date that is determined under the procedures described 11316
in division (F) of this section by the reduction, if any, of an 11317
offender's minimum prison term by the sentencing court and the 11318
crediting of that reduction toward the satisfaction of the 11319
minimum term. 11320

(3) "Rehabilitative programs and activities" means 11321
education programs, vocational training, employment in prison 11322
industries, treatment for substance abuse, or other constructive 11323
programs developed by the department of rehabilitation and 11324
correction with specific standards for performance by prisoners. 11325

(4) "Security level" means the security level in which an 11326
offender is classified under the inmate classification level 11327
system of the department of rehabilitation and correction that 11328
then is in effect. 11329

(5) "Sexually oriented offense" has the same meaning as in 11330
section 2950.01 of the Revised Code. 11331

(B) When an offender is sentenced to a non-life felony 11332
indefinite prison term, there shall be a presumption that the 11333
person shall be released from service of the sentence on the 11334
expiration of the offender's minimum prison term or on the 11335
offender's presumptive earned early release date, whichever is 11336
earlier. 11337

(C) The presumption established under division (B) of this 11338
section is a rebuttable presumption that the department of 11339
rehabilitation and correction may rebut as provided in this 11340
division. Unless the department rebuts the presumption, the 11341
offender shall be released from service of the sentence on the 11342
expiration of the offender's minimum prison term or on the 11343
offender's presumptive earned early release date, whichever is 11344
earlier. The department may rebut the presumption only if the 11345
department determines, at a hearing, that one or more of the 11346
following applies: 11347

(1) Regardless of the security level in which the offender 11348
is classified at the time of the hearing, both of the following 11349
apply: 11350

(a) During the offender's incarceration, the offender 11351
committed institutional rule infractions that involved 11352
compromising the security of a state correctional institution, 11353
compromising the safety of the staff of a state correctional 11354
institution or its inmates, or physical harm or the threat of 11355
physical harm to the staff of a state correctional institution 11356
or its inmates, or committed a violation of law that was not 11357
prosecuted, and the infractions or violations demonstrate that 11358
the offender has not been rehabilitated. 11359

(b) The offender's behavior while incarcerated, including, 11360
but not limited to the infractions and violations specified in 11361

division (C) (1) (a) of this section, demonstrate that the 11362
offender continues to pose a threat to society. 11363

(2) Regardless of the security level in which the offender 11364
is classified at the time of the hearing, the offender has been 11365
placed by the department in extended restrictive housing at any 11366
time within the year preceding the date of the hearing. 11367

(3) At the time of the hearing, the offender is classified 11368
by the department as a security level three, four, or five, or 11369
at a higher security level. 11370

(D) (1) If the department of rehabilitation and correction, 11371
pursuant to division (C) of this section, rebuts the presumption 11372
established under division (B) of this section, the department 11373
may maintain the offender's incarceration in a state 11374
correctional institution under the sentence after the expiration 11375
of the offender's minimum prison term or, for offenders who have 11376
a presumptive earned early release date, after the offender's 11377
presumptive earned early release date. The department may 11378
maintain the offender's incarceration under this division for an 11379
additional period of incarceration determined by the department. 11380
The additional period of incarceration shall be a reasonable 11381
period determined by the department, shall be specified by the 11382
department, and shall not exceed the offender's maximum prison 11383
term. 11384

(2) If the department maintains an offender's 11385
incarceration for an additional period under division (D) (1) of 11386
this section, there shall be a presumption that the offender 11387
shall be released on the expiration of the offender's minimum 11388
prison term plus the additional period of incarceration 11389
specified by the department as provided under that division or, 11390
for offenders who have a presumptive earned early release date, 11391

on the expiration of the additional period of incarceration to 11392
be served after the offender's presumptive earned early release 11393
date that is specified by the department as provided under that 11394
division. The presumption is a rebuttable presumption that the 11395
department may rebut, but only if it conducts a hearing and 11396
makes the determinations specified in division (C) of this 11397
section, and if the department rebuts the presumption, it may 11398
maintain the offender's incarceration in a state correctional 11399
institution for an additional period determined as specified in 11400
division (D) (1) of this section. Unless the department rebuts 11401
the presumption at the hearing, the offender shall be released 11402
from service of the sentence on the expiration of the offender's 11403
minimum prison term plus the additional period of incarceration 11404
specified by the department or, for offenders who have a 11405
presumptive earned early release date, on the expiration of the 11406
additional period of incarceration to be served after the 11407
offender's presumptive earned early release date as specified by 11408
the department. 11409

The provisions of this division regarding the 11410
establishment of a rebuttable presumption, the department's 11411
rebuttal of the presumption, and the department's maintenance of 11412
an offender's incarceration for an additional period of 11413
incarceration apply, and may be utilized more than one time, 11414
during the remainder of the offender's incarceration. If the 11415
offender has not been released under division (C) of this 11416
section or this division prior to the expiration of the 11417
offender's maximum prison term imposed as part of the offender's 11418
non-life felony indefinite prison term, the offender shall be 11419
released upon the expiration of that maximum term. 11420

(E) The department shall provide notices of hearings to be 11421
conducted under division (C) or (D) of this section in the same 11422

manner, and to the same persons, as specified in section 2967.12 11423
and Chapter 2930. of the Revised Code with respect to hearings 11424
to be conducted regarding the possible release on parole of an 11425
inmate. 11426

(F)(1) The director of the department of rehabilitation 11427
and correction may notify the sentencing court in writing that 11428
the director is recommending that the court grant a reduction in 11429
the minimum prison term imposed on a specified offender who is 11430
serving a non-life felony indefinite prison term and who is 11431
eligible under division (F)(8) of this section for such a 11432
reduction, due to the offender's exceptional conduct while 11433
incarcerated or the offender's adjustment to incarceration. If 11434
the director wishes to recommend such a reduction for an 11435
offender, the director shall send the notice to the court not 11436
earlier than ninety days prior to the date on which the director 11437
wishes to credit the reduction toward the satisfaction of the 11438
offender's minimum prison term. If the director recommends such 11439
a reduction for an offender, there shall be a presumption that 11440
the court shall grant the recommended reduction to the offender. 11441
The presumption established under this division is a rebuttable 11442
presumption that may be rebutted as provided in division (F)(4) 11443
of this section. 11444

The director shall include with the notice sent to a court 11445
under this division an institutional summary report that covers 11446
the offender's participation while confined in a state 11447
correctional institution in rehabilitative programs and 11448
activities and any disciplinary action taken against the 11449
offender while so confined, and any other documentation 11450
requested by the court, if available. 11451

The notice the director sends to a court under this 11452

division shall do all of the following: 11453

(a) Identify the offender; 11454

(b) Specify the length of the recommended reduction, which shall be for five to fifteen per cent of the offender's minimum term determined in accordance with rules adopted by the department under division (F)(7) of this section; 11455
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(c) Specify the reason or reasons that qualify the offender for the recommended reduction; 11459
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(d) Inform the court of the rebuttable presumption and that the court must either approve or, if the court finds that the presumption has been rebutted, disapprove of the recommended reduction, and that if it approves of the recommended reduction, it must grant the reduction; 11461
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(e) Inform the court that it must notify the department of its decision as to approval or disapproval not later than sixty days after receipt of the notice from the director. 11466
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(2) When the director, under division (F)(1) of this section, submits a notice to a sentencing court that the director is recommending that the court grant a reduction in the minimum prison term imposed on an offender serving a non-life felony indefinite prison term, the department promptly shall provide to the prosecuting attorney of the county in which the offender was indicted a copy of the written notice, a copy of the institutional summary report described in that division, and any other information provided to the court. 11469
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(3) Upon receipt of a notice submitted by the director under division (F)(1) of this section, the court shall schedule a hearing to consider whether to grant the reduction in the minimum prison term imposed on the specified offender that was 11478
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recommended by the director or to find that the presumption has 11482
been rebutted and disapprove the recommended reduction. Upon 11483
scheduling the hearing, the court promptly shall give notice of 11484
the hearing to the prosecuting attorney of the county in which 11485
the offender was indicted and to the department. The notice 11486
shall inform the prosecuting attorney that the prosecuting 11487
attorney may submit to the court, prior to the date of the 11488
hearing, written information relevant to the recommendation and 11489
may present at the hearing written information and oral 11490
information relevant to the recommendation. 11491

Upon receipt of the notice from the court, the prosecuting 11492
attorney shall notify the victim of the offender or the victim's 11493
representative of the recommendation by the director, the date, 11494
time, and place of the hearing, the fact that the victim may 11495
submit to the court, prior to the date of the hearing, written 11496
information relevant to the recommendation, and the address and 11497
procedure for submitting the information. 11498

(4) At the hearing scheduled under division (F) (3) of this 11499
section, the court shall afford the prosecuting attorney an 11500
opportunity to present written information and oral information 11501
relevant to the director's recommendation. In making its 11502
determination as to whether to grant or disapprove the reduction 11503
in the minimum prison term imposed on the specified offender 11504
that was recommended by the director, the court shall consider 11505
any report and other documentation submitted by the director, 11506
any information submitted by a victim, any information submitted 11507
or presented at the hearing by the prosecuting attorney, and all 11508
of the factors set forth in divisions (B) to (D) of section 11509
2929.12 of the Revised Code that are relevant to the offender's 11510
offense and to the offender. 11511

Unless the court, after considering at the hearing the 11512
specified reports, documentation, information, and relevant 11513
factors, finds that the presumption that the recommended 11514
reduction shall be granted has been rebutted and disapproves the 11515
recommended reduction, the court shall grant the recommended 11516
reduction. The court may disapprove the recommended reduction 11517
only if, after considering at the hearing the specified reports, 11518
documentation, information, and relevant factors, it finds that 11519
the presumption that the reduction shall be granted has been 11520
rebutted. The court may find that the presumption has been 11521
rebutted and disapprove the recommended reduction only if it 11522
determines at the hearing that one or more of the following 11523
applies: 11524

(a) Regardless of the security level in which the offender 11525
is classified at the time of the hearing, during the offender's 11526
incarceration, the offender committed institutional rule 11527
infractions that involved compromising the security of a state 11528
correctional institution, compromising the safety of the staff 11529
of a state correctional institution or its inmates, or physical 11530
harm or the threat of physical harm to the staff of a state 11531
correctional institution or its inmates, or committed a 11532
violation of law that was not prosecuted, and the infractions or 11533
violations demonstrate that the offender has not been 11534
rehabilitated. 11535

(b) The offender's behavior while incarcerated, including, 11536
but not limited to, the infractions and violations specified in 11537
division (F) (4) (a) of this section, demonstrates that the 11538
offender continues to pose a threat to society. 11539

(c) At the time of the hearing, the offender is classified 11540
by the department as a security level three, four, or five, or 11541

at a higher security level. 11542

(d) During the offender's incarceration, the offender did 11543
not productively participate in a majority of the rehabilitative 11544
programs and activities recommended by the department for the 11545
offender, or the offender participated in a majority of such 11546
recommended programs or activities but did not successfully 11547
complete a reasonable number of the programs or activities in 11548
which the offender participated. 11549

(e) After release, the offender will not be residing in a 11550
halfway house, reentry center, or community residential center 11551
licensed under division (C) of section 2967.14 of the Revised 11552
Code and, after release, does not have any other place to reside 11553
at a fixed residence address. 11554

(5) If the court pursuant to division (F)(4) of this 11555
section finds that the presumption that the recommended 11556
reduction in the offender's minimum prison term has been 11557
rebutted and disapproves the recommended reduction, the court 11558
shall notify the department of the disapproval not later than 11559
sixty days after receipt of the notice from the director. The 11560
court shall specify in the notification the reason or reasons 11561
for which it found that the presumption was rebutted and 11562
disapproved the recommended reduction. The court shall not 11563
reduce the offender's minimum prison term, and the department 11564
shall not credit the amount of the disapproved reduction toward 11565
satisfaction of the offender's minimum prison term. 11566

If the court pursuant to division (F)(4) of this section 11567
grants the recommended reduction of the offender's minimum 11568
prison term, the court shall notify the department of the grant 11569
of the reduction not later than sixty days after receipt of the 11570
notice from the director, the court shall reduce the offender's 11571

minimum prison term in accordance with the recommendation 11572
submitted by the director, and the department shall credit the 11573
amount of the reduction toward satisfaction of the offender's 11574
minimum prison term. 11575

Upon deciding whether to disapprove or grant the 11576
recommended reduction of the offender's minimum prison term, the 11577
court shall notify the prosecuting attorney of the decision and 11578
the prosecuting attorney shall notify the victim or victim's 11579
representative of the court's decision. 11580

(6) If the court under division (F) (5) of this section 11581
grants the reduction in the minimum prison term imposed on an 11582
offender that was recommended by the director and reduces the 11583
offender's minimum prison term, the date determined by the 11584
department's crediting of the reduction toward satisfaction of 11585
the offender's minimum prison term is the offender's presumptive 11586
earned early release date. 11587

(7) The department of rehabilitation and correction by 11588
rule shall specify both of the following for offenders serving a 11589
non-life felony indefinite prison term: 11590

(a) The type of exceptional conduct while incarcerated and 11591
the type of adjustment to incarceration that will qualify an 11592
offender serving such a prison term for a reduction under 11593
divisions (F) (1) to (6) of this section of the minimum prison 11594
term imposed on the offender under the non-life felony 11595
indefinite prison term. 11596

(b) The per cent of reduction that it may recommend for, 11597
and that may be granted to, an offender serving such a prison 11598
term under divisions (F) (1) to (6) of this section, based on the 11599
offense level of the offense for which the prison term was 11600

imposed, with the department specifying the offense levels used 11601
for purposes of this division and assigning a specific 11602
percentage reduction within the range of five to fifteen per 11603
cent for each such offense level. 11604

(8) Divisions (F) (1) to (6) of this section do not apply 11605
with respect to an offender serving a non-life felony indefinite 11606
prison term for a sexually oriented offense, and no offender 11607
-serving such a prison term for a sexually oriented offense is 11608
eligible to be recommended for or granted, or may be recommended 11609
for or granted, a reduction under those divisions in the 11610
offender's minimum prison term imposed under that non-life 11611
felony indefinite prison term. 11612

(G) If an offender is sentenced to a non-life felony 11613
indefinite prison term, any reference in a section of the 11614
Revised Code to a definite prison term shall be construed as 11615
referring to the offender's minimum term under that sentence 11616
plus any additional period of time of incarceration specified by 11617
the department under division (D) (1) or (2) of this section, 11618
except to the extent otherwise specified in the section or to 11619
the extent that that construction clearly would be 11620
inappropriate. 11621

Sec. 2967.28. (A) As used in this section: 11622

(1) "Monitored time" means the monitored time sanction 11623
specified in section 2929.17 of the Revised Code. 11624

(2) "Deadly weapon" and "dangerous ordnance" have the same 11625
meanings as in section 2923.11 of the Revised Code. 11626

(3) "Felony sex offense" means a violation of a section 11627
contained in Chapter 2907. of the Revised Code that is a felony. 11628

(4) "Risk reduction sentence" means a prison term imposed 11629

by a court, when the court recommends pursuant to section 11630
2929.143 of the Revised Code that the offender serve the 11631
sentence under section 5120.036 of the Revised Code, and the 11632
offender may potentially be released from imprisonment prior to 11633
the expiration of the prison term if the offender successfully 11634
completes all assessment and treatment or programming required 11635
by the department of rehabilitation and correction under section 11636
5120.036 of the Revised Code. 11637

(5) "Victim's immediate family" has the same meaning as in 11638
section 2967.12 of the Revised Code. 11639

(6) "Minor drug possession offense" has the same meaning 11640
as in section 2925.11 of the Revised Code. 11641

(B) Each sentence to a prison term, other than a term of 11642
life imprisonment, for a felony of the first degree, for a 11643
felony of the second degree, for a felony sex offense, or for a 11644
felony of the third degree that is an offense of violence and is 11645
not a felony sex offense shall include a requirement that the 11646
offender be subject to a period of post-release control imposed 11647
by the parole board after the offender's release from 11648
imprisonment. This division applies with respect to all prison 11649
terms of a type described in this division, including a term of 11650
any such type that is a risk reduction sentence. If a court 11651
imposes a sentence including a prison term of a type described 11652
in this division on or after July 11, 2006, the failure of a 11653
sentencing court to notify the offender pursuant to division (B) 11654
(2) ~~(e)~~ (d) of section 2929.19 of the Revised Code of this 11655
requirement or to include in the judgment of conviction entered 11656
on the journal a statement that the offender's sentence includes 11657
this requirement does not negate, limit, or otherwise affect the 11658
mandatory period of supervision that is required for the 11659

offender under this division. This division applies with respect 11660
to all prison terms of a type described in this division, 11661
including a non-life felony indefinite prison term. Section 11662
2929.191 of the Revised Code applies if, prior to July 11, 2006, 11663
a court imposed a sentence including a prison term of a type 11664
described in this division and failed to notify the offender 11665
pursuant to division (B) (2) ~~(e)~~ (d) of section 2929.19 of the 11666
Revised Code regarding post-release control or to include in the 11667
judgment of conviction entered on the journal or in the sentence 11668
pursuant to division (D) (1) of section 2929.14 of the Revised 11669
Code a statement regarding post-release control. Unless reduced 11670
by the parole board pursuant to division (D) of this section 11671
when authorized under that division, a period of post-release 11672
control required by this division for an offender shall be of 11673
one of the following periods: 11674

(1) For a felony of the first degree or for a felony sex 11675
offense, five years; 11676

(2) For a felony of the second degree that is not a felony 11677
sex offense, three years; 11678

(3) For a felony of the third degree that is an offense of 11679
violence and is not a felony sex offense, three years. 11680

(C) Any sentence to a prison term for a felony of the 11681
third, fourth, or fifth degree that is not subject to division 11682
(B) (1) or (3) of this section shall include a requirement that 11683
the offender be subject to a period of post-release control of 11684
up to three years after the offender's release from 11685
imprisonment, if the parole board, in accordance with division 11686
(D) of this section, determines that a period of post-release 11687
control is necessary for that offender. This division applies 11688
with respect to all prison terms of a type described in this 11689

division, including a term of any such type that is a risk 11690
reduction sentence. Section 2929.191 of the Revised Code applies 11691
if, prior to July 11, 2006, a court imposed a sentence including 11692
a prison term of a type described in this division and failed to 11693
notify the offender pursuant to division (B) (2) ~~(d)~~ (e) of section 11694
2929.19 of the Revised Code regarding post-release control or to 11695
include in the judgment of conviction entered on the journal or 11696
in the sentence pursuant to division (D) (2) of section 2929.14 11697
of the Revised Code a statement regarding post-release control. 11698
Pursuant to an agreement entered into under section 2967.29 of 11699
the Revised Code, a court of common pleas or parole board may 11700
impose sanctions or conditions on an offender who is placed on 11701
post-release control under this division. 11702

(D) (1) Before the prisoner is released from imprisonment, 11703
the parole board or, pursuant to an agreement under section 11704
2967.29 of the Revised Code, the court shall impose upon a 11705
prisoner described in division (B) of this section, shall impose 11706
upon a prisoner described in division (C) of this section who is 11707
to be released before the expiration of the prisoner's stated 11708
prison term under a risk reduction sentence, may impose upon a 11709
prisoner described in division (C) of this section who is not to 11710
be released before the expiration of the prisoner's stated 11711
prison term under a risk reduction sentence, and shall impose 11712
upon a prisoner described in division (B) (2) (b) of section 11713
5120.031 or in division (B) (1) of section 5120.032 of the 11714
Revised Code, one or more post-release control sanctions to 11715
apply during the prisoner's period of post-release control. 11716
Whenever the board or court imposes one or more post-release 11717
control sanctions upon a prisoner, the board or court, in 11718
addition to imposing the sanctions, also shall include as a 11719
condition of the post-release control that the offender not 11720

leave the state without permission of the court or the 11721
offender's parole or probation officer and that the offender 11722
abide by the law. The board or court may impose any other 11723
conditions of release under a post-release control sanction that 11724
the board or court considers appropriate, and the conditions of 11725
release may include any community residential sanction, 11726
community nonresidential sanction, or financial sanction that 11727
the sentencing court was authorized to impose pursuant to 11728
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 11729
Prior to the release of a prisoner for whom it will impose one 11730
or more post-release control sanctions under this division, the 11731
parole board or court shall review the prisoner's criminal 11732
history, results from the single validated risk assessment tool 11733
selected by the department of rehabilitation and correction 11734
under section 5120.114 of the Revised Code, all juvenile court 11735
adjudications finding the prisoner, while a juvenile, to be a 11736
delinquent child, and the record of the prisoner's conduct while 11737
imprisoned. The parole board or court shall consider any 11738
recommendation regarding post-release control sanctions for the 11739
prisoner made by the office of victims' services. After 11740
considering those materials, the board or court shall determine, 11741
for a prisoner described in division (B) of this section, 11742
division (B) (2) (b) of section 5120.031, or division (B) (1) of 11743
section 5120.032 of the Revised Code and for a prisoner 11744
described in division (C) of this section who is to be released 11745
before the expiration of the prisoner's stated prison term under 11746
a risk reduction sentence, which post-release control sanction 11747
or combination of post-release control sanctions is reasonable 11748
under the circumstances or, for a prisoner described in division 11749
(C) of this section who is not to be released before the 11750
expiration of the prisoner's stated prison term under a risk 11751
reduction sentence, whether a post-release control sanction is 11752

necessary and, if so, which post-release control sanction or 11753
combination of post-release control sanctions is reasonable 11754
under the circumstances. In the case of a prisoner convicted of 11755
a felony of the fourth or fifth degree other than a felony sex 11756
offense, the board or court shall presume that monitored time is 11757
the appropriate post-release control sanction unless the board 11758
or court determines that a more restrictive sanction is 11759
warranted. A post-release control sanction imposed under this 11760
division takes effect upon the prisoner's release from 11761
imprisonment. 11762

Regardless of whether the prisoner was sentenced to the 11763
prison term prior to, on, or after July 11, 2006, prior to the 11764
release of a prisoner for whom it will impose one or more post- 11765
release control sanctions under this division, the parole board 11766
shall notify the prisoner that, if the prisoner violates any 11767
sanction so imposed or any condition of post-release control 11768
described in division (B) of section 2967.131 of the Revised 11769
Code that is imposed on the prisoner, the parole board may 11770
impose a prison term of up to one-half of the stated prison term 11771
originally imposed upon the prisoner. 11772

At least thirty days before the prisoner is released from 11773
imprisonment under post-release control, except as otherwise 11774
provided in this paragraph, the department of rehabilitation and 11775
correction shall notify the victim and the victim's immediate 11776
family of the date on which the prisoner will be released, the 11777
period for which the prisoner will be under post-release control 11778
supervision, and the terms and conditions of the prisoner's 11779
post-release control regardless of whether the victim or 11780
victim's immediate family has requested the notification. The 11781
notice described in this paragraph shall not be given to a 11782
victim or victim's immediate family if the victim or the 11783

victim's immediate family has requested pursuant to division (B) 11784
(2) of section 2930.03 of the Revised Code that the notice not 11785
be provided to the victim or the victim's immediate family. At 11786
least thirty days before the prisoner is released from 11787
imprisonment and regardless of whether the victim or victim's 11788
immediate family has requested that the notice described in this 11789
paragraph be provided or not be provided to the victim or the 11790
victim's immediate family, the department also shall provide 11791
notice of that nature to the prosecuting attorney in the case 11792
and the law enforcement agency that arrested the prisoner if any 11793
officer of that agency was a victim of the offense. 11794

If the notice given under the preceding paragraph to the 11795
victim or the victim's immediate family is based on an offense 11796
committed prior to March 22, 2013, and if the department of 11797
rehabilitation and correction has not previously successfully 11798
provided any notice to the victim or the victim's immediate 11799
family under division (B), (C), or (D) of section 2930.16 of the 11800
Revised Code with respect to that offense and the offender who 11801
committed it, the notice also shall inform the victim or the 11802
victim's immediate family that the victim or the victim's 11803
immediate family may request that the victim or the victim's 11804
immediate family not be provided any further notices with 11805
respect to that offense and the offender who committed it and 11806
shall describe the procedure for making that request. The 11807
department may give the notices to which the preceding paragraph 11808
applies by any reasonable means, including regular mail, 11809
telephone, and electronic mail. If the department attempts to 11810
provide notice to any specified person under the preceding 11811
paragraph but the attempt is unsuccessful because the department 11812
is unable to locate the specified person, is unable to provide 11813
the notice by its chosen method because it cannot determine the 11814

mailing address, electronic mail address, or telephone number at 11815
which to provide the notice, or, if the notice is sent by mail, 11816
the notice is returned, the department shall make another 11817
attempt to provide the notice to the specified person. If the 11818
second attempt is unsuccessful, the department shall make at 11819
least one more attempt to provide the notice. If the notice is 11820
based on an offense committed prior to March 22, 2013, in each 11821
attempt to provide the notice to the victim or victim's 11822
immediate family, the notice shall include the opt-out 11823
information described in this paragraph. The department, in the 11824
manner described in division (D) (2) of section 2930.16 of the 11825
Revised Code, shall keep a record of all attempts to provide the 11826
notice, and of all notices provided, under this paragraph and 11827
the preceding paragraph. The record shall be considered as if it 11828
was kept under division (D) (2) of section 2930.16 of the Revised 11829
Code. This paragraph, the preceding paragraph, and the notice- 11830
related provisions of divisions (E) (2) and (K) of section 11831
2929.20, division (D) (1) of section 2930.16, division (H) of 11832
section 2967.12, division (E) (1) (b) of section 2967.19, division 11833
(A) (3) (b) of section 2967.26, and division (A) (2) of section 11834
5149.101 of the Revised Code enacted in the act in which this 11835
paragraph and the preceding paragraph were enacted, shall be 11836
known as "Roberta's Law." 11837

(2) If a prisoner who is placed on post-release control 11838
under this section is released before the expiration of the 11839
definite term that is the prisoner's stated prison term or the 11840
expiration of the minimum term that is part of the prisoner's 11841
indefinite prison term imposed under a non-life felony 11842
indefinite prison term by reason of credit earned under section 11843
2967.193 or a reduction under division (F) of section 2967.271 11844
of the Revised Code and if the prisoner earned sixty or more 11845

days of credit, the adult parole authority shall supervise the 11846
offender with an active global positioning system device for the 11847
first fourteen days after the offender's release from 11848
imprisonment. This division does not prohibit or limit the 11849
imposition of any post-release control sanction otherwise 11850
authorized by this section. 11851

(3) At any time after a prisoner is released from 11852
imprisonment and during the period of post-release control 11853
applicable to the releasee, the adult parole authority or, 11854
pursuant to an agreement under section 2967.29 of the Revised 11855
Code, the court may review the releasee's behavior under the 11856
post-release control sanctions imposed upon the releasee under 11857
this section. The authority or court may determine, based upon 11858
the review and in accordance with the standards established 11859
under division (E) of this section, that a more restrictive or a 11860
less restrictive sanction is appropriate and may impose a 11861
different sanction. The authority also may recommend that the 11862
parole board or court increase or reduce the duration of the 11863
period of post-release control imposed by the court. If the 11864
authority recommends that the board or court increase the 11865
duration of post-release control, the board or court shall 11866
review the releasee's behavior and may increase the duration of 11867
the period of post-release control imposed by the court up to 11868
eight years. If the authority recommends that the board or court 11869
reduce the duration of control for an offense described in 11870
division (B) or (C) of this section, the board or court shall 11871
review the releasee's behavior and, subject to divisions (D) (3) 11872
(a) to (c) of this section, may reduce the duration of the 11873
period of control imposed by the court or, if the period of 11874
control was imposed for a non-life felony indefinite prison 11875
term, reduce the duration of or terminate the period of control 11876

imposed by the court. In no case shall the board or court ~~reduce~~ 11877
do any of the following: 11878

(a) Reduce the duration of the period of control imposed 11879
for an offense described in division (B)(1) of this section to a 11880
period less than the length of the ~~stated definite~~ prison term 11881
included in the stated prison term originally imposed, and in no 11882
case shall the board or court permit on the offender as part of 11883
the sentence or, with respect to a stated non-life felony 11884
indefinite prison term, to a period less than the length of the 11885
minimum prison term imposed as part of that stated prison term; 11886

(b) Consider any reduction or termination of the duration 11887
of the period of control imposed on a releasee prior to the 11888
expiration of one year after the commencement of the period of 11889
control, if the period of control was imposed for a non-life 11890
felony indefinite prison term and the releasee's minimum prison 11891
term or presumptive earned early release date under that term 11892
was extended for any length of time under division (C) or (D) of 11893
section 2967.271 of the Revised Code. 11894

(c) Permit the releasee to leave the state without 11895
permission of the court or the releasee's parole or probation 11896
officer. 11897

(4) The department of rehabilitation and correction shall 11898
develop factors that the parole board or court shall consider in 11899
determining under division (D)(3) of this section whether to 11900
terminate the period of control imposed on a releasee for a non- 11901
life felony indefinite prison term. 11902

(E) The department of rehabilitation and correction, in 11903
accordance with Chapter 119. of the Revised Code, shall adopt 11904
rules that do all of the following: 11905

(1) Establish standards for the imposition by the parole board of post-release control sanctions under this section that are consistent with the overriding purposes and sentencing principles set forth in section 2929.11 of the Revised Code and that are appropriate to the needs of releasees; 11906
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(2) Establish standards that provide for a period of post-release control of up to three years for all prisoners described in division (C) of this section who are to be released before the expiration of their stated prison term under a risk reduction sentence and standards by which the parole board can determine which prisoners described in division (C) of this section who are not to be released before the expiration of their stated prison term under a risk reduction sentence should be placed under a period of post-release control; 11911
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(3) Establish standards to be used by the parole board in reducing the duration of the period of post-release control imposed by the court when authorized under division (D) of this section, in imposing a more restrictive post-release control sanction than monitored time upon a prisoner convicted of a felony of the fourth or fifth degree other than a felony sex offense, or in imposing a less restrictive control sanction upon a releasee based on the releasee's activities including, but not limited to, remaining free from criminal activity and from the abuse of alcohol or other drugs, successfully participating in approved rehabilitation programs, maintaining employment, and paying restitution to the victim or meeting the terms of other financial sanctions; 11920
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(4) Establish standards to be used by the adult parole authority in modifying a releasee's post-release control sanctions pursuant to division (D) (2) of this section; 11933
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(5) Establish standards to be used by the adult parole authority or parole board in imposing further sanctions under division (F) of this section on releasees who violate post-release control sanctions, including standards that do the following: 11936
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(a) Classify violations according to the degree of seriousness; 11941
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(b) Define the circumstances under which formal action by the parole board is warranted; 11943
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(c) Govern the use of evidence at violation hearings; 11945

(d) Ensure procedural due process to an alleged violator; 11946

(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations; 11947
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(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control. 11949
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(F) (1) Whenever the parole board imposes one or more post-release control sanctions upon an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the field services section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation directly to the adult parole authority or to the 11951
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officer of the authority who supervises the offender. The 11965
authority's officers may treat the offender as if the offender 11966
were on parole and in violation of the parole, and otherwise 11967
shall comply with this section. 11968

(2) If the adult parole authority or, pursuant to an 11969
agreement under section 2967.29 of the Revised Code, the court 11970
determines that a releasee has violated a post-release control 11971
sanction or any conditions described in division (A) of section 11972
2967.131 of the Revised Code imposed upon the releasee and that 11973
a more restrictive sanction is appropriate, the authority or 11974
court may impose a more restrictive sanction upon the releasee, 11975
in accordance with the standards established under division (E) 11976
of this section or in accordance with the agreement made under 11977
section 2967.29 of the Revised Code, or may report the violation 11978
to the parole board for a hearing pursuant to division (F)(3) of 11979
this section. The authority or court may not, pursuant to this 11980
division, increase the duration of the releasee's post-release 11981
control or impose as a post-release control sanction a 11982
residential sanction that includes a prison term, but the 11983
authority or court may impose on the releasee any other 11984
residential sanction, nonresidential sanction, or financial 11985
sanction that the sentencing court was authorized to impose 11986
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 11987
Revised Code. 11988

(3) The parole board or, pursuant to an agreement under 11989
section 2967.29 of the Revised Code, the court may hold a 11990
hearing on any alleged violation by a releasee of a post-release 11991
control sanction or any conditions described in division (A) of 11992
section 2967.131 of the Revised Code that are imposed upon the 11993
releasee. If after the hearing the board or court finds that the 11994
releasee violated the sanction or condition, the board or court 11995

may increase the duration of the releasee's post-release control 11996
up to the maximum duration authorized by division (B) or (C) of 11997
this section or impose a more restrictive post-release control 11998
sanction. If a releasee was acting pursuant to division (B) (2) 11999
(b) of section 2925.11 of the Revised Code and in so doing 12000
violated the conditions of a post-release control sanction based 12001
on a minor drug possession offense as defined in that section, 12002
the board or the court may consider the releasee's conduct in 12003
seeking or obtaining medical assistance for another in good 12004
faith or for self or may consider the releasee being the subject 12005
of another person seeking or obtaining medical assistance in 12006
accordance with that division as a mitigating factor before 12007
imposing any of the penalties described in this division. When 12008
appropriate, the board or court may impose as a post-release 12009
control sanction a residential sanction that includes a prison 12010
term. The board or court shall consider a prison term as a post- 12011
release control sanction imposed for a violation of post-release 12012
control when the violation involves a deadly weapon or dangerous 12013
ordnance, physical harm or attempted serious physical harm to a 12014
person, or sexual misconduct, or when the releasee committed 12015
repeated violations of post-release control sanctions. Unless a 12016
releasee's stated prison term was reduced pursuant to section 12017
5120.032 of the Revised Code, the period of a prison term that 12018
is imposed as a post-release control sanction under this 12019
division shall not exceed nine months, and the maximum 12020
cumulative prison term for all violations under this division 12021
shall not exceed one-half of the ~~stated~~-definite prison term 12022
that was the stated prison term originally imposed upon the 12023
offender as part of this sentence or, with respect to a stated 12024
non-life felony indefinite prison term, one-half of the minimum 12025
prison term that was imposed as part of that stated prison term 12026
originally imposed upon the offender. If a releasee's stated 12027

prison term was reduced pursuant to section 5120.032 of the Revised Code, the period of a prison term that is imposed as a post-release control sanction under this division and the maximum cumulative prison term for all violations under this division shall not exceed the period of time not served in prison under the sentence imposed by the court. The period of a prison term that is imposed as a post-release control sanction under this division shall not count as, or be credited toward, the remaining period of post-release control.

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

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

(a) If a period of post-release control is imposed upon the offender and if the offender also is subject to a period of parole under a life sentence or an indefinite sentence, and if the period of post-release control ends prior to the period of parole, the offender shall be supervised on parole. The offender shall receive credit for post-release control supervision during the period of parole. The offender is not eligible for final

release under section 2967.16 of the Revised Code until the 12058
post-release control period otherwise would have ended. 12059

(b) If a period of post-release control is imposed upon 12060
the offender and if the offender also is subject to a period of 12061
parole under an indefinite sentence, and if the period of parole 12062
ends prior to the period of post-release control, the offender 12063
shall be supervised on post-release control. The requirements of 12064
parole supervision shall be satisfied during the post-release 12065
control period. 12066

(c) If an offender is subject to more than one period of 12067
post-release control, the period of post-release control for all 12068
of the sentences shall be the period of post-release control 12069
that expires last, as determined by the parole board or court. 12070
Periods of post-release control shall be served concurrently and 12071
shall not be imposed consecutively to each other. 12072

(d) The period of post-release control for a releasee who 12073
commits a felony while under post-release control for an earlier 12074
felony shall be the longer of the period of post-release control 12075
specified for the new felony under division (B) or (C) of this 12076
section or the time remaining under the period of post-release 12077
control imposed for the earlier felony as determined by the 12078
parole board or court. 12079

Sec. 2971.03. (A) Notwithstanding divisions (A) and (D) of 12080
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 12081
another section of the Revised Code, other than divisions (B) 12082
and (C) of section 2929.14 of the Revised Code, that authorizes 12083
or requires a specified prison term or a mandatory prison term 12084
for a person who is convicted of or pleads guilty to a felony or 12085
that specifies the manner and place of service of a prison term 12086
or term of imprisonment, the court shall impose a sentence upon 12087

a person who is convicted of or pleads guilty to a violent sex offense and who also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that offense, and upon a person who is convicted of or pleads guilty to a designated homicide, assault, or kidnapping offense and also is convicted of or pleads guilty to both a sexual motivation specification and a sexually violent predator specification that were included in the indictment, count in the indictment, or information charging that offense, as follows:

(1) If the offense for which the sentence is being imposed is aggravated murder and if the court does not impose upon the offender a sentence of death, it shall impose upon the offender a term of life imprisonment without parole. If the court sentences the offender to death and the sentence of death is vacated, overturned, or otherwise set aside, the court shall impose upon the offender a term of life imprisonment without parole.

(2) If the offense for which the sentence is being imposed is murder; or if the offense is rape committed in violation of division (A) (1) (b) of section 2907.02 of the Revised Code when the offender purposely compelled the victim to submit by force or threat of force, when the victim was less than ten years of age, when the offender previously has been convicted of or pleaded guilty to either rape committed in violation of that division or a violation of an existing or former law of this state, another state, or the United States that is substantially similar to division (A) (1) (b) of section 2907.02 of the Revised Code, or when the offender during or immediately after the commission of the rape caused serious physical harm to the victim; or if the offense is an offense other than aggravated

murder or murder for which a term of life imprisonment may be 12119
imposed, it shall impose upon the offender a term of life 12120
imprisonment without parole. 12121

(3) (a) Except as otherwise provided in division (A) (3) (b), 12122
(c), (d), or (e) or (A) (4) of this section, if the offense for 12123
which the sentence is being imposed is an offense other than 12124
aggravated murder, murder, or rape and other than an offense for 12125
which a term of life imprisonment may be imposed, it shall 12126
impose an indefinite prison term consisting of a minimum term 12127
fixed by the court ~~from among the range of terms available as a~~ 12128
~~definite term for the offense as described in this division,~~ but 12129
not less than two years, and a maximum term of life 12130
imprisonment. Except as otherwise specified in this division, 12131
the minimum term shall be fixed by the court from among the 12132
range of terms available as a definite term for the offense. If 12133
the offense is a felony of the first or second degree committed 12134
on or after the effective date of this amendment, the minimum 12135
term shall be fixed by the court from among the range of terms 12136
available as a minimum term for the offense under division (A) 12137
(1) (a) or (2) (a) of that section. 12138

(b) Except as otherwise provided in division (A) (4) of 12139
this section, if the offense for which the sentence is being 12140
imposed is kidnapping that is a felony of the first degree, it 12141
shall impose an indefinite prison term as follows: 12142

(i) If the kidnapping is committed on or after January 1, 12143
2008, and the victim of the offense is less than thirteen years 12144
of age, except as otherwise provided in this division, it shall 12145
impose an indefinite prison term consisting of a minimum term of 12146
fifteen years and a maximum term of life imprisonment. If the 12147
kidnapping is committed on or after January 1, 2008, the victim 12148

of the offense is less than thirteen years of age, and the 12149
offender released the victim in a safe place unharmed, it shall 12150
impose an indefinite prison term consisting of a minimum term of 12151
ten years and a maximum term of life imprisonment. 12152

(ii) If the kidnapping is committed prior to January 1, 12153
2008, or division (A) (3) (b) (i) of this section does not apply, 12154
it shall impose an indefinite term consisting of a minimum term 12155
fixed by the court that is not less than ten years and a maximum 12156
term of life imprisonment. 12157

(c) Except as otherwise provided in division (A) (4) of 12158
this section, if the offense for which the sentence is being 12159
imposed is kidnapping that is a felony of the second degree, it 12160
shall impose an indefinite prison term consisting of a minimum 12161
term fixed by the court that is not less than eight years, and a 12162
maximum term of life imprisonment. 12163

(d) Except as otherwise provided in division (A) (4) of 12164
this section, if the offense for which the sentence is being 12165
imposed is rape for which a term of life imprisonment is not 12166
imposed under division (A) (2) of this section or division (B) of 12167
section 2907.02 of the Revised Code, it shall impose an 12168
indefinite prison term as follows: 12169

(i) If the rape is committed on or after January 2, 2007, 12170
in violation of division (A) (1) (b) of section 2907.02 of the 12171
Revised Code, it shall impose an indefinite prison term 12172
consisting of a minimum term of twenty-five years and a maximum 12173
term of life imprisonment. 12174

(ii) If the rape is committed prior to January 2, 2007, or 12175
the rape is committed on or after January 2, 2007, other than in 12176
violation of division (A) (1) (b) of section 2907.02 of the 12177

Revised Code, it shall impose an indefinite prison term 12178
consisting of a minimum term fixed by the court that is not less 12179
than ten years, and a maximum term of life imprisonment. 12180

(e) Except as otherwise provided in division (A)(4) of 12181
this section, if the offense for which sentence is being imposed 12182
is attempted rape, it shall impose an indefinite prison term as 12183
follows: 12184

(i) Except as otherwise provided in division (A)(3)(e) 12185
(ii), (iii), or (iv) of this section, it shall impose an 12186
indefinite prison term pursuant to division (A)(3)(a) of this 12187
section. 12188

(ii) If the attempted rape for which sentence is being 12189
imposed was committed on or after January 2, 2007, and if the 12190
offender also is convicted of or pleads guilty to a 12191
specification of the type described in section 2941.1418 of the 12192
Revised Code, it shall impose an indefinite prison term 12193
consisting of a minimum term of five years and a maximum term of 12194
twenty-five years. 12195

(iii) If the attempted rape for which sentence is being 12196
imposed was committed on or after January 2, 2007, and if the 12197
offender also is convicted of or pleads guilty to a 12198
specification of the type described in section 2941.1419 of the 12199
Revised Code, it shall impose an indefinite prison term 12200
consisting of a minimum term of ten years and a maximum of life 12201
imprisonment. 12202

(iv) If the attempted rape for which sentence is being 12203
imposed was committed on or after January 2, 2007, and if the 12204
offender also is convicted of or pleads guilty to a 12205
specification of the type described in section 2941.1420 of the 12206

Revised Code, it shall impose an indefinite prison term 12207
consisting of a minimum term of fifteen years and a maximum of 12208
life imprisonment. 12209

(4) For any offense for which the sentence is being 12210
imposed, if the offender previously has been convicted of or 12211
pleaded guilty to a violent sex offense and also to a sexually 12212
violent predator specification that was included in the 12213
indictment, count in the indictment, or information charging 12214
that offense, or previously has been convicted of or pleaded 12215
guilty to a designated homicide, assault, or kidnapping offense 12216
and also to both a sexual motivation specification and a 12217
sexually violent predator specification that were included in 12218
the indictment, count in the indictment, or information charging 12219
that offense, it shall impose upon the offender a term of life 12220
imprisonment without parole. 12221

(B) (1) Notwithstanding section 2929.13, division (A) or 12222
(D) of section 2929.14, or another section of the Revised Code 12223
other than division (B) of section 2907.02 or divisions (B) and 12224
(C) of section 2929.14 of the Revised Code that authorizes or 12225
requires a specified prison term or a mandatory prison term for 12226
a person who is convicted of or pleads guilty to a felony or 12227
that specifies the manner and place of service of a prison term 12228
or term of imprisonment, if a person is convicted of or pleads 12229
guilty to a violation of division (A) (1) (b) of section 2907.02 12230
of the Revised Code committed on or after January 2, 2007, if 12231
division (A) of this section does not apply regarding the 12232
person, and if the court does not impose a sentence of life 12233
without parole when authorized pursuant to division (B) of 12234
section 2907.02 of the Revised Code, the court shall impose upon 12235
the person an indefinite prison term consisting of one of the 12236
following: 12237

(a) Except as otherwise required in division (B) (1) (b) or 12238
(c) of this section, a minimum term of ten years and a maximum 12239
term of life imprisonment. 12240

(b) If the victim was less than ten years of age, a 12241
minimum term of fifteen years and a maximum of life 12242
imprisonment. 12243

(c) If the offender purposely compels the victim to submit 12244
by force or threat of force, or if the offender previously has 12245
been convicted of or pleaded guilty to violating division (A) (1) 12246
(b) of section 2907.02 of the Revised Code or to violating an 12247
existing or former law of this state, another state, or the 12248
United States that is substantially similar to division (A) (1) 12249
(b) of that section, or if the offender during or immediately 12250
after the commission of the offense caused serious physical harm 12251
to the victim, a minimum term of twenty-five years and a maximum 12252
of life imprisonment. 12253

(2) Notwithstanding section 2929.13, division (A) or (D) 12254
of section 2929.14, or another section of the Revised Code other 12255
than divisions (B) and (C) of section 2929.14 of the Revised 12256
Code that authorizes or requires a specified prison term or a 12257
mandatory prison term for a person who is convicted of or pleads 12258
guilty to a felony or that specifies the manner and place of 12259
service of a prison term or term of imprisonment and except as 12260
otherwise provided in division (B) of section 2907.02 of the 12261
Revised Code, if a person is convicted of or pleads guilty to 12262
attempted rape committed on or after January 2, 2007, and if 12263
division (A) of this section does not apply regarding the 12264
person, the court shall impose upon the person an indefinite 12265
prison term consisting of one of the following: 12266

(a) If the person also is convicted of or pleads guilty to 12267

a specification of the type described in section 2941.1418 of 12268
the Revised Code, the court shall impose upon the person an 12269
indefinite prison term consisting of a minimum term of five 12270
years and a maximum term of twenty-five years. 12271

(b) If the person also is convicted of or pleads guilty to 12272
a specification of the type described in section 2941.1419 of 12273
the Revised Code, the court shall impose upon the person an 12274
indefinite prison term consisting of a minimum term of ten years 12275
and a maximum term of life imprisonment. 12276

(c) If the person also is convicted of or pleads guilty to 12277
a specification of the type described in section 2941.1420 of 12278
the Revised Code, the court shall impose upon the person an 12279
indefinite prison term consisting of a minimum term of fifteen 12280
years and a maximum term of life imprisonment. 12281

(3) Notwithstanding section 2929.13, division (A) or (D) 12282
of section 2929.14, or another section of the Revised Code other 12283
than divisions (B) and (C) of section 2929.14 of the Revised 12284
Code that authorizes or requires a specified prison term or a 12285
mandatory prison term for a person who is convicted of or pleads 12286
guilty to a felony or that specifies the manner and place of 12287
service of a prison term or term of imprisonment, if a person is 12288
convicted of or pleads guilty to an offense described in 12289
division (B) (3) (a), (b), (c), or (d) of this section committed 12290
on or after January 1, 2008, if the person also is convicted of 12291
or pleads guilty to a sexual motivation specification that was 12292
included in the indictment, count in the indictment, or 12293
information charging that offense, and if division (A) of this 12294
section does not apply regarding the person, the court shall 12295
impose upon the person an indefinite prison term consisting of 12296
one of the following: 12297

(a) An indefinite prison term consisting of a minimum of 12298
ten years and a maximum term of life imprisonment if the offense 12299
for which the sentence is being imposed is kidnapping, the 12300
victim of the offense is less than thirteen years of age, and 12301
the offender released the victim in a safe place unharmed; 12302

(b) An indefinite prison term consisting of a minimum of 12303
fifteen years and a maximum term of life imprisonment if the 12304
offense for which the sentence is being imposed is kidnapping 12305
when the victim of the offense is less than thirteen years of 12306
age and division (B) (3) (a) of this section does not apply; 12307

(c) An indefinite term consisting of a minimum of thirty 12308
years and a maximum term of life imprisonment if the offense for 12309
which the sentence is being imposed is aggravated murder, when 12310
the victim of the offense is less than thirteen years of age, a 12311
sentence of death or life imprisonment without parole is not 12312
imposed for the offense, and division (A) (2) (b) (ii) of section 12313
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 12314
(2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or 12315
division (A) or (B) of section 2929.06 of the Revised Code 12316
requires that the sentence for the offense be imposed pursuant 12317
to this division; 12318

(d) An indefinite prison term consisting of a minimum of 12319
thirty years and a maximum term of life imprisonment if the 12320
offense for which the sentence is being imposed is murder when 12321
the victim of the offense is less than thirteen years of age. 12322

(C) (1) If the offender is sentenced to a prison term 12323
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 12324
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 12325
parole board shall have control over the offender's service of 12326
the term during the entire term unless the parole board 12327

terminates its control in accordance with section 2971.04 of the Revised Code. 12328
12329

(2) Except as provided in division (C)(3) of this section, 12330
an offender sentenced to a prison term or term of life 12331
imprisonment without parole pursuant to division (A) of this 12332
section shall serve the entire prison term or term of life 12333
imprisonment in a state correctional institution. The offender 12334
is not eligible for judicial release under section 2929.20 of 12335
the Revised Code. 12336

(3) For a prison term imposed pursuant to division (A)(3), 12337
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), 12338
(b), (c), or (d) of this section, the court, in accordance with 12339
section 2971.05 of the Revised Code, may terminate the prison 12340
term or modify the requirement that the offender serve the 12341
entire term in a state correctional institution if all of the 12342
following apply: 12343

(a) The offender has served at least the minimum term 12344
imposed as part of that prison term. 12345

(b) The parole board, pursuant to section 2971.04 of the 12346
Revised Code, has terminated its control over the offender's 12347
service of that prison term. 12348

(c) The court has held a hearing and found, by clear and 12349
convincing evidence, one of the following: 12350

(i) In the case of termination of the prison term, that 12351
the offender is unlikely to commit a sexually violent offense in 12352
the future; 12353

(ii) In the case of modification of the requirement, that 12354
the offender does not represent a substantial risk of physical 12355
harm to others. 12356

(4) An offender who has been sentenced to a term of life imprisonment without parole pursuant to division (A) (1), (2), or (4) of this section shall not be released from the term of life imprisonment or be permitted to serve a portion of it in a place other than a state correctional institution.

(D) If a court sentences an offender to a prison term or term of life imprisonment without parole pursuant to division (A) of this section and the court also imposes on the offender one or more additional prison terms pursuant to division (B) of section 2929.14 of the Revised Code, all of the additional prison terms shall be served consecutively with, and prior to, the prison term or term of life imprisonment without parole imposed upon the offender pursuant to division (A) of this section.

(E) If the offender is convicted of or pleads guilty to two or more offenses for which a prison term or term of life imprisonment without parole is required to be imposed pursuant to division (A) of this section, divisions (A) to (D) of this section shall be applied for each offense. All minimum terms imposed upon the offender pursuant to division (A) (3) or (B) of this section for those offenses shall be aggregated and served consecutively, as if they were a single minimum term imposed under that division.

(F) (1) If an offender is convicted of or pleads guilty to a violent sex offense and also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that offense, or is convicted of or pleads guilty to a designated homicide, assault, or kidnapping offense and also is convicted of or pleads guilty to both a sexual motivation

specification and a sexually violent predator specification that 12387
were included in the indictment, count in the indictment, or 12388
information charging that offense, the conviction of or plea of 12389
guilty to the offense and the sexually violent predator 12390
specification automatically classifies the offender as a tier 12391
III sex offender/child-victim offender for purposes of Chapter 12392
2950. of the Revised Code. 12393

(2) If an offender is convicted of or pleads guilty to 12394
committing on or after January 2, 2007, a violation of division 12395
(A) (1) (b) of section 2907.02 of the Revised Code and either the 12396
offender is sentenced under section 2971.03 of the Revised Code 12397
or a sentence of life without parole is imposed under division 12398
(B) of section 2907.02 of the Revised Code, the conviction of or 12399
plea of guilty to the offense automatically classifies the 12400
offender as a tier III sex offender/child-victim offender for 12401
purposes of Chapter 2950. of the Revised Code. 12402

(3) If a person is convicted of or pleads guilty to 12403
committing on or after January 2, 2007, attempted rape and also 12404
is convicted of or pleads guilty to a specification of the type 12405
described in section 2941.1418, 2941.1419, or 2941.1420 of the 12406
Revised Code, the conviction of or plea of guilty to the offense 12407
and the specification automatically classify the offender as a 12408
tier III sex offender/child-victim offender for purposes of 12409
Chapter 2950. of the Revised Code. 12410

(4) If a person is convicted of or pleads guilty to one of 12411
the offenses described in division (B) (3) (a), (b), (c), or (d) 12412
of this section and a sexual motivation specification related to 12413
the offense and the victim of the offense is less than thirteen 12414
years of age, the conviction of or plea of guilty to the offense 12415
automatically classifies the offender as a tier III sex 12416

offender/child-victim offender for purposes of Chapter 2950. of 12417
the Revised Code. 12418

Sec. 3719.99. (A) Whoever violates section 3719.16 or 12419
3719.161 of the Revised Code is guilty of a felony of the fifth 12420
degree. If the offender previously has been convicted of a 12421
violation of section 3719.16 or 3719.161 of the Revised Code or 12422
a drug abuse offense, a violation of section 3719.16 or 3719.161 12423
of the Revised Code is a felony of the fourth degree. If the 12424
violation involves the sale, offer to sell, or possession of a 12425
schedule I or II controlled substance, with the exception of 12426
marihuana, and if the offender, as a result of the violation, is 12427
a major drug offender, division (D) of this section applies. 12428

(B) Whoever violates division (C) or (D) of section 12429
3719.172 of the Revised Code is guilty of a felony of the fifth 12430
degree. If the offender previously has been convicted of a 12431
violation of division (C) or (D) of section 3719.172 of the 12432
Revised Code or a drug abuse offense, a violation of division 12433
(C) or (D) of section 3719.172 of the Revised Code is a felony 12434
of the fourth degree. If the violation involves the sale, offer 12435
to sell, or possession of a schedule I or II controlled 12436
substance, with the exception of marihuana, and if the offender, 12437
as a result of the violation, is a major drug offender, division 12438
(D) of this section applies. 12439

(C) Whoever violates section 3719.07 or 3719.08 of the 12440
Revised Code is guilty of a misdemeanor of the first degree. If 12441
the offender previously has been convicted of a violation of 12442
section 3719.07 or 3719.08 of the Revised Code or a drug abuse 12443
offense, a violation of section 3719.07 or 3719.08 of the 12444
Revised Code is a felony of the fifth degree. If the violation 12445
involves the sale, offer to sell, or possession of a schedule I 12446

or II controlled substance, with the exception of marihuana, and 12447
if the offender, as a result of the violation, is a major drug 12448
offender, division (D) of this section applies. 12449

(D) (1) If an offender is convicted of or pleads guilty to 12450
a felony violation of section 3719.07, 3719.08, 3719.16, or 12451
3719.161 or of division (C) or (D) of section 3719.172 of the 12452
Revised Code, if the violation involves the sale, offer to sell, 12453
or possession of a schedule I or II controlled substance, with 12454
the exception of marihuana, and if the court imposing sentence 12455
upon the offender finds that the offender as a result of the 12456
violation is a major drug offender and is guilty of a 12457
specification of the type described in section 2941.1410 of the 12458
Revised Code, the court, in lieu of the prison term authorized 12459
or required by division (A), (B), or (C) of this section and 12460
sections 2929.13 and 2929.14 of the Revised Code and in addition 12461
to any other sanction imposed for the offense under sections 12462
2929.11 to 2929.18 of the Revised Code, shall impose upon the 12463
offender, in accordance with division (B) (3) ~~(a)~~ of section 12464
2929.14 of the Revised Code, the mandatory prison term specified 12465
in that division ~~and may impose an additional prison term under~~ 12466
~~division (B) (3) (b) of that section.~~ 12467

(2) Notwithstanding any contrary provision of section 12468
3719.21 of the Revised Code, the clerk of the court shall pay 12469
any fine imposed for a felony violation of section 3719.07, 12470
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 12471
section 3719.172 of the Revised Code pursuant to division (A) of 12472
section 2929.18 of the Revised Code in accordance with and 12473
subject to the requirements of division (F) of section 2925.03 12474
of the Revised Code. The agency that receives the fine shall use 12475
the fine as specified in division (F) of section 2925.03 of the 12476
Revised Code. 12477

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code is guilty of a misdemeanor of the third degree. If the offender previously has been convicted of a violation of section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code or a drug abuse offense, a violation of section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code is a misdemeanor of the first degree.

(F) Whoever violates section 3719.30 of the Revised Code is guilty of a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of section 3719.30 of the Revised Code or a drug abuse offense, a violation of section 3719.30 of the Revised Code is a misdemeanor of the third degree.

(G) Whoever violates section 3719.32 or 3719.33 of the Revised Code is guilty of a minor misdemeanor.

(H) Whoever violates division (K) (2) (b) of section 3719.44 of the Revised Code is guilty of a felony of the fifth degree.

(I) Whoever violates division (K) (2) (c) of section 3719.44 of the Revised Code is guilty of a misdemeanor of the second degree.

(J) As used in this section, "major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

Sec. 5120.021. (A) The provisions of Chapter 5120. of the Revised Code, as they existed prior to July 1, 1996, and that address the duration or potential duration of incarceration or parole or other forms of supervised release, apply to all persons upon whom a court imposed a term of imprisonment prior

to July 1, 1996, and all persons upon whom a court, on or after 12507
July 1, 1996, and in accordance with law existing prior to July 12508
1, 1996, imposed a term of imprisonment for an offense that was 12509
committed prior to July 1, 1996. 12510

(B) (1) The provisions of Chapter 5120. of the Revised 12511
Code, as they exist on or after July 1, 1996, and that address 12512
the duration or potential duration of incarceration or 12513
supervised release, apply to all persons upon whom a court 12514
imposed a stated prison term for an offense committed on or 12515
after July 1, 1996. 12516

(2) The provisions of Chapter 5120. of the Revised Code, 12517
as they exist on or after the effective date of this amendment, 12518
apply to an offender who is released from confinement in a state 12519
correctional institution on or after that date. 12520

(C) Nothing in this section limits or affects the 12521
applicability of any provision in Chapter 5120. of the Revised 12522
Code, as amended or enacted on or after July 1, 1996, that 12523
pertains to an issue other than the duration or potential 12524
duration of incarceration or supervised release, to persons in 12525
custody or under the supervision of the department of 12526
rehabilitation and correction. 12527

Sec. 5120.038. (A) As used in this section, "GPS-monitored 12528
offender" means an offender who, on or after the effective date 12529
of this section, is released from confinement in a state 12530
correctional institution under a conditional pardon, parole, 12531
other form of authorized release, or transitional control that 12532
includes global positioning system monitoring as a condition of 12533
the person's release, or who, on or after that date, is placed 12534
under post-release control that includes global positioning 12535
system monitoring as a condition under the post-release control. 12536

(B) Not later than June 30, 2019, the department of 12537
rehabilitation and correction shall study the feasibility of 12538
contracting with a third-party contract administrator for global 12539
position system monitoring that would include a crime scene 12540
correlation program that could interface by link with a 12541
statewide database for GPS-monitored offenders. The study also 12542
shall analyze the use of GPS monitoring as a supervision tool. 12543
In conducting the study, the department shall consider all of 12544
the following factors: 12545

(1) The ability of the department or another state entity 12546
to establish and operate a statewide internet database of GPS- 12547
monitored offenders and the specific information that such a 12548
database could include. 12549

(2) The capability for a GPS monitoring system run by a 12550
third-party contract administrator to include a crime scene 12551
correlation program that interfaces by link with a statewide 12552
database of GPS-monitored offenders. 12553

(3) The ability of local law enforcement representatives 12554
to remotely search a statewide internet database of GPS- 12555
monitored offenders that is linked with a crime scene 12556
correlation program. 12557

(4) The capability for a GPS monitoring system with crime 12558
scene correlation features to allow local law enforcement 12559
representatives without a subpoena or warrant to access 12560
information contained in the crime scene correlation program 12561
about a GPS-monitored offender, including the offender's current 12562
location, the offender's location at previous points in time, 12563
the location of recent criminal activity in or near the 12564
offender's inclusionary or exclusionary zones included as 12565
restrictions under the offender's supervision, and any possible 12566

connection between the offender's location and that recent 12567
criminal activity. 12568

(5) The ability of law enforcement representatives to 12569
obtain, without a warrant or subpoena, information about a GPS- 12570
monitored offender from either an employee of the department or 12571
a third-party contract administrator who is monitoring the 12572
offender, including information of the types listed in division 12573
(B) (4) of this section. 12574

(6) The types of offenders for whom GPS monitoring would 12575
be beneficial, the appropriate length for monitoring, and the 12576
costs related to GPS monitoring. 12577

(C) Upon completion of the study specified in division (B) 12578
of this section, the department shall submit copies of the study 12579
to the president and minority leader of the senate, the speaker 12580
and minority leader of the house of representatives, and the 12581
governor. 12582

Sec. 5120.53. (A) If a treaty between the United States 12583
and a foreign country provides for the transfer or exchange, 12584
from one of the signatory countries to the other signatory 12585
country, of convicted offenders who are citizens or nationals of 12586
the other signatory country, the governor, subject to and in 12587
accordance with the terms of the treaty, may authorize the 12588
director of rehabilitation and correction to allow the transfer 12589
or exchange of convicted offenders and to take any action 12590
necessary to initiate participation in the treaty. If the 12591
governor grants the director the authority described in this 12592
division, the director may take the necessary action to initiate 12593
participation in the treaty and, subject to and in accordance 12594
with division (B) of this section and the terms of the treaty, 12595
may allow the transfer or exchange to a foreign country that has 12596

signed the treaty of any convicted offender who is a citizen or 12597
national of that signatory country. 12598

(B) (1) No convicted offender who is serving a term of 12599
imprisonment in this state for aggravated murder, murder, or a 12600
felony of the first or second degree, who is serving a mandatory 12601
prison term imposed under section 2925.03 or 2925.11 of the 12602
Revised Code in circumstances in which the court was required to 12603
impose as the mandatory prison term the maximum definite prison 12604
term or longest minimum prison term authorized for the degree of 12605
offense committed, who is serving a term of imprisonment in this 12606
state imposed for an offense committed prior to ~~the effective~~ 12607
~~date of this amendment~~ July 1, 1996, that was an aggravated 12608
felony of the first or second degree or that was aggravated 12609
trafficking in violation of division (A) (9) or (10) of section 12610
2925.03 of the Revised Code, or who has been sentenced to death 12611
in this state shall be transferred or exchanged to another 12612
country pursuant to a treaty of the type described in division 12613
(A) of this section. 12614

(2) If a convicted offender is serving a term of 12615
imprisonment in this state and the offender is a citizen or 12616
national of a foreign country that has signed a treaty of the 12617
type described in division (A) of this section, if the governor 12618
has granted the director of rehabilitation and correction the 12619
authority described in that division, and if the transfer or 12620
exchange of the offender is not barred by division (B) (1) of 12621
this section, the director or the director's designee may 12622
approve the offender for transfer or exchange pursuant to the 12623
treaty if the director or the designee, after consideration of 12624
the factors set forth in the rules adopted by the department 12625
under division (D) of this section and all other relevant 12626
factors, determines that the transfer or exchange of the 12627

offender is appropriate. 12628

(C) Notwithstanding any provision of the Revised Code 12629
regarding the parole eligibility of, or the duration or 12630
calculation of a sentence of imprisonment imposed upon, an 12631
offender, if a convicted offender is serving a term of 12632
imprisonment in this state and the offender is a citizen or 12633
national of a foreign country that has signed a treaty of the 12634
type described in division (A) of this section, if the offender 12635
is serving an indefinite term of imprisonment, if the offender 12636
is barred from being transferred or exchanged pursuant to the 12637
treaty due to the indefinite nature of the offender's term of 12638
imprisonment, and if in accordance with division (B) (2) of this 12639
section the director of rehabilitation and correction or the 12640
director's designee approves the offender for transfer or 12641
exchange pursuant to the treaty, the parole board, pursuant to 12642
rules adopted by the director, shall set a date certain for the 12643
release of the offender. To the extent possible, the date 12644
certain that is set shall be reasonably proportionate to the 12645
indefinite term of imprisonment that the offender is serving. 12646
The date certain that is set for the release of the offender 12647
shall be considered only for purposes of facilitating the 12648
international transfer or exchange of the offender, shall not be 12649
viable or actionable for any other purpose, and shall not create 12650
any expectation or guarantee of release. If an offender for whom 12651
a date certain for release is set under this division is not 12652
transferred to or exchanged with the foreign country pursuant to 12653
the treaty, the date certain is null and void, and the 12654
offender's release shall be determined pursuant to the laws and 12655
rules of this state pertaining to parole eligibility and the 12656
duration and calculation of an indefinite sentence of 12657
imprisonment. 12658

(D) If the governor, pursuant to division (A) of this section, authorizes the director of rehabilitation and correction to allow any transfer or exchange of convicted offenders as described in that division, the director shall adopt rules under Chapter 119. of the Revised Code to implement the provisions of this section. The rules shall include a rule that requires the director or the director's designee, in determining whether to approve a convicted offender who is serving a term of imprisonment in this state for transfer or exchange pursuant to a treaty of the type described in division (A) of this section, to consider all of the following factors:

(1) The nature of the offense for which the offender is serving the term of imprisonment in this state;

(2) The likelihood that, if the offender is transferred or exchanged to a foreign country pursuant to the treaty, the offender will serve a shorter period of time in imprisonment in the foreign country than the offender would serve if the offender is not transferred or exchanged to the foreign country pursuant to the treaty;

(3) The likelihood that, if the offender is transferred or exchanged to a foreign country pursuant to the treaty, the offender will return or attempt to return to this state after the offender has been released from imprisonment in the foreign country;

(4) The degree of any shock to the conscience of justice and society that will be experienced in this state if the offender is transferred or exchanged to a foreign country pursuant to the treaty;

(5) All other factors that the department determines are

relevant to the determination. 12688

Sec. 5120.66. (A) Within ninety days after November 23, 12689
2005, but not before January 1, 2006, the department of 12690
rehabilitation and correction shall establish and operate on the 12691
internet a database that contains all of the following: 12692

(1) For each inmate in the custody of the department under 12693
a sentence imposed for a conviction of or plea of guilty to any 12694
offense, all of the following information: 12695

(a) The inmate's name; 12696

(b) For each offense for which the inmate was sentenced to 12697
a prison term or term of imprisonment and is in the department's 12698
custody, the name of the offense, the Revised Code section of 12699
which the offense is a violation, the gender of each victim of 12700
the offense if those facts are known, whether each victim of the 12701
offense was an adult or child if those facts are known, whether 12702
any victim of the offense was a law enforcement officer if that 12703
fact is known, the range of the possible prison terms or term of 12704
imprisonment that could have been imposed for the offense, the 12705
actual prison term or term of imprisonment imposed for the 12706
offense, the county in which the offense was committed, the date 12707
on which the inmate began serving the prison term or term of 12708
imprisonment imposed for the offense, and ~~either the~~ whichever 12709
of the following is applicable: 12710

(i) The date on which the inmate will be eligible for 12711
parole relative to the offense if the prison term or term of 12712
imprisonment is an indefinite term or life term ~~or the~~ with 12713
parole eligibility; 12714

(ii) The date on which the term ends if the prison term is 12715
a definite term; 12716

(iii) The date on which the inmate will be eligible for presumptive release under section 2967.271 of the Revised Code, if the inmate is serving a non-life felony indefinite prison term.

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

(i) If known to the department prior to the conduct of any hearing for judicial release of the defendant pursuant to section 2929.20 of the Revised Code in relation to any prison term or term of imprisonment the inmate is serving for any offense or any hearing for release of the defendant pursuant to section 2967.19 of the Revised Code in relation to any such term, notice of the fact that the inmate will be having a hearing regarding a possible grant of judicial release or release, the date of the hearing, and the right of any person pursuant to division (J) of section 2929.20 or division (H) of section 2967.19 of the Revised Code, whichever is applicable, to submit to the court a written statement regarding the possible judicial release or release. The department also shall post notice of the submission to a sentencing court of any recommendation for early release of the inmate pursuant to section 2967.19 of the Revised Code, as required by division (E) of that section.

(ii) If the inmate is serving a prison term pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code, prior to the conduct of any hearing pursuant to section 2971.05 of the Revised Code to determine whether to modify the requirement that the inmate serve the entire prison term in a state correctional facility in accordance with division (C) of

that section, whether to continue, revise, or revoke any 12747
existing modification of that requirement, or whether to 12748
terminate the prison term in accordance with division (D) of 12749
that section, notice of the fact that the inmate will be having 12750
a hearing regarding those determinations and the date of the 12751
hearing; 12752

(iii) At least sixty days before the adult parole 12753
authority recommends a pardon or commutation of sentence for the 12754
inmate ~~or~~, at least sixty days prior to a hearing before the 12755
adult parole authority regarding a grant of parole to the inmate 12756
in relation to any prison term or term of imprisonment the 12757
inmate is serving for any offense, or at least sixty days prior 12758
to a hearing before the department regarding a determination of 12759
whether the inmate must be released under division (C) or (D) (2) 12760
of section 2967.271 of the Revised Code if the inmate is serving 12761
a non-life felony indefinite prison term, notice of the fact 12762
that the inmate might be under consideration for a pardon or 12763
commutation of sentence or will be having a hearing regarding a 12764
possible grant of parole or release, the date of any hearing 12765
regarding a possible grant of parole or release, and the right 12766
of any person to submit a written statement regarding the 12767
pending action; 12768

(iv) At least sixty days before the inmate is transferred 12769
to transitional control under section 2967.26 of the Revised 12770
Code in relation to any prison term or term of imprisonment the 12771
inmate is serving for any offense, notice of the pendency of the 12772
transfer, the date of the possible transfer, and the right of 12773
any person to submit a statement regarding the possible 12774
transfer; 12775

(v) Prompt notice of the inmate's escape from any facility 12776

in which the inmate was incarcerated and of the capture of the inmate after an escape; 12777
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(vi) Notice of the inmate's death while in confinement; 12779

(vii) Prior to the release of the inmate from confinement, notice of the fact that the inmate will be released, of the date of the release, and, if applicable, of the standard terms and conditions of the release; 12780
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(viii) Notice of the inmate's judicial release pursuant to section 2929.20 of the Revised Code or release pursuant to section 2967.19 of the Revised Code. 12784
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(2) Information as to where a person can send written statements of the types referred to in divisions (A)(1)(c)(i), (iii), and (iv) of this section. 12787
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(B)(1) The department shall update the database required under division (A) of this section every twenty-four hours to ensure that the information it contains is accurate and current. 12790
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(2) The database required under division (A) of this section is a public record open for inspection under section 149.43 of the Revised Code. The department shall make the database searchable by inmate name and by the county and zip code where the offender intends to reside after release from a state correctional institution if this information is known to the department. 12793
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(3) The database required under division (A) of this section may contain information regarding inmates who are listed in the database in addition to the information described in that division. 12800
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(4) No information included on the database required under 12804

division (A) of this section shall identify or enable the 12805
identification of any victim of any offense committed by an 12806
inmate. 12807

(C) The failure of the department to comply with the 12808
requirements of division (A) or (B) of this section does not 12809
give any rights or any grounds for appeal or post-conviction 12810
relief to any inmate. 12811

(D) This section, and the related provisions of sections 12812
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code 12813
enacted in the act in which this section was enacted, shall be 12814
known as "Laura's Law." 12815

(E) As used in this section, "non-life felony indefinite 12816
prison term" has the same meaning as in section 2929.01 of the 12817
Revised Code. 12818

Sec. 5120.80. There is hereby created in the state 12819
treasury the community programs fund. The department of 12820
rehabilitation and correction shall use the moneys in the fund 12821
to do the following: 12822

(A) Fund the halfway house, reentry center, and community 12823
residential center program under section 2967.14 of the Revised 12824
Code, with priority being given to the funding of residential 12825
service contracts that reduce the number of homeless offenders 12826
by housing offenders released from a state correctional 12827
institution who are required to reside in a community 12828
residential center pursuant to section 2967.14 of the Revised 12829
Code, regardless of criminal history, security level at release, 12830
or any other factor or factors that otherwise would have caused 12831
the offender to be rejected from placement; 12832

(B) Fund the transitional control program under section 12833

2967.26 of the Revised Code;	12834
(C) Provide assistance to approved community-based	12835
correctional facilities and programs and district community-	12836
based correctional facilities and programs under section	12837
5120.112 of the Revised Code;	12838
(D) Support the subsidy program established under section	12839
5149.31 of the Revised Code; and	12840
(E) Provide probation improvement grants and probation	12841
incentive grants under section 5149.311 of the Revised Code.	12842
Section 2. That existing sections 109.42, 121.22, 149.43,	12843
1901.021, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32,	12844
2907.02, 2907.03, 2907.05, 2907.07, 2907.321, 2907.322,	12845
2907.323, 2919.22, 2919.25, 2921.321, 2921.36, 2923.132,	12846
2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.11,	12847
2929.01, 2929.13, 2929.14, 2929.142, 2929.15, 2929.18, 2929.19,	12848
2929.191, 2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01,	12849
2967.021, 2967.03, 2967.13, 2967.19, 2967.191, 2967.193,	12850
2967.26, 2967.28, 2971.03, 3719.99, 5120.021, 5120.53, 5120.66,	12851
and 5120.80 of the Revised Code are hereby repealed.	12852
Section 3. On the effective date of this act, all causes,	12853
judgments, executions, and other proceedings pending in the	12854
Wayne County Municipal Court located in the municipal	12855
corporation of Orrville shall be transferred to and proceed in	12856
the Wayne County Municipal Court located in the municipal	12857
corporation of Wooster.	12858
Section 4. The General Assembly, applying the principle	12859
stated in division (B) of section 1.52 of the Revised Code that	12860
amendments are to be harmonized if reasonably capable of	12861
simultaneous operation, finds that the following sections,	12862

presented in this act as composites of the sections as amended 12863
by the acts indicated, are the resulting versions of the 12864
sections in effect prior to the effective date of the sections 12865
as presented in this act: 12866

Section 121.22 of the Revised Code as amended by both Sub. 12867
H.B. 158 and Sub. H.B. 413 of the 131st General Assembly. 12868

Section 2903.06 of the Revised Code as amended by both 12869
Sub. H.B. 300 and Sub. H.B. 388 of the 131st General Assembly. 12870

Section 2925.03 of the Revised Code as amended by Am. Sub. 12871
H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 131st General 12872
Assembly. 12873

Section 2925.11 of the Revised Code as amended by Sub. 12874
H.B. 110, H.B. 171, and Sub. S.B. 204, all of the 131st General 12875
Assembly. 12876

Section 2929.13 of the Revised Code as amended by Sub. 12877
H.B. 63, Am. Sub. S.B. 1, and Am. Sub. S.B. 66, all of the 132nd 12878
General Assembly. 12879

Section 2929.18 of the Revised Code as amended by both 12880
Sub. H.B. 60 and Sub. H.B. 359 of the 131st General Assembly. 12881

Section 2929.19 of the Revised Code as amended by both Am. 12882
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General 12883
Assembly. 12884

Section 2953.08 of the Revised Code as amended by Sub. 12885
H.B. 247, Am. Sub. S.B. 160, and Am. Sub. S.B. 337, all of the 12886
129th General Assembly. 12887

Section 2967.03 of the Revised Code as amended by Am. Sub. 12888
H.B. 487, Am. Sub. S.B. 160, and Am. Sub. S.B. 337, all of the 12889
129th General Assembly. 12890

Section 2967.191 of the Revised Code as amended by both 12891
Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General 12892
Assembly. 12893

Section 5120.66 of the Revised Code as amended by both Am. 12894
Sub. H.B. 487 and Am. Sub. S.B. 160 of the 129th General 12895
Assembly. 12896