

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 403**

**Representatives Hillyer, Galonski**

**Cosponsors: Representatives Seitz, Upchurch, Sobecki**

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**A BILL**

To amend sections 2929.01, 2929.20, 2930.03, 1  
2930.06, 2930.16, 2967.12, 2967.19, 2967.26, 2  
2967.28, and 5149.101 of the Revised Code to 3  
eliminate the requirement that a sentencing 4  
court must assent to the transfer of a prisoner 5  
to a transitional control program. 6

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

**Section 1.** That sections 2929.01, 2929.20, 2930.03, 7  
2930.06, 2930.16, 2967.12, 2967.19, 2967.26, 2967.28, and 8  
5149.101 of the Revised Code be amended to read as follows: 9

**Sec. 2929.01.** As used in this chapter: 10

(A) (1) "Alternative residential facility" means, subject 11  
to division (A) (2) of this section, any facility other than an 12  
offender's home or residence in which an offender is assigned to 13  
live and that satisfies all of the following criteria: 14

(a) It provides programs through which the offender may 15  
seek or maintain employment or may receive education, training, 16  
treatment, or habilitation. 17

(b) It has received the appropriate license or certificate 18  
for any specialized education, training, treatment, 19  
habilitation, or other service that it provides from the 20  
government agency that is responsible for licensing or 21  
certifying that type of education, training, treatment, 22  
habilitation, or service. 23

(2) "Alternative residential facility" does not include a 24  
community-based correctional facility, jail, halfway house, or 25  
prison. 26

(B) "Basic probation supervision" means a requirement that 27  
the offender maintain contact with a person appointed to 28  
supervise the offender in accordance with sanctions imposed by 29  
the court or imposed by the parole board pursuant to section 30  
2967.28 of the Revised Code. "Basic probation supervision" 31  
includes basic parole supervision and basic post-release control 32  
supervision. 33

(C) "Cocaine," "fentanyl-related compound," "hashish," 34  
"L.S.D.," and "unit dose" have the same meanings as in section 35  
2925.01 of the Revised Code. 36

(D) "Community-based correctional facility" means a 37  
community-based correctional facility and program or district 38  
community-based correctional facility and program developed 39  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 40

(E) "Community control sanction" means a sanction that is 41  
not a prison term and that is described in section 2929.15, 42  
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 43  
that is not a jail term and that is described in section 44  
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 45  
control sanction" includes probation if the sentence involved 46

was imposed for a felony that was committed prior to July 1, 47  
1996, or if the sentence involved was imposed for a misdemeanor 48  
that was committed prior to January 1, 2004. 49

(F) "Controlled substance," "marihuana," "schedule I," and 50  
"schedule II" have the same meanings as in section 3719.01 of 51  
the Revised Code. 52

(G) "Curfew" means a requirement that an offender during a 53  
specified period of time be at a designated place. 54

(H) "Day reporting" means a sanction pursuant to which an 55  
offender is required each day to report to and leave a center or 56  
other approved reporting location at specified times in order to 57  
participate in work, education or training, treatment, and other 58  
approved programs at the center or outside the center. 59

(I) "Deadly weapon" has the same meaning as in section 60  
2923.11 of the Revised Code. 61

(J) "Drug and alcohol use monitoring" means a program 62  
under which an offender agrees to submit to random chemical 63  
analysis of the offender's blood, breath, or urine to determine 64  
whether the offender has ingested any alcohol or other drugs. 65

(K) "Drug treatment program" means any program under which 66  
a person undergoes assessment and treatment designed to reduce 67  
or completely eliminate the person's physical or emotional 68  
reliance upon alcohol, another drug, or alcohol and another drug 69  
and under which the person may be required to receive assessment 70  
and treatment on an outpatient basis or may be required to 71  
reside at a facility other than the person's home or residence 72  
while undergoing assessment and treatment. 73

(L) "Economic loss" means any economic detriment suffered 74  
by a victim as a direct and proximate result of the commission 75

of an offense and includes any loss of income due to lost time 76  
at work because of any injury caused to the victim, and any 77  
property loss, medical cost, or funeral expense incurred as a 78  
result of the commission of the offense. "Economic loss" does 79  
not include non-economic loss or any punitive or exemplary 80  
damages. 81

(M) "Education or training" includes study at, or in 82  
conjunction with a program offered by, a university, college, or 83  
technical college or vocational study and also includes the 84  
completion of primary school, secondary school, and literacy 85  
curricula or their equivalent. 86

(N) "Firearm" has the same meaning as in section 2923.11 87  
of the Revised Code. 88

(O) "Halfway house" means a facility licensed by the 89  
division of parole and community services of the department of 90  
rehabilitation and correction pursuant to section 2967.14 of the 91  
Revised Code as a suitable facility for the care and treatment 92  
of adult offenders. 93

(P) "House arrest" means a period of confinement of an 94  
offender that is in the offender's home or in other premises 95  
specified by the sentencing court or by the parole board 96  
pursuant to section 2967.28 of the Revised Code and during which 97  
all of the following apply: 98

(1) The offender is required to remain in the offender's 99  
home or other specified premises for the specified period of 100  
confinement, except for periods of time during which the 101  
offender is at the offender's place of employment or at other 102  
premises as authorized by the sentencing court or by the parole 103  
board. 104

(2) The offender is required to report periodically to a person designated by the court or parole board.

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

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

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

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

(T) "Mandatory jail term" means the term in a jail that a sentencing court is required to impose pursuant to division (G) of section 1547.99 of the Revised Code, division (E) of section 2903.06 or division (D) of section 2903.08 of the Revised Code,

division (E) or (G) of section 2929.24 of the Revised Code, 134  
division (B) of section 4510.14 of the Revised Code, or division 135  
(G) of section 4511.19 of the Revised Code or pursuant to any 136  
other provision of the Revised Code that requires a term in a 137  
jail for a misdemeanor conviction. 138

(U) "Delinquent child" has the same meaning as in section 139  
2152.02 of the Revised Code. 140

(V) "License violation report" means a report that is made 141  
by a sentencing court, or by the parole board pursuant to 142  
section 2967.28 of the Revised Code, to the regulatory or 143  
licensing board or agency that issued an offender a professional 144  
license or a license or permit to do business in this state and 145  
that specifies that the offender has been convicted of or 146  
pleaded guilty to an offense that may violate the conditions 147  
under which the offender's professional license or license or 148  
permit to do business in this state was granted or an offense 149  
for which the offender's professional license or license or 150  
permit to do business in this state may be revoked or suspended. 151

(W) "Major drug offender" means an offender who is 152  
convicted of or pleads guilty to the possession of, sale of, or 153  
offer to sell any drug, compound, mixture, preparation, or 154  
substance that consists of or contains at least one thousand 155  
grams of hashish; at least one hundred grams of cocaine; at 156  
least one thousand unit doses or one hundred grams of heroin; at 157  
least five thousand unit doses of L.S.D. or five hundred grams 158  
of L.S.D. in a liquid concentrate, liquid extract, or liquid 159  
distillate form; at least fifty grams of a controlled substance 160  
analog; at least one thousand unit doses or one hundred grams of 161  
a fentanyl-related compound; or at least one hundred times the 162  
amount of any other schedule I or II controlled substance other 163

than marihuana that is necessary to commit a felony of the third 164  
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 165  
of the Revised Code that is based on the possession of, sale of, 166  
or offer to sell the controlled substance. 167

(X) "Mandatory prison term" means any of the following: 168

(1) Subject to division (X) (2) of this section, the term 169  
in prison that must be imposed for the offenses or circumstances 170  
set forth in divisions (F) (1) to (8) or (F) (12) to (21) of 171  
section 2929.13 and division (B) of section 2929.14 of the 172  
Revised Code. Except as provided in sections 2925.02, 2925.03, 173  
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 174  
maximum or another specific term is required under section 175  
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 176  
described in this division may be any prison term authorized for 177  
the level of offense except that if the offense is a felony of 178  
the first or second degree committed on or after ~~the effective~~ 179  
~~date of this amendment~~ March 22, 2019, a mandatory prison term 180  
described in this division may be one of the terms prescribed in 181  
division (A) (1) (a) or (2) (a) of section 2929.14 of the Revised 182  
Code, whichever is applicable, that is authorized as the minimum 183  
term for the offense. 184

(2) The term of sixty or one hundred twenty days in prison 185  
that a sentencing court is required to impose for a third or 186  
fourth degree felony OVI offense pursuant to division (G) (2) of 187  
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 188  
of the Revised Code or the term of one, two, three, four, or 189  
five years in prison that a sentencing court is required to 190  
impose pursuant to division (G) (2) of section 2929.13 of the 191  
Revised Code. 192

(3) The term in prison imposed pursuant to division (A) of 193

section 2971.03 of the Revised Code for the offenses and in the 194  
circumstances described in division (F) (11) of section 2929.13 195  
of the Revised Code or pursuant to division (B) (1) (a), (b), or 196  
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 197  
section 2971.03 of the Revised Code and that term as modified or 198  
terminated pursuant to section 2971.05 of the Revised Code. 199

(Y) "Monitored time" means a period of time during which 200  
an offender continues to be under the control of the sentencing 201  
court or parole board, subject to no conditions other than 202  
leading a law-abiding life. 203

(Z) "Offender" means a person who, in this state, is 204  
convicted of or pleads guilty to a felony or a misdemeanor. 205

(AA) "Prison" means a residential facility used for the 206  
confinement of convicted felony offenders that is under the 207  
control of the department of rehabilitation and correction and 208  
includes a violation sanction center operated under authority of 209  
section 2967.141 of the Revised Code. 210

(BB) (1) "Prison term" includes either of the following 211  
sanctions for an offender: 212

(a) A stated prison term; 213

(b) A term in a prison shortened by, or with the approval 214  
of, the sentencing court pursuant to section 2929.143, 2929.20, 215  
~~2967.26~~, 5120.031, 5120.032, or 5120.073 or shortened pursuant 216  
to section 2967.26 of the Revised Code. 217

(2) With respect to a non-life felony indefinite prison 218  
term, references in any provision of law to a reduction of, or 219  
deduction from, the prison term mean a reduction in, or 220  
deduction from, the minimum term imposed as part of the 221  
indefinite term. 222

(CC) "Repeat violent offender" means a person about whom	223
both of the following apply:	224
(1) The person is being sentenced for committing or for	225
complicity in committing any of the following:	226
(a) Aggravated murder, murder, any felony of the first or	227
second degree that is an offense of violence, or an attempt to	228
commit any of these offenses if the attempt is a felony of the	229
first or second degree;	230
(b) An offense under an existing or former law of this	231
state, another state, or the United States that is or was	232
substantially equivalent to an offense described in division	233
(CC) (1) (a) of this section.	234
(2) The person previously was convicted of or pleaded	235
guilty to an offense described in division (CC) (1) (a) or (b) of	236
this section.	237
(DD) "Sanction" means any penalty imposed upon an offender	238
who is convicted of or pleads guilty to an offense, as	239
punishment for the offense. "Sanction" includes any sanction	240
imposed pursuant to any provision of sections 2929.14 to 2929.18	241
or 2929.24 to 2929.28 of the Revised Code.	242
(EE) "Sentence" means the sanction or combination of	243
sanctions imposed by the sentencing court on an offender who is	244
convicted of or pleads guilty to an offense.	245
(FF) (1) "Stated prison term" means the prison term,	246
mandatory prison term, or combination of all prison terms and	247
mandatory prison terms imposed by the sentencing court pursuant	248
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or	249
under section 2919.25 of the Revised Code. "Stated prison term"	250
includes any credit received by the offender for time spent in	251

jail awaiting trial, sentencing, or transfer to prison for the 252  
offense and any time spent under house arrest or house arrest 253  
with electronic monitoring imposed after earning credits 254  
pursuant to section 2967.193 of the Revised Code. If an offender 255  
is serving a prison term as a risk reduction sentence under 256  
sections 2929.143 and 5120.036 of the Revised Code, "stated 257  
prison term" includes any period of time by which the prison 258  
term imposed upon the offender is shortened by the offender's 259  
successful completion of all assessment and treatment or 260  
programming pursuant to those sections. 261

(2) As used in the definition of "stated prison term" set 262  
forth in division (FF)(1) of this section, a prison term is a 263  
definite prison term imposed under section 2929.14 of the 264  
Revised Code or any other provision of law, is the minimum and 265  
maximum prison terms under a non-life felony indefinite prison 266  
term, or is a term of life imprisonment except to the extent 267  
that the use of that definition in a section of the Revised Code 268  
clearly is not intended to include a term of life imprisonment. 269  
With respect to an offender sentenced to a non-life felony 270  
indefinite prison term, references in section 2967.191 or 271  
2967.193 of the Revised Code or any other provision of law to a 272  
reduction of, or deduction from, the offender's stated prison 273  
term or to release of the offender before the expiration of the 274  
offender's stated prison term mean a reduction in, or deduction 275  
from, the minimum term imposed as part of the indefinite term or 276  
a release of the offender before the expiration of that minimum 277  
term, references in section 2929.19 or 2967.28 of the Revised 278  
Code to a stated prison term with respect to a prison term 279  
imposed for a violation of a post-release control sanction mean 280  
the minimum term so imposed, and references in any provision of 281  
law to an offender's service of the offender's stated prison 282

term or the expiration of the offender's stated prison term mean 283  
service or expiration of the minimum term so imposed plus any 284  
additional period of incarceration under the sentence that is 285  
required under section 2967.271 of the Revised Code. 286

(GG) "Victim-offender mediation" means a reconciliation or 287  
mediation program that involves an offender and the victim of 288  
the offense committed by the offender and that includes a 289  
meeting in which the offender and the victim may discuss the 290  
offense, discuss restitution, and consider other sanctions for 291  
the offense. 292

(HH) "Fourth degree felony OVI offense" means a violation 293  
of division (A) of section 4511.19 of the Revised Code that, 294  
under division (G) of that section, is a felony of the fourth 295  
degree. 296

(II) "Mandatory term of local incarceration" means the 297  
term of sixty or one hundred twenty days in a jail, a community- 298  
based correctional facility, a halfway house, or an alternative 299  
residential facility that a sentencing court may impose upon a 300  
person who is convicted of or pleads guilty to a fourth degree 301  
felony OVI offense pursuant to division (G) (1) of section 302  
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 303  
section 4511.19 of the Revised Code. 304

(JJ) "Designated homicide, assault, or kidnapping 305  
offense," "violent sex offense," "sexual motivation 306  
specification," "sexually violent offense," "sexually violent 307  
predator," and "sexually violent predator specification" have 308  
the same meanings as in section 2971.01 of the Revised Code. 309

(KK) "Sexually oriented offense," "child-victim oriented 310  
offense," and "tier III sex offender/child-victim offender" have 311

the same meanings as in section 2950.01 of the Revised Code. 312

(LL) An offense is "committed in the vicinity of a child" 313  
if the offender commits the offense within thirty feet of or 314  
within the same residential unit as a child who is under 315  
eighteen years of age, regardless of whether the offender knows 316  
the age of the child or whether the offender knows the offense 317  
is being committed within thirty feet of or within the same 318  
residential unit as the child and regardless of whether the 319  
child actually views the commission of the offense. 320

(MM) "Family or household member" has the same meaning as 321  
in section 2919.25 of the Revised Code. 322

(NN) "Motor vehicle" and "manufactured home" have the same 323  
meanings as in section 4501.01 of the Revised Code. 324

(OO) "Detention" and "detention facility" have the same 325  
meanings as in section 2921.01 of the Revised Code. 326

(PP) "Third degree felony OVI offense" means a violation 327  
of division (A) of section 4511.19 of the Revised Code that, 328  
under division (G) of that section, is a felony of the third 329  
degree. 330

(QQ) "Random drug testing" has the same meaning as in 331  
section 5120.63 of the Revised Code. 332

(RR) "Felony sex offense" has the same meaning as in 333  
section 2967.28 of the Revised Code. 334

(SS) "Body armor" has the same meaning as in section 335  
2941.1411 of the Revised Code. 336

(TT) "Electronic monitoring" means monitoring through the 337  
use of an electronic monitoring device. 338

(UU) "Electronic monitoring device" means any of the 339  
following: 340

(1) Any device that can be operated by electrical or 341  
battery power and that conforms with all of the following: 342

(a) The device has a transmitter that can be attached to a 343  
person, that will transmit a specified signal to a receiver of 344  
the type described in division (UU) (1) (b) of this section if the 345  
transmitter is removed from the person, turned off, or altered 346  
in any manner without prior court approval in relation to 347  
electronic monitoring or without prior approval of the 348  
department of rehabilitation and correction in relation to the 349  
use of an electronic monitoring device for an inmate on 350  
transitional control or otherwise is tampered with, that can 351  
transmit continuously and periodically a signal to that receiver 352  
when the person is within a specified distance from the 353  
receiver, and that can transmit an appropriate signal to that 354  
receiver if the person to whom it is attached travels a 355  
specified distance from that receiver. 356

(b) The device has a receiver that can receive 357  
continuously the signals transmitted by a transmitter of the 358  
type described in division (UU) (1) (a) of this section, can 359  
transmit continuously those signals by a wireless or landline 360  
telephone connection to a central monitoring computer of the 361  
type described in division (UU) (1) (c) of this section, and can 362  
transmit continuously an appropriate signal to that central 363  
monitoring computer if the device has been turned off or altered 364  
without prior court approval or otherwise tampered with. The 365  
device is designed specifically for use in electronic 366  
monitoring, is not a converted wireless phone or another 367  
tracking device that is clearly not designed for electronic 368

monitoring, and provides a means of text-based or voice 369  
communication with the person. 370

(c) The device has a central monitoring computer that can 371  
receive continuously the signals transmitted by a wireless or 372  
landline telephone connection by a receiver of the type 373  
described in division (UU) (1) (b) of this section and can monitor 374  
continuously the person to whom an electronic monitoring device 375  
of the type described in division (UU) (1) (a) of this section is 376  
attached. 377

(2) Any device that is not a device of the type described 378  
in division (UU) (1) of this section and that conforms with all 379  
of the following: 380

(a) The device includes a transmitter and receiver that 381  
can monitor and determine the location of a subject person at 382  
any time, or at a designated point in time, through the use of a 383  
central monitoring computer or through other electronic means. 384

(b) The device includes a transmitter and receiver that 385  
can determine at any time, or at a designated point in time, 386  
through the use of a central monitoring computer or other 387  
electronic means the fact that the transmitter is turned off or 388  
altered in any manner without prior approval of the court in 389  
relation to the electronic monitoring or without prior approval 390  
of the department of rehabilitation and correction in relation 391  
to the use of an electronic monitoring device for an inmate on 392  
transitional control or otherwise is tampered with. 393

(3) Any type of technology that can adequately track or 394  
determine the location of a subject person at any time and that 395  
is approved by the director of rehabilitation and correction, 396  
including, but not limited to, any satellite technology, voice 397

tracking system, or retinal scanning system that is so approved. 398

(VV) "Non-economic loss" means nonpecuniary harm suffered 399  
by a victim of an offense as a result of or related to the 400  
commission of the offense, including, but not limited to, pain 401  
and suffering; loss of society, consortium, companionship, care, 402  
assistance, attention, protection, advice, guidance, counsel, 403  
instruction, training, or education; mental anguish; and any 404  
other intangible loss. 405

(WW) "Prosecutor" has the same meaning as in section 406  
2935.01 of the Revised Code. 407

(XX) "Continuous alcohol monitoring" means the ability to 408  
automatically test and periodically transmit alcohol consumption 409  
levels and tamper attempts at least every hour, regardless of 410  
the location of the person who is being monitored. 411

(YY) A person is "adjudicated a sexually violent predator" 412  
if the person is convicted of or pleads guilty to a violent sex 413  
offense and also is convicted of or pleads guilty to a sexually 414  
violent predator specification that was included in the 415  
indictment, count in the indictment, or information charging 416  
that violent sex offense or if the person is convicted of or 417  
pleads guilty to a designated homicide, assault, or kidnapping 418  
offense and also is convicted of or pleads guilty to both a 419  
sexual motivation specification and a sexually violent predator 420  
specification that were included in the indictment, count in the 421  
indictment, or information charging that designated homicide, 422  
assault, or kidnapping offense. 423

(ZZ) An offense is "committed in proximity to a school" if 424  
the offender commits the offense in a school safety zone or 425  
within five hundred feet of any school building or the 426

boundaries of any school premises, regardless of whether the 427  
offender knows the offense is being committed in a school safety 428  
zone or within five hundred feet of any school building or the 429  
boundaries of any school premises. 430

(AAA) "Human trafficking" means a scheme or plan to which 431  
all of the following apply: 432

(1) Its object is one or more of the following: 433

(a) To subject a victim or victims to involuntary 434  
servitude, as defined in section 2905.31 of the Revised Code or 435  
to compel a victim or victims to engage in sexual activity for 436  
hire, to engage in a performance that is obscene, sexually 437  
oriented, or nudity oriented, or to be a model or participant in 438  
the production of material that is obscene, sexually oriented, 439  
or nudity oriented; 440

(b) To facilitate, encourage, or recruit a victim who is 441  
less than sixteen years of age or is a person with a 442  
developmental disability, or victims who are less than sixteen 443  
years of age or are persons with developmental disabilities, for 444  
any purpose listed in divisions (A) (2) (a) to (c) of section 445  
2905.32 of the Revised Code; 446

(c) To facilitate, encourage, or recruit a victim who is 447  
sixteen or seventeen years of age, or victims who are sixteen or 448  
seventeen years of age, for any purpose listed in divisions (A) 449  
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 450  
circumstances described in division (A) (5), (6), (7), (8), (9), 451  
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 452  
apply with respect to the person engaging in the conduct and the 453  
victim or victims. 454

(2) It involves at least two felony offenses, whether or 455

not there has been a prior conviction for any of the felony 456  
offenses, to which all of the following apply: 457

(a) Each of the felony offenses is a violation of section 458  
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 459  
division (A) (1) or (2) of section 2907.323, or division (B) (1), 460  
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 461  
is a violation of a law of any state other than this state that 462  
is substantially similar to any of the sections or divisions of 463  
the Revised Code identified in this division. 464

(b) At least one of the felony offenses was committed in 465  
this state. 466

(c) The felony offenses are related to the same scheme or 467  
plan and are not isolated instances. 468

(BBB) "Material," "nudity," "obscene," "performance," and 469  
"sexual activity" have the same meanings as in section 2907.01 470  
of the Revised Code. 471

(CCC) "Material that is obscene, sexually oriented, or 472  
nudity oriented" means any material that is obscene, that shows 473  
a person participating or engaging in sexual activity, 474  
masturbation, or bestiality, or that shows a person in a state 475  
of nudity. 476

(DDD) "Performance that is obscene, sexually oriented, or 477  
nudity oriented" means any performance that is obscene, that 478  
shows a person participating or engaging in sexual activity, 479  
masturbation, or bestiality, or that shows a person in a state 480  
of nudity. 481

(EEE) "Accelerant" means a fuel or oxidizing agent, such 482  
as an ignitable liquid, used to initiate a fire or increase the 483  
rate of growth or spread of a fire. 484

(FFF) "Permanent disabling harm" means serious physical 485  
harm that results in permanent injury to the intellectual, 486  
physical, or sensory functions and that permanently and 487  
substantially impairs a person's ability to meet one or more of 488  
the ordinary demands of life, including the functions of caring 489  
for one's self, performing manual tasks, walking, seeing, 490  
hearing, speaking, breathing, learning, and working. 491

(GGG) "Non-life felony indefinite prison term" means a 492  
prison term imposed under division (A) (1) (a) or (2) (a) of 493  
section 2929.14 and section 2929.144 of the Revised Code for a 494  
felony of the first or second degree committed on or after ~~the~~ 495  
~~effective date of this amendment~~ March 22, 2019. 496

**Sec. 2929.20.** (A) As used in this section: 497

(1) (a) Except as provided in division (A) (1) (b) of this 498  
section, "eligible offender" means any person who, on or after 499  
April 7, 2009, is serving a stated prison term that includes one 500  
or more nonmandatory prison terms. 501

(b) "Eligible offender" does not include any person who, 502  
on or after April 7, 2009, is serving a stated prison term for 503  
any of the following criminal offenses that was a felony and was 504  
committed while the person held a public office in this state: 505

(i) A violation of section 2921.02, 2921.03, 2921.05, 506  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 507  
Code; 508

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 509  
2921.12 of the Revised Code, when the conduct constituting the 510  
violation was related to the duties of the offender's public 511  
office or to the offender's actions as a public official holding 512  
that public office; 513

(iii) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A) (1) (b) (i) of this section;

(iv) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A) (1) (b) (ii) of this section, when the conduct constituting the violation was related to the duties of the offender's public office or to the offender's actions as a public official holding that public office;

(v) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A) (1) (b) (i) or described in division (A) (1) (b) (iii) of this section;

(vi) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A) (1) (b) (ii) or described in division (A) (1) (b) (iv) of this section, if the conduct constituting the offense that was the subject of the conspiracy, that would have constituted the offense attempted, or constituting the offense in which the offender was complicit was or would have been related to the duties of the offender's public office or to the offender's actions as a public official holding that public office.

(2) "Nonmandatory prison term" means a prison term that is not a mandatory prison term.

(3) "Public office" means any elected federal, state, or local government office in this state.

(4) "Victim's representative" has the same meaning as in section 2930.01 of the Revised Code.

(5) "Imminent danger of death," "medically incapacitated," 543  
and "terminal illness" have the same meanings as in section 544  
2967.05 of the Revised Code. 545

(6) "Aggregated nonmandatory prison term or terms" means 546  
the aggregate of the following: 547

(a) All nonmandatory definite prison terms; 548

(b) With respect to any non-life felony indefinite prison 549  
term, all nonmandatory minimum prison terms imposed as part of 550  
the non-life felony indefinite prison term or terms. 551

(B) On the motion of an eligible offender or upon its own 552  
motion, the sentencing court may reduce the eligible offender's 553  
aggregated nonmandatory prison term or terms through a judicial 554  
release under this section. 555

(C) An eligible offender may file a motion for judicial 556  
release with the sentencing court within the following 557  
applicable periods: 558

(1) If the aggregated nonmandatory prison term or terms is 559  
less than two years, the eligible offender may file the motion 560  
at any time after the offender is delivered to a state 561  
correctional institution or, if the prison term includes a 562  
mandatory prison term or terms, at any time after the expiration 563  
of all mandatory prison terms. 564

(2) If the aggregated nonmandatory prison term or terms is 565  
at least two years but less than five years, the eligible 566  
offender may file the motion not earlier than one hundred eighty 567  
days after the offender is delivered to a state correctional 568  
institution or, if the prison term includes a mandatory prison 569  
term or terms, not earlier than one hundred eighty days after 570  
the expiration of all mandatory prison terms. 571

(3) If the aggregated nonmandatory prison term or terms is 572  
five years, the eligible offender may file the motion not 573  
earlier than the date on which the eligible offender has served 574  
four years of the offender's stated prison term or, if the 575  
prison term includes a mandatory prison term or terms, not 576  
earlier than four years after the expiration of all mandatory 577  
prison terms. 578

(4) If the aggregated nonmandatory prison term or terms is 579  
more than five years but not more than ten years, the eligible 580  
offender may file the motion not earlier than the date on which 581  
the eligible offender has served five years of the offender's 582  
stated prison term or, if the prison term includes a mandatory 583  
prison term or terms, not earlier than five years after the 584  
expiration of all mandatory prison terms. 585

(5) If the aggregated nonmandatory prison term or terms is 586  
more than ten years, the eligible offender may file the motion 587  
not earlier than the later of the date on which the offender has 588  
served one-half of the offender's stated prison term or the date 589  
specified in division (C) (4) of this section. 590

(D) Upon receipt of a timely motion for judicial release 591  
filed by an eligible offender under division (C) of this section 592  
or upon the sentencing court's own motion made within the 593  
appropriate time specified in that division, the court may deny 594  
the motion without a hearing or schedule a hearing on the 595  
motion. The court shall not grant the motion without a hearing. 596  
If a court denies a motion without a hearing, the court later 597  
may consider judicial release for that eligible offender on a 598  
subsequent motion filed by that eligible offender unless the 599  
court denies the motion with prejudice. If a court denies a 600  
motion with prejudice, the court may later consider judicial 601

release on its own motion. If a court denies a motion after a hearing, the court shall not consider a subsequent motion for that eligible offender. The court shall hold only one hearing for any eligible offender.

A hearing under this section shall be conducted in open court not less than thirty or more than sixty days after the motion is filed, provided that the court may delay the hearing for one hundred eighty additional days. If the court holds a hearing, the court shall enter a ruling on the motion within ten days after the hearing. If the court denies the motion without a hearing, the court shall enter its ruling on the motion within sixty days after the motion is filed.

(E) If a court schedules a hearing under division (D) of this section, the court shall notify the eligible offender and the head of the state correctional institution in which the eligible offender is confined prior to the hearing. The head of the state correctional institution immediately shall notify the appropriate person at the department of rehabilitation and correction of the hearing, and the department within twenty-four hours after receipt of the notice, shall post on the database it maintains pursuant to section 5120.66 of the Revised Code the offender's name and all of the information specified in division (A) (1) (c) (i) of that section. If the court schedules a hearing for judicial release, the court promptly shall give notice of the hearing to the prosecuting attorney of the county in which the eligible offender was indicted. Upon receipt of the notice from the court, the prosecuting attorney shall do whichever of the following is applicable:

(1) Subject to division (E) (2) of this section, notify the victim of the offense or the victim's representative pursuant to

division (B) of section 2930.16 of the Revised Code; 632

(2) If the offense was an offense of violence that is a 633  
felony of the first, second, or third degree, except as 634  
otherwise provided in this division, notify the victim or the 635  
victim's representative of the hearing regardless of whether the 636  
victim or victim's representative has requested the 637  
notification. The notice of the hearing shall not be given under 638  
this division to a victim or victim's representative if the 639  
victim or victim's representative has requested pursuant to 640  
division (B) (2) of section 2930.03 of the Revised Code that the 641  
victim or the victim's representative not be provided the 642  
notice. If notice is to be provided to a victim or victim's 643  
representative under this division, the prosecuting attorney may 644  
give the notice by any reasonable means, including regular mail, 645  
telephone, and electronic mail, in accordance with division (D) 646  
(1) of section 2930.16 of the Revised Code. If the notice is 647  
based on an offense committed prior to March 22, 2013, the 648  
notice also shall include the opt-out information described in 649  
division (D) (1) of section 2930.16 of the Revised Code. The 650  
prosecuting attorney, in accordance with division (D) (2) of 651  
section 2930.16 of the Revised Code, shall keep a record of all 652  
attempts to provide the notice, and of all notices provided, 653  
under this division. Division (E) (2) of this section, and the 654  
notice-related provisions of division (K) of this section, 655  
division (D) (1) of section 2930.16, division (H) of section 656  
2967.12, division (E) (1) (b) of section 2967.19, division ~~(A) (3)~~ 657  
~~(b)~~ (A) (2) (b) of section 2967.26, division (D) (1) of section 658  
2967.28, and division (A) (2) of section 5149.101 of the Revised 659  
Code enacted in the act in which division (E) (2) of this section 660  
was enacted, shall be known as "Roberta's Law." 661

(F) Upon an offender's successful completion of 662

rehabilitative activities, the head of the state correctional 663  
institution may notify the sentencing court of the successful 664  
completion of the activities. 665

(G) Prior to the date of the hearing on a motion for 666  
judicial release under this section, the head of the state 667  
correctional institution in which the eligible offender is 668  
confined shall send to the court an institutional summary report 669  
on the eligible offender's conduct in the institution and in any 670  
institution from which the eligible offender may have been 671  
transferred. Upon the request of the prosecuting attorney of the 672  
county in which the eligible offender was indicted or of any law 673  
enforcement agency, the head of the state correctional 674  
institution, at the same time the person sends the institutional 675  
summary report to the court, also shall send a copy of the 676  
report to the requesting prosecuting attorney and law 677  
enforcement agencies. The institutional summary report shall 678  
cover the eligible offender's participation in school, 679  
vocational training, work, treatment, and other rehabilitative 680  
activities and any disciplinary action taken against the 681  
eligible offender. The report shall be made part of the record 682  
of the hearing. A presentence investigation report is not 683  
required for judicial release. 684

(H) If the court grants a hearing on a motion for judicial 685  
release under this section, the eligible offender shall attend 686  
the hearing if ordered to do so by the court. Upon receipt of a 687  
copy of the journal entry containing the order, the head of the 688  
state correctional institution in which the eligible offender is 689  
incarcerated shall deliver the eligible offender to the sheriff 690  
of the county in which the hearing is to be held. The sheriff 691  
shall convey the eligible offender to and from the hearing. 692

(I) At the hearing on a motion for judicial release under 693  
this section, the court shall afford the eligible offender and 694  
the eligible offender's attorney an opportunity to present 695  
written and, if present, oral information relevant to the 696  
motion. The court shall afford a similar opportunity to the 697  
prosecuting attorney, the victim or the victim's representative, 698  
and any other person the court determines is likely to present 699  
additional relevant information. The court shall consider any 700  
statement of a victim made pursuant to section 2930.14 or 701  
2930.17 of the Revised Code, any victim impact statement 702  
prepared pursuant to section 2947.051 of the Revised Code, and 703  
any report made under division (G) of this section. The court 704  
may consider any written statement of any person submitted to 705  
the court pursuant to division (L) of this section. After ruling 706  
on the motion, the court shall notify the victim of the ruling 707  
in accordance with sections 2930.03 and 2930.16 of the Revised 708  
Code. 709

(J) (1) A court shall not grant a judicial release under 710  
this section to an eligible offender who is imprisoned for a 711  
felony of the first or second degree, or to an eligible offender 712  
who committed an offense under Chapter 2925. or 3719. of the 713  
Revised Code and for whom there was a presumption under section 714  
2929.13 of the Revised Code in favor of a prison term, unless 715  
the court, with reference to factors under section 2929.12 of 716  
the Revised Code, finds both of the following: 717

(a) That a sanction other than a prison term would 718  
adequately punish the offender and protect the public from 719  
future criminal violations by the eligible offender because the 720  
applicable factors indicating a lesser likelihood of recidivism 721  
outweigh the applicable factors indicating a greater likelihood 722  
of recidivism; 723

(b) That a sanction other than a prison term would not 724  
demean the seriousness of the offense because factors indicating 725  
that the eligible offender's conduct in committing the offense 726  
was less serious than conduct normally constituting the offense 727  
outweigh factors indicating that the eligible offender's conduct 728  
was more serious than conduct normally constituting the offense. 729

(2) A court that grants a judicial release to an eligible 730  
offender under division (J)(1) of this section shall specify on 731  
the record both findings required in that division and also 732  
shall list all the factors described in that division that were 733  
presented at the hearing. 734

(K) If the court grants a motion for judicial release 735  
under this section, the court shall order the release of the 736  
eligible offender, shall place the eligible offender under an 737  
appropriate community control sanction, under appropriate 738  
conditions, and under the supervision of the department of 739  
probation serving the court and shall reserve the right to 740  
reimpose the sentence that it reduced if the offender violates 741  
the sanction. If the court reimposes the reduced sentence, it 742  
may do so either concurrently with, or consecutive to, any new 743  
sentence imposed upon the eligible offender as a result of the 744  
violation that is a new offense. Except as provided in division 745  
(R)(2) of this section, the period of community control shall be 746  
no longer than five years. The court, in its discretion, may 747  
reduce the period of community control by the amount of time the 748  
eligible offender spent in jail or prison for the offense and in 749  
prison. If the court made any findings pursuant to division (J) 750  
(1) of this section, the court shall serve a copy of the 751  
findings upon counsel for the parties within fifteen days after 752  
the date on which the court grants the motion for judicial 753  
release. 754

If the court grants a motion for judicial release, the 755  
court shall notify the appropriate person at the department of 756  
rehabilitation and correction, and the department shall post 757  
notice of the release on the database it maintains pursuant to 758  
section 5120.66 of the Revised Code. The court also shall notify 759  
the prosecuting attorney of the county in which the eligible 760  
offender was indicted that the motion has been granted. Unless 761  
the victim or the victim's representative has requested pursuant 762  
to division (B) (2) of section 2930.03 of the Revised Code that 763  
the victim or victim's representative not be provided the 764  
notice, the prosecuting attorney shall notify the victim or the 765  
victim's representative of the judicial release in any manner, 766  
and in accordance with the same procedures, pursuant to which 767  
the prosecuting attorney is authorized to provide notice of the 768  
hearing pursuant to division (E) (2) of this section. If the 769  
notice is based on an offense committed prior to March 22, 2013, 770  
the notice to the victim or victim's representative also shall 771  
include the opt-out information described in division (D) (1) of 772  
section 2930.16 of the Revised Code. 773

(L) In addition to and independent of the right of a 774  
victim to make a statement pursuant to section 2930.14, 2930.17, 775  
or 2946.051 of the Revised Code and any right of a person to 776  
present written information or make a statement pursuant to 777  
division (I) of this section, any person may submit to the 778  
court, at any time prior to the hearing on the offender's motion 779  
for judicial release, a written statement concerning the effects 780  
of the offender's crime or crimes, the circumstances surrounding 781  
the crime or crimes, the manner in which the crime or crimes 782  
were perpetrated, and the person's opinion as to whether the 783  
offender should be released. 784

(M) The changes to this section that are made on September 785

30, 2011, apply to any judicial release decision made on or 786  
after September 30, 2011, for any eligible offender. 787

(N) Notwithstanding the eligibility requirements specified 788  
in division (A) of this section and the filing time frames 789  
specified in division (C) of this section and notwithstanding 790  
the findings required under division (J) of this section, the 791  
sentencing court, upon the court's own motion and after 792  
considering whether the release of the offender into society 793  
would create undue risk to public safety, may grant a judicial 794  
release to an offender who is not serving a life sentence at any 795  
time during the offender's imposed sentence when the director of 796  
rehabilitation and correction certifies to the sentencing court 797  
through the chief medical officer for the department of 798  
rehabilitation and correction that the offender is in imminent 799  
danger of death, is medically incapacitated, or is suffering 800  
from a terminal illness. 801

(O) The director of rehabilitation and correction shall 802  
not certify any offender under division (N) of this section who 803  
is serving a death sentence. 804

(P) A motion made by the court under division (N) of this 805  
section is subject to the notice, hearing, and other procedural 806  
requirements specified in divisions (D), (E), (G), (H), (I), 807  
(K), and (L) of this section, except for the following: 808

(1) The court may waive the offender's appearance at any 809  
hearing scheduled by the court if the offender's condition makes 810  
it impossible for the offender to participate meaningfully in 811  
the proceeding. 812

(2) The court may grant the motion without a hearing, 813  
provided that the prosecuting attorney and victim or victim's 814

representative to whom notice of the hearing was provided under 815  
division (E) of this section indicate that they do not wish to 816  
participate in the hearing or present information relevant to 817  
the motion. 818

(Q) The court may request health care records from the 819  
department of rehabilitation and correction to verify the 820  
certification made under division (N) of this section. 821

(R) (1) If the court grants judicial release under division 822  
(N) of this section, the court shall do all of the following: 823

(a) Order the release of the offender; 824

(b) Place the offender under an appropriate community 825  
control sanction, under appropriate conditions; 826

(c) Place the offender under the supervision of the 827  
department of probation serving the court or under the 828  
supervision of the adult parole authority. 829

(2) The court, in its discretion, may revoke the judicial 830  
release if the offender violates the community control sanction 831  
described in division (R) (1) of this section. The period of that 832  
community control is not subject to the five-year limitation 833  
described in division (K) of this section and shall not expire 834  
earlier than the date on which all of the offender's mandatory 835  
prison terms expire. 836

(S) If the health of an offender who is released under 837  
division (N) of this section improves so that the offender is no 838  
longer terminally ill, medically incapacitated, or in imminent 839  
danger of death, the court shall, upon the court's own motion, 840  
revoke the judicial release. The court shall not grant the 841  
motion without a hearing unless the offender waives a hearing. 842  
If a hearing is held, the court shall afford the offender and 843

the offender's attorney an opportunity to present written and, 844  
if the offender or the offender's attorney is present, oral 845  
information relevant to the motion. The court shall afford a 846  
similar opportunity to the prosecuting attorney, the victim or 847  
the victim's representative, and any other person the court 848  
determines is likely to present additional relevant information. 849  
A court that grants a motion under this division shall specify 850  
its findings on the record. 851

**Sec. 2930.03.** (A) A person or entity required or 852  
authorized under this chapter to give notice to a victim shall 853  
give the notice to the victim by any means reasonably calculated 854  
to provide prompt actual notice. Except when a provision 855  
requires that notice is to be given in a specific manner, a 856  
notice may be oral or written. 857

(B) (1) Except for receipt of the initial information and 858  
notice required to be given to a victim under divisions (A) and 859  
(B) of section 2930.04, section 2930.05, and divisions (A) and 860  
(B) of section 2930.06 of the Revised Code and the notice 861  
required to be given to a victim under division (D) of section 862  
2930.16 of the Revised Code, a victim who wishes to receive any 863  
notice authorized by this chapter shall make a request for the 864  
notice to the prosecutor or the custodial agency that is to 865  
provide the notice, as specified in this chapter. If the victim 866  
does not make a request as described in this division, the 867  
prosecutor or custodial agency is not required to provide any 868  
notice described in this chapter other than the initial 869  
information and notice required to be given to a victim under 870  
divisions (A) and (B) of section 2930.04, section 2930.05, and 871  
divisions (A) and (B) of section 2930.06 of the Revised Code and 872  
the notice required to be given to a victim under division (D) 873  
of section 2930.16 of the Revised Code. 874

(2) A victim who does not wish to receive any of the 875  
notices required to be given to a victim under division (E) (2) 876  
or (K) of section 2929.20, division (D) of section 2930.16, 877  
division (H) of section 2967.12, division (E) (1) (b) of section 878  
2967.19, division ~~(A) (3) (b)~~ (A) (2) (b) of section 2967.26, 879  
division (D) (1) of section 2967.28, or division (A) (2) of 880  
section 5149.101 of the Revised Code shall make a request to the 881  
prosecutor or custodial agency that is to provide the particular 882  
notice that the notice not be provided to the victim. Unless the 883  
victim makes a request as described in this division, the 884  
prosecutor or custodial agency shall provide the notices 885  
required to be given to a victim under division (E) (2) or (K) of 886  
section 2929.20, division (D) of section 2930.16, division (H) 887  
of section 2967.12, division (E) (1) (b) of section 2967.19, 888  
division ~~(A) (3) (b)~~ (A) (2) (b) of section 2967.26, division (D) (1) 889  
of section 2967.28, or division (A) (2) of section 5149.101 of 890  
the Revised Code in any manner, and in accordance with the 891  
procedures, specified in the particular division. This division 892  
also applies to a victim's representative or a member of a 893  
victim's immediate family that is authorized to receive any of 894  
the notices specified in this division. 895

(C) A person or agency that is required to furnish notice 896  
under this chapter shall give the notice to the victim at the 897  
address or telephone number provided to the person or agency by 898  
the victim. A victim who requests to receive notice under this 899  
chapter as described in division (B) of this section shall 900  
inform the person or agency of the name, address, or telephone 901  
number of the victim and of any change to that information. 902

(D) A person or agency that has furnished information to a 903  
victim in accordance with any requirement or authorization under 904  
this chapter shall notify the victim promptly of any significant 905

changes to that information. 906

(E) Divisions (A) to (D) of this section do not apply 907  
regarding a notice that a prosecutor is required to provide 908  
under section 2930.061 of the Revised Code. A prosecutor 909  
required to provide notice under that section shall provide the 910  
notice as specified in that section. 911

**Sec. 2930.06.** (A) The prosecutor in a case, to the extent 912  
practicable, shall confer with the victim in the case before 913  
pretrial diversion is granted to the defendant or alleged 914  
juvenile offender in the case, before amending or dismissing an 915  
indictment, information, or complaint against that defendant or 916  
alleged juvenile offender, before agreeing to a negotiated plea 917  
for that defendant or alleged juvenile offender, before a trial 918  
of that defendant by judge or jury, or before the juvenile court 919  
conducts an adjudicatory hearing for that alleged juvenile 920  
offender. If the juvenile court disposes of a case prior to the 921  
prosecutor's involvement in the case, the court or a court 922  
employee shall notify the victim in the case that the alleged 923  
juvenile offender will be granted pretrial diversion, the 924  
complaint against that alleged juvenile offender will be amended 925  
or dismissed, or the court will conduct an adjudicatory hearing 926  
for that alleged juvenile offender. If the prosecutor fails to 927  
confer with the victim at any of those times, the court, if 928  
informed of the failure, shall note on the record the failure 929  
and the prosecutor's reasons for the failure. A prosecutor's 930  
failure to confer with a victim as required by this division and 931  
a court's failure to provide the notice as required by this 932  
division do not affect the validity of an agreement between the 933  
prosecutor and the defendant or alleged juvenile offender in the 934  
case, a pretrial diversion of the defendant or alleged juvenile 935  
offender, an amendment or dismissal of an indictment, 936

information, or complaint filed against the defendant or alleged 937  
juvenile offender, a plea entered by the defendant or alleged 938  
juvenile defender, an admission entered by the defendant or 939  
alleged juvenile offender, or any other disposition in the case. 940  
A court shall not dismiss a criminal complaint, charge, 941  
information, or indictment or a delinquent child complaint 942  
solely at the request of the victim and over the objection of 943  
the prosecuting attorney, village solicitor, city director of 944  
law, or other chief legal officer responsible for the 945  
prosecution of the case. 946

(B) After a prosecution in a case has been commenced, the 947  
prosecutor or a designee of the prosecutor other than a court or 948  
court employee, to the extent practicable, promptly shall give 949  
the victim all of the following information, except that, if the 950  
juvenile court disposes of a case prior to the prosecutor's 951  
involvement in the case, the court or a court employee, to the 952  
extent practicable, promptly shall give the victim all of the 953  
following information: 954

(1) The name of the crime or specified delinquent act with 955  
which the defendant or alleged juvenile offender in the case has 956  
been charged and the name of the defendant or alleged juvenile 957  
offender; 958

(2) The file number of the case; 959

(3) A brief statement regarding the procedural steps in a 960  
criminal prosecution or delinquency proceeding involving a crime 961  
or specified delinquent act similar to the crime or specified 962  
delinquent act with which the defendant or alleged juvenile 963  
offender has been charged and the right of the victim to be 964  
present during all proceedings held throughout the prosecution 965  
of the case; 966

(4) A summary of the rights of a victim under this chapter;	967 968
(5) Procedures the victim or the prosecutor may follow if the victim becomes subject to threats or intimidation by the defendant, alleged juvenile offender, or any other person;	969 970 971
(6) The name and business telephone number of a person to contact for further information with respect to the case;	972 973
(7) The right of the victim to have a victim's representative exercise the victim's rights under this chapter in accordance with section 2930.02 of the Revised Code and the procedure by which a victim's representative may be designated;	974 975 976 977
(8) Notice that any notification under division (C) of this section, sections 2930.07 to 2930.15, division (A), (B), or (C) of section 2930.16, sections 2930.17 to 2930.19, and section 5139.56 of the Revised Code will be given to the victim only if the victim asks to receive the notification and that notice under division (E) (2) or (K) of section 2929.20, division (D) of section 2930.16, division (H) of section 2967.12, division (E) (1) (b) of section 2967.19, division <del>(A) (3) (b)</del> <u>(A) (2) (b)</u> of section 2967.26, division (D) (1) of section 2967.28, or division (A) (2) of section 5149.101 of the Revised Code will be given unless the victim asks that the notification not be provided.	978 979 980 981 982 983 984 985 986 987 988
(C) Upon the request of the victim, the prosecutor or, if it is a delinquency proceeding and a prosecutor is not involved in the case, the court shall give the victim notice of the date, time, and place of any scheduled criminal or juvenile proceedings in the case and notice of any changes in those proceedings or in the schedule in the case.	989 990 991 992 993 994
(D) A victim who requests notice under division (C) of	995

this section and who elects pursuant to division (B) of section 996  
2930.03 of the Revised Code to receive any further notice from 997  
the prosecutor or, if it is a delinquency proceeding and a 998  
prosecutor is not involved in the case, the court under this 999  
chapter shall keep the prosecutor or the court informed of the 1000  
victim's current address and telephone number until the case is 1001  
dismissed or terminated, the defendant is acquitted or 1002  
sentenced, the delinquent child complaint is dismissed, the 1003  
defendant is adjudicated a delinquent child, or the appellate 1004  
process is completed, whichever is the final disposition in the 1005  
case. 1006

(E) If a defendant is charged with the commission of a 1007  
misdemeanor offense that is not identified in division (A) (2) of 1008  
section 2930.01 of the Revised Code and if a police report or a 1009  
complaint, indictment, or information that charges the 1010  
commission of that offense and provides the basis for a criminal 1011  
prosecution of that defendant identifies one or more individuals 1012  
as individuals against whom that offense was committed, after a 1013  
prosecution in the case has been commenced, the prosecutor or a 1014  
designee of the prosecutor other than a court or court employee, 1015  
to the extent practicable, promptly shall notify each of the 1016  
individuals so identified in the report, complaint, indictment, 1017  
or information that, if the defendant is convicted of or pleads 1018  
guilty to the offense, the individual may make an oral or 1019  
written statement to the court hearing the case regarding the 1020  
sentence to be imposed upon the defendant and that the court 1021  
must consider any statement so made that is relevant. Before 1022  
imposing sentence in the case, the court shall permit the 1023  
individuals so identified in the report, complaint, indictment, 1024  
or information to make an oral or written statement. Division 1025  
(A) of section 2930.14 of the Revised Code applies regarding any 1026

statement so made. The court shall consider a statement so made, 1027  
in accordance with division (B) of that section and division (D) 1028  
of section 2929.22 of the Revised Code. 1029

**Sec. 2930.16.** (A) If a defendant is incarcerated, a victim 1030  
in a case who has requested to receive notice under this section 1031  
shall be given notice of the incarceration of the defendant. If 1032  
an alleged juvenile offender is committed to the temporary 1033  
custody of a school, camp, institution, or other facility 1034  
operated for the care of delinquent children or to the legal 1035  
custody of the department of youth services, a victim in a case 1036  
who has requested to receive notice under this section shall be 1037  
given notice of the commitment. Promptly after sentence is 1038  
imposed upon the defendant or the commitment of the alleged 1039  
juvenile offender is ordered, the prosecutor in the case shall 1040  
notify the victim of the date on which the defendant will be 1041  
released, or initially will be eligible for release, from 1042  
confinement or the prosecutor's reasonable estimate of that date 1043  
or the date on which the alleged juvenile offender will have 1044  
served the minimum period of commitment or the prosecutor's 1045  
reasonable estimate of that date. The prosecutor also shall 1046  
notify the victim of the name of the custodial agency of the 1047  
defendant or alleged juvenile offender and tell the victim how 1048  
to contact that custodial agency. If the custodial agency is the 1049  
department of rehabilitation and correction, the prosecutor 1050  
shall notify the victim of the services offered by the office of 1051  
victims' services pursuant to section 5120.60 of the Revised 1052  
Code. If the custodial agency is the department of youth 1053  
services, the prosecutor shall notify the victim of the services 1054  
provided by the office of victims' services within the release 1055  
authority of the department pursuant to section 5139.55 of the 1056  
Revised Code and the victim's right pursuant to section 5139.56 1057

of the Revised Code to submit a written request to the release 1058  
authority to be notified of actions the release authority takes 1059  
with respect to the alleged juvenile offender. The victim shall 1060  
keep the custodial agency informed of the victim's current 1061  
address and telephone number. 1062

(B) (1) Upon the victim's request or in accordance with 1063  
division (D) of this section, the prosecutor promptly shall 1064  
notify the victim of any hearing for judicial release of the 1065  
defendant pursuant to section 2929.20 of the Revised Code, of 1066  
any hearing for release of the defendant pursuant to section 1067  
2967.19 of the Revised Code, or of any hearing for judicial 1068  
release or early release of the alleged juvenile offender 1069  
pursuant to section 2151.38 of the Revised Code and of the 1070  
victim's right to make a statement under those sections. The 1071  
court shall notify the victim of its ruling in each of those 1072  
hearings and on each of those applications. 1073

(2) If an offender is sentenced to a prison term pursuant 1074  
to division (A) (3) or (B) of section 2971.03 of the Revised 1075  
Code, upon the request of the victim of the crime or in 1076  
accordance with division (D) of this section, the prosecutor 1077  
promptly shall notify the victim of any hearing to be conducted 1078  
pursuant to section 2971.05 of the Revised Code to determine 1079  
whether to modify the requirement that the offender serve the 1080  
entire prison term in a state correctional facility in 1081  
accordance with division (C) of that section, whether to 1082  
continue, revise, or revoke any existing modification of that 1083  
requirement, or whether to terminate the prison term in 1084  
accordance with division (D) of that section. The court shall 1085  
notify the victim of any order issued at the conclusion of the 1086  
hearing. 1087

(C) Upon the victim's request made at any time before the particular notice would be due or in accordance with division (D) of this section, the custodial agency of a defendant or alleged juvenile offender shall give the victim any of the following notices that is applicable:

(1) At least sixty days before the adult parole authority recommends a pardon or commutation of sentence for the defendant or at least sixty days prior to a hearing before the adult parole authority regarding a grant of parole to the defendant, notice of the victim's right to submit a statement regarding the impact of the defendant's release in accordance with section 2967.12 of the Revised Code and, if applicable, of the victim's right to appear at a full board hearing of the parole board to give testimony as authorized by section 5149.101 of the Revised Code; and at least sixty days prior to a hearing before the department regarding a determination of whether the inmate must be released under division (C) or (D) (2) of section 2967.271 of the Revised Code if the inmate is serving a non-life felony indefinite prison term, notice of the fact that the inmate will be having a hearing regarding a possible grant of release, the date of any hearing regarding a possible grant of release, and the right of any person to submit a written statement regarding the pending action;

(2) At least sixty days before the defendant is transferred to transitional control under section 2967.26 of the Revised Code, notice of the pendency of the transfer and of the victim's right under that section to submit a statement regarding the impact of the transfer;

(3) At least sixty days before the release authority of the department of youth services holds a release review, release

hearing, or discharge review for the alleged juvenile offender, 1118  
notice of the pendency of the review or hearing, of the victim's 1119  
right to make an oral or written statement regarding the impact 1120  
of the crime upon the victim or regarding the possible release 1121  
or discharge, and, if the notice pertains to a hearing, of the 1122  
victim's right to attend and make statements or comments at the 1123  
hearing as authorized by section 5139.56 of the Revised Code; 1124

(4) Prompt notice of the defendant's or alleged juvenile 1125  
offender's escape from a facility of the custodial agency in 1126  
which the defendant was incarcerated or in which the alleged 1127  
juvenile offender was placed after commitment, of the 1128  
defendant's or alleged juvenile offender's absence without leave 1129  
from a mental health or developmental disabilities facility or 1130  
from other custody, and of the capture of the defendant or 1131  
alleged juvenile offender after an escape or absence; 1132

(5) Notice of the defendant's or alleged juvenile 1133  
offender's death while in confinement or custody; 1134

(6) Notice of the filing of a petition by the director of 1135  
rehabilitation and correction pursuant to section 2967.19 of the 1136  
Revised Code requesting the early release under that section of 1137  
the defendant; 1138

(7) Notice of the defendant's or alleged juvenile 1139  
offender's release from confinement or custody and the terms and 1140  
conditions of the release. 1141

(D) (1) If a defendant is incarcerated for the commission 1142  
of aggravated murder, murder, or an offense of violence that is 1143  
a felony of the first, second, or third degree or is under a 1144  
sentence of life imprisonment or if an alleged juvenile offender 1145  
has been charged with the commission of an act that would be 1146

aggravated murder, murder, or an offense of violence that is a 1147  
felony of the first, second, or third degree or be subject to a 1148  
sentence of life imprisonment if committed by an adult, except 1149  
as otherwise provided in this division, the notices described in 1150  
divisions (B) and (C) of this section shall be given regardless 1151  
of whether the victim has requested the notification. The 1152  
notices described in divisions (B) and (C) of this section shall 1153  
not be given under this division to a victim if the victim has 1154  
requested pursuant to division (B)(2) of section 2930.03 of the 1155  
Revised Code that the victim not be provided the notice. 1156  
Regardless of whether the victim has requested that the notices 1157  
described in division (C) of this section be provided or not be 1158  
provided, the custodial agency shall give notice similar to 1159  
those notices to the prosecutor in the case, to the sentencing 1160  
court, to the law enforcement agency that arrested the defendant 1161  
or alleged juvenile offender if any officer of that agency was a 1162  
victim of the offense, and to any member of the victim's 1163  
immediate family who requests notification. If the notice given 1164  
under this division to the victim is based on an offense 1165  
committed prior to March 22, 2013, and if the prosecutor or 1166  
custodial agency has not previously successfully provided any 1167  
notice to the victim under this division or division (B) or (C) 1168  
of this section with respect to that offense and the offender 1169  
who committed it, the notice also shall inform the victim that 1170  
the victim may request that the victim not be provided any 1171  
further notices with respect to that offense and the offender 1172  
who committed it and shall describe the procedure for making 1173  
that request. If the notice given under this division to the 1174  
victim pertains to a hearing regarding a grant of a parole to 1175  
the defendant, the notice also shall inform the victim that the 1176  
victim, a member of the victim's immediate family, or the 1177  
victim's representative may request a victim conference, as 1178

described in division (E) of this section, and shall provide an explanation of a victim conference.

The prosecutor or custodial agency may give the notices to which this division applies by any reasonable means, including regular mail, telephone, and electronic mail. If the prosecutor or custodial agency attempts to provide notice to a victim under this division but the attempt is unsuccessful because the prosecutor or custodial agency is unable to locate the victim, is unable to provide the notice by its chosen method because it cannot determine the mailing address, telephone number, or electronic mail address at which to provide the notice, or, if the notice is sent by mail, the notice is returned, the prosecutor or custodial agency shall make another attempt to provide the notice to the victim. If the second attempt is unsuccessful, the prosecutor or custodial agency shall make at least one more attempt to provide the notice. If the notice is based on an offense committed prior to March 22, 2013, in each attempt to provide the notice to the victim, the notice shall include the opt-out information described in the preceding paragraph. The prosecutor or custodial agency, in accordance with division (D) (2) of this section, shall keep a record of all attempts to provide the notice, and of all notices provided, under this division.

Division (D) (1) of this section, and the notice-related provisions of divisions (E) (2) and (K) of section 2929.20, division (H) of section 2967.12, division (E) (1) (b) of section 2967.19, division ~~(A) (3) (b)~~ (A) (2) (b) of section 2967.26, division (D) (1) of section 2967.28, and division (A) (2) of section 5149.101 of the Revised Code enacted in the act in which division (D) (1) of this section was enacted, shall be known as "Roberta's Law."

(2) Each prosecutor and custodial agency that attempts to give any notice to which division (D)(1) of this section applies shall keep a record of all attempts to give the notice. The record shall indicate the person who was to be the recipient of the notice, the date on which the attempt was made, the manner in which the attempt was made, and the person who made the attempt. If the attempt is successful and the notice is given, the record shall indicate that fact. The record shall be kept in a manner that allows public inspection of attempts and notices given to persons other than victims without revealing the names, addresses, or other identifying information relating to victims. The record of attempts and notices given to victims is not a public record, but the prosecutor or custodial agency shall provide upon request a copy of that record to a prosecuting attorney, judge, law enforcement agency, or member of the general assembly. The record of attempts and notices given to persons other than victims is a public record. A record kept under this division may be indexed by offender name, or in any other manner determined by the prosecutor or the custodial agency. Each prosecutor or custodial agency that is required to keep a record under this division shall determine the procedures for keeping the record and the manner in which it is to be kept, subject to the requirements of this division.

(E) The adult parole authority shall adopt rules under Chapter 119. of the Revised Code providing for a victim conference, upon request of the victim, a member of the victim's immediate family, or the victim's representative, prior to a parole hearing in the case of a prisoner who is incarcerated for 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: 1241

(1) Subject to division (E) (3) of this section, attendance 1242  
by the victim, members of the victim's immediate family, the 1243  
victim's representative, and, if practicable, other individuals; 1244

(2) Allotment of up to one hour for the conference; 1245

(3) A specification of the number of persons specified in 1246  
division (E) (1) of this section who may be present at any single 1247  
victim conference, if limited by the department pursuant to 1248  
division (F) of this section. 1249

(F) The department may limit the number of persons 1250  
specified in division (E) (1) of this section who may be present 1251  
at any single victim conference, provided that the department 1252  
shall not limit the number of persons who may be present at any 1253  
single conference to fewer than three. If the department limits 1254  
the number of persons who may be present at any single victim 1255  
conference, the department shall permit and schedule, upon 1256  
request of the victim, a member of the victim's immediate 1257  
family, or the victim's representative, multiple victim 1258  
conferences for the persons specified in division (E) (1) of this 1259  
section. 1260

(G) As used in this section, "victim's immediate family" 1261  
has the same meaning as in section 2967.12 of the Revised Code. 1262

**Sec. 2967.12.** (A) Except as provided in division (G) of 1263  
this section, at least sixty days before the adult parole 1264  
authority recommends any pardon or commutation of sentence, or 1265  
grants any parole, the authority shall provide a notice of the 1266  
pendency of the pardon, commutation, or parole, setting forth 1267  
the name of the person on whose behalf it is made, the offense 1268  
of which the person was convicted or to which the person pleaded 1269

guilty, the time of conviction or the guilty plea, and the term 1270  
of the person's sentence, to the prosecuting attorney and the 1271  
judge of the court of common pleas of the county in which the 1272  
indictment against the person was found. If there is more than 1273  
one judge of that court of common pleas, the authority shall 1274  
provide the notice to the presiding judge. Upon the request of 1275  
the prosecuting attorney or of any law enforcement agency, the 1276  
authority shall provide to the requesting prosecuting attorney 1277  
and law enforcement agencies an institutional summary report 1278  
that covers the subject person's participation while confined in 1279  
a state correctional institution in training, work, and other 1280  
rehabilitative activities and any disciplinary action taken 1281  
against the person while so confined. The department of 1282  
rehabilitation and correction may utilize electronic means to 1283  
provide this notice. The department of rehabilitation and 1284  
correction, at the same time that it provides the notice to the 1285  
prosecuting attorney and judge under this division, also shall 1286  
post on the database it maintains pursuant to section 5120.66 of 1287  
the Revised Code the offender's name and all of the information 1288  
specified in division (A) (1) (c) (iii) of that section. 1289

(B) If a request for notification has been made pursuant 1290  
to section 2930.16 of the Revised Code or if division (H) of 1291  
this section applies, the office of victim services or the adult 1292  
parole authority also shall provide notice to the victim or the 1293  
victim's representative at least sixty days prior to 1294  
recommending any pardon or commutation of sentence for, or 1295  
granting any parole to, the person. The notice shall include the 1296  
information required by division (A) of this section and may be 1297  
provided by telephone or through electronic means. The notice 1298  
also shall inform the victim or the victim's representative that 1299  
the victim or representative may send a written statement 1300

relative to the victimization and the pending action to the 1301  
adult parole authority and that, if the authority receives any 1302  
written statement prior to recommending a pardon or commutation 1303  
or granting a parole for a person, the authority will consider 1304  
the statement before it recommends a pardon or commutation or 1305  
grants a parole. If the person is being considered for parole, 1306  
the notice shall inform the victim or the victim's 1307  
representative that a full board hearing of the parole board may 1308  
be held and that the victim or victim's representative may 1309  
contact the office of victims' services for further information. 1310  
If the person being considered for parole was convicted of or 1311  
pleaded guilty to a violation of section 2903.01 or 2903.02 of 1312  
the Revised Code, an offense of violence that is a felony of the 1313  
first, second, or third degree, or an offense punished by a 1314  
sentence of life imprisonment, the notice shall inform the 1315  
victim of that offense, the victim's representative, or a member 1316  
of the victim's immediate family that the victim, the victim's 1317  
representative, and the victim's immediate family have the right 1318  
to give testimony at a full board hearing of the parole board 1319  
and that the victim or victim's representative may contact the 1320  
office of victims' services for further information. 1321

(C) When notice of the pendency of any pardon, commutation 1322  
of sentence, or parole has been provided to a judge or 1323  
prosecutor or posted on the database as required in division (A) 1324  
of this section and a hearing on the pardon, commutation, or 1325  
parole is continued to a date certain, the authority shall 1326  
provide notice of the further consideration of the pardon, 1327  
commutation, or parole at least sixty days before the further 1328  
consideration. The notice of the further consideration shall be 1329  
provided to the proper judge and prosecuting attorney at least 1330  
sixty days before the further consideration, and may be provided 1331

using electronic means, and, if the initial notice was posted on 1332  
the database as provided in division (A) of this section, the 1333  
notice of the further consideration shall be posted on the 1334  
database at least sixty days before the further consideration. 1335  
If the prosecuting attorney or a law enforcement agency was 1336  
provided a copy of the institutional summary report relative to 1337  
the subject person under division (A) of this section, the 1338  
authority shall include with the notice of the further 1339  
consideration sent to the prosecuting attorney any new 1340  
information with respect to the person that relates to 1341  
activities and actions of the person that are of a type covered 1342  
by the report and shall send to the law enforcement agency a 1343  
report that provides notice of the further consideration and 1344  
includes any such new information with respect to the person. 1345  
When notice of the pendency of any pardon, commutation, or 1346  
parole has been given as provided in division (B) of this 1347  
section and the hearing on it is continued to a date certain, 1348  
the authority shall give notice of the further consideration to 1349  
the victim or the victim's representative in accordance with 1350  
section 2930.03 of the Revised Code. 1351

(D) In case of an application for the pardon or 1352  
commutation of sentence of a person sentenced to capital 1353  
punishment, the governor may modify the requirements of 1354  
notification and publication if there is not sufficient time for 1355  
compliance with the requirements before the date fixed for the 1356  
execution of sentence. 1357

(E) If an offender is serving a prison term imposed under 1358  
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 1359  
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 1360  
Code and if the parole board terminates its control over the 1361  
offender's service of that term pursuant to section 2971.04 of 1362

the Revised Code, the parole board immediately shall provide 1363  
written notice of its termination of control or the transfer of 1364  
control to the entities and persons specified in section 2971.04 1365  
of the Revised Code. 1366

(F) The failure of the adult parole authority to comply 1367  
with the notice or posting provisions of division (A), (B), or 1368  
(C) of this section or the failure of the parole board to comply 1369  
with the notice provisions of division (E) of this section do 1370  
not give any rights or any grounds for appeal or post-conviction 1371  
relief to the person serving the sentence. 1372

(G) Divisions (A), (B), and (C) of this section do not 1373  
apply to any release of a person that is of the type described 1374  
in division (B) (2) (b) of section 5120.031 of the Revised Code. 1375

(H) If a defendant is incarcerated for the commission of 1376  
aggravated murder, murder, or an offense of violence that is a 1377  
felony of the first, second, or third degree or is under a 1378  
sentence of life imprisonment, except as otherwise provided in 1379  
this division, the notice described in division (B) of this 1380  
section shall be given to the victim or victim's representative 1381  
regardless of whether the victim or victim's representative has 1382  
made a request for notification. The notice described in 1383  
division (B) of this section shall not be given under this 1384  
division to a victim or victim's representative if the victim or 1385  
victim's representative has requested pursuant to division (B) 1386  
(2) of section 2930.03 of the Revised Code that the victim or 1387  
the victim's representative not be provided the notice. The 1388  
notice described in division (B) of this section does not have 1389  
to be given under this division to a victim or victim's 1390  
representative if notice was given to the victim or victim's 1391  
representative with respect to at least two prior considerations 1392

of pardon, commutation, or parole of a person and the victim or 1393  
victim's representative did not provide any written statement 1394  
relative to the victimization and the pending action, did not 1395  
attend any hearing conducted relative to the pending action, and 1396  
did not otherwise respond to the office with respect to the 1397  
pending action. Regardless of whether the victim or victim's 1398  
representative has requested that the notice described in 1399  
division (B) of this section be provided or not be provided, the 1400  
office of victim services or adult parole authority shall give 1401  
similar notice to the law enforcement agency that arrested the 1402  
defendant if any officer of that agency was a victim of the 1403  
offense and to any member of the victim's immediate family who 1404  
requests notification. If notice is to be given under this 1405  
division, the office or authority may give the notice by any 1406  
reasonable means, including regular mail, telephone, and 1407  
electronic mail, in accordance with division (D) (1) of section 1408  
2930.16 of the Revised Code. If the notice is based on an 1409  
offense committed prior to ~~the effective date of this amendment~~ 1410  
March 22, 2013, the notice to the victim or victim's 1411  
representative also shall include the opt-out information 1412  
described in division (D) (1) of section 2930.16 of the Revised 1413  
Code. The office or authority, in accordance with division (D) 1414  
(2) of section 2930.16 of the Revised Code, shall keep a record 1415  
of all attempts to provide the notice, and of all notices 1416  
provided, under this division. 1417

Division (H) of this section, and the notice-related 1418  
provisions of divisions (E) (2) and (K) of section 2929.20, 1419  
division (D) (1) of section 2930.16, division (E) (1) (b) of 1420  
section 2967.19, division ~~(A) (3) (b)~~ (A) (2) (b) of section 1421  
2967.26, division (D) (1) of section 2967.28, and division (A) (2) 1422  
of section 5149.101 of the Revised Code enacted in the act in 1423

which division (H) of this section was enacted, shall be known 1424  
as "Roberta's Law." 1425

(I) In addition to and independent of the right of a 1426  
victim to make a statement as described in division (A) of this 1427  
section or pursuant to section 2930.17 of the Revised Code or to 1428  
otherwise make a statement, the authority for a judge or 1429  
prosecuting attorney to furnish statements and information, make 1430  
recommendations, and give testimony as described in division (A) 1431  
of this section, the right of a prosecuting attorney, judge, or 1432  
victim to give testimony or submit a statement at a full parole 1433  
board hearing pursuant to section 5149.101 of the Revised Code, 1434  
and any other right or duty of a person to present information 1435  
or make a statement, any person may send to the adult parole 1436  
authority at any time prior to the authority's recommending a 1437  
pardon or commutation or granting a parole for the offender a 1438  
written statement relative to the offense and the pending 1439  
action. 1440

(J) As used in this section, "victim's immediate family" 1441  
means the mother, father, spouse, sibling, or child of the 1442  
victim, provided that in no case does "victim's immediate 1443  
family" include the offender with respect to whom the notice in 1444  
question applies. 1445

**Sec. 2967.19.** (A) As used in this section: 1446

(1) "Deadly weapon" and "dangerous ordnance" have the same 1447  
meanings as in section 2923.11 of the Revised Code. 1448

(2) "Disqualifying prison term" means any of the 1449  
following: 1450

(a) A prison term imposed for aggravated murder, murder, 1451  
voluntary manslaughter, involuntary manslaughter, felonious 1452

assault, kidnapping, rape, aggravated arson, aggravated	1453
burglary, or aggravated robbery;	1454
(b) A prison term imposed for complicity in, an attempt to	1455
commit, or conspiracy to commit any offense listed in division	1456
(A) (2) (a) of this section;	1457
(c) A prison term of life imprisonment, including any term	1458
of life imprisonment that has parole eligibility;	1459
(d) A prison term imposed for any felony other than	1460
carrying a concealed weapon an essential element of which is any	1461
conduct or failure to act expressly involving any deadly weapon	1462
or dangerous ordnance;	1463
(e) A prison term imposed for any violation of section	1464
2925.03 of the Revised Code that is a felony of the first or	1465
second degree;	1466
(f) A prison term imposed for engaging in a pattern of	1467
corrupt activity in violation of section 2923.32 of the Revised	1468
Code;	1469
(g) A prison term imposed pursuant to section 2971.03 of	1470
the Revised Code;	1471
(h) A prison term imposed for any sexually oriented	1472
offense.	1473
(3) "Eligible prison term" means any prison term that is	1474
not a disqualifying prison term and is not a restricting prison	1475
term.	1476
(4) "Restricting prison term" means any of the following:	1477
(a) A mandatory prison term imposed under division (B) (1)	1478
(a), (B) (1) (c), (B) (1) (f), (B) (1) (g), (B) (2), or (B) (7) of	1479

section 2929.14 of the Revised Code for a specification of the type described in that division;

(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;

(c) A prison term imposed for trafficking in persons;

(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:

(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 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 1509  
imposed as part of a stated prison term that is a non-life 1510  
felony indefinite prison term. 1511

(B) The director of the department of rehabilitation and 1512  
correction may recommend in writing to the sentencing court that 1513  
the court consider releasing from prison any offender who, on or 1514  
after September 30, 2011, is confined in a state correctional 1515  
institution, who is serving a stated prison term of one year or 1516  
more, and who is eligible under division (C) of this section for 1517  
a release under this section. If the director wishes to 1518  
recommend that the sentencing court consider releasing an 1519  
offender under this section, the director shall notify the 1520  
sentencing court in writing of the offender's eligibility not 1521  
earlier than ninety days prior to the date on which the offender 1522  
becomes eligible as described in division (C) of this section. 1523  
The director's submission of the written notice constitutes a 1524  
recommendation by the director that the court strongly consider 1525  
release of the offender consistent with the purposes and 1526  
principles of sentencing set forth in sections 2929.11 and 1527  
2929.13 of the Revised Code. Only an offender recommended by the 1528  
director under division (B) of this section may be considered 1529  
for early release under this section. 1530

(C) (1) An offender serving a stated prison term of one 1531  
year or more and who has commenced service of that stated prison 1532  
term becomes eligible for release from prison under this section 1533  
only as described in this division. An offender serving a stated 1534  
prison term that includes a disqualifying prison term is not 1535  
eligible for release from prison under this section. An offender 1536  
serving a stated prison term that consists solely of one or more 1537  
restricting prison terms is not eligible for release under this 1538  
section. An offender serving a stated prison term of one year or 1539

more that includes one or more restricting prison terms and one 1540  
or more eligible prison terms becomes eligible for release under 1541  
this section after having fully served all restricting prison 1542  
terms and having served eighty per cent of that stated prison 1543  
term that remains to be served after all restricting prison 1544  
terms have been fully served. An offender serving a stated 1545  
prison term of one year or more that consists solely of one or 1546  
more eligible prison terms becomes eligible for release under 1547  
this section after having served eighty per cent of that stated 1548  
prison term. For purposes of determining an offender's 1549  
eligibility for release under this section, if the offender's 1550  
stated prison term includes consecutive prison terms, any 1551  
restricting prison terms shall be deemed served prior to any 1552  
eligible prison terms that run consecutively to the restricting 1553  
prison terms, and the eligible prison terms are deemed to 1554  
commence after all of the restricting prison terms have been 1555  
fully served. 1556

An offender serving a stated prison term of one year or 1557  
more that includes a mandatory prison term that is not a 1558  
disqualifying prison term and is not a restricting prison term 1559  
is not automatically ineligible as a result of the offender's 1560  
service of that mandatory term for release from prison under 1561  
this section, and the offender's eligibility for release from 1562  
prison under this section is determined in accordance with this 1563  
division. 1564

(2) If an offender confined in a state correctional 1565  
institution under a stated prison term is eligible for release 1566  
under this section as described in division (C)(1) of this 1567  
section, the director of the department of rehabilitation and 1568  
correction may recommend in writing that the sentencing court 1569  
consider releasing the offender from prison under this section 1570

by submitting to the sentencing court the written notice 1571  
described in division (B) of this section. 1572

(D) The director shall include with any notice submitted 1573  
to the sentencing court under division (B) of this section an 1574  
institutional summary report that covers the offender's 1575  
participation while confined in a state correctional institution 1576  
in school, training, work, treatment, and other rehabilitative 1577  
activities and any disciplinary action taken against the 1578  
offender while so confined. The director shall include with the 1579  
notice any other documentation requested by the court, if 1580  
available. 1581

(E) (1) When the director submits a written notice to a 1582  
sentencing court that an offender is eligible to be considered 1583  
for early release under this section, the department promptly 1584  
shall provide to the prosecuting attorney of the county in which 1585  
the offender was indicted a copy of the written notice, a copy 1586  
of the institutional summary report, and any other information 1587  
provided to the court and shall provide a copy of the 1588  
institutional summary report to any law enforcement agency that 1589  
requests the report. The department also promptly shall do 1590  
whichever of the following is applicable: 1591

(a) Subject to division (E) (1) (b) of this section, give 1592  
written notice of the submission to any victim of the offender 1593  
or victim's representative of any victim of the offender who is 1594  
registered with the office of victim's services. 1595

(b) If the offense was aggravated murder, murder, an 1596  
offense of violence that is a felony of the first, second, or 1597  
third degree, or an offense punished by a sentence of life 1598  
imprisonment, except as otherwise provided in this division, 1599  
notify the victim or the victim's representative of the filing 1600

of the petition regardless of whether the victim or victim's 1601  
representative has registered with the office of victim's 1602  
services. The notice of the filing of the petition shall not be 1603  
given under this division to a victim or victim's representative 1604  
if the victim or victim's representative has requested pursuant 1605  
to division (B) (2) of section 2930.03 of the Revised Code that 1606  
the victim or the victim's representative not be provided the 1607  
notice. If notice is to be provided to a victim or victim's 1608  
representative under this division, the department may give the 1609  
notice by any reasonable means, including regular mail, 1610  
telephone, and electronic mail, in accordance with division (D) 1611  
(1) of section 2930.16 of the Revised Code. If the notice is 1612  
based on an offense committed prior to March 22, 2013, the 1613  
notice also shall include the opt-out information described in 1614  
division (D) (1) of section 2930.16 of the Revised Code. The 1615  
department, in accordance with division (D) (2) of section 1616  
2930.16 of the Revised Code, shall keep a record of all attempts 1617  
to provide the notice, and of all notices provided, under this 1618  
division. 1619

Division (E) (1) (b) of this section, and the notice-related 1620  
provisions of divisions (E) (2) and (K) of section 2929.20, 1621  
division (D) (1) of section 2930.16, division (H) of section 1622  
2967.12, division ~~(A) (3) (b)~~ (A) (2) (b) of section 2967.26, 1623  
division (D) (1) of section 2967.28, and division (A) (2) of 1624  
section 5149.101 of the Revised Code enacted in the act in which 1625  
division (E) (2) of this section was enacted, shall be known as 1626  
"Roberta's Law." 1627

(2) When the director submits a petition under this 1628  
section, the department also promptly shall post a copy of the 1629  
written notice on the database it maintains under section 1630  
5120.66 of the Revised Code and include information on where a 1631

person may send comments regarding the recommendation of early 1632  
release. 1633

The information provided to the court, the prosecutor, and 1634  
the victim or victim's representative under divisions (D) and 1635  
(E) of this section shall include the name and contact 1636  
information of a specific department of rehabilitation and 1637  
correction employee who is available to answer questions about 1638  
the offender who is the subject of the written notice submitted 1639  
by the director, including, but not limited to, the offender's 1640  
institutional conduct and rehabilitative activities while 1641  
incarcerated. 1642

(F) Upon receipt of a written notice submitted by the 1643  
director under division (B) of this section, the court either 1644  
shall, on its own motion, schedule a hearing to consider 1645  
releasing the offender who is the subject of the notice or shall 1646  
inform the department that it will not be conducting a hearing 1647  
relative to the offender. The court shall not grant an early 1648  
release to an offender without holding a hearing. If a court 1649  
declines to hold a hearing relative to an offender with respect 1650  
to a written notice submitted by the director, the court may 1651  
later consider release of that offender under this section on 1652  
its own motion by scheduling a hearing for that purpose. Within 1653  
thirty days after the written notice is submitted, the court 1654  
shall inform the department whether or not the court is 1655  
scheduling a hearing on the offender who is the subject of the 1656  
notice. 1657

(G) If the court schedules a hearing upon receiving a 1658  
written notice submitted under division (B) of this section or 1659  
upon its own motion under division (F) of this section, the 1660  
court shall notify the head of the state correctional 1661

institution in which the offender is confined of the hearing 1662  
prior to the hearing. If the court makes a journal entry 1663  
ordering the offender to be conveyed to the hearing, except as 1664  
otherwise provided in this division, the head of the 1665  
correctional institution shall deliver the offender to the 1666  
sheriff of the county in which the hearing is to be held, and 1667  
the sheriff shall convey the offender to and from the hearing. 1668  
Upon the court's own motion or the motion of the offender or the 1669  
prosecuting attorney of the county in which the offender was 1670  
indicted, the court may permit the offender to appear at the 1671  
hearing by video conferencing equipment if equipment of that 1672  
nature is available and compatible. 1673

Upon receipt of notice from a court of a hearing on the 1674  
release of an offender under this division, the head of the 1675  
state correctional institution in which the offender is confined 1676  
immediately shall notify the appropriate person at the 1677  
department of rehabilitation and correction of the hearing, and 1678  
the department within twenty-four hours after receipt of the 1679  
notice shall post on the database it maintains pursuant to 1680  
section 5120.66 of the Revised Code the offender's name and all 1681  
of the information specified in division (A)(1)(c)(i) of that 1682  
section. If the court schedules a hearing under this section, 1683  
the court promptly shall give notice of the hearing to the 1684  
prosecuting attorney of the county in which the offender was 1685  
indicted. Upon receipt of the notice from the court, the 1686  
prosecuting attorney shall notify pursuant to section 2930.16 of 1687  
the Revised Code any victim of the offender or the victim's 1688  
representative of the hearing. 1689

(H) If the court schedules a hearing under this section, 1690  
at the hearing, the court shall afford the offender and the 1691  
offender's attorney an opportunity to present written 1692

information and, if present, oral information relevant to the 1693  
offender's early release. The court shall afford a similar 1694  
opportunity to the prosecuting attorney, victim or victim's 1695  
representative, as defined in section 2930.01 of the Revised 1696  
Code, and any other person the court determines is likely to 1697  
present additional relevant information. If the court pursuant 1698  
to division (G) of this section permits the offender to appear 1699  
at the hearing by video conferencing equipment, the offender's 1700  
opportunity to present oral information shall be as a part of 1701  
the video conferencing. The court shall consider any statement 1702  
of a victim made under section 2930.14 or 2930.17 of the Revised 1703  
Code, any victim impact statement prepared under section 1704  
2947.051 of the Revised Code, and any report and other 1705  
documentation submitted by the director under division (D) of 1706  
this section. After ruling on whether to grant the offender 1707  
early release, the court shall notify the victim in accordance 1708  
with sections 2930.03 and 2930.16 of the Revised Code. 1709

(I) If the court grants an offender early release under 1710  
this section, it shall order the release of the offender, shall 1711  
place the offender under one or more appropriate community 1712  
control sanctions, under appropriate conditions, and under the 1713  
supervision of the department of probation that serves the 1714  
court, and shall reserve the right to reimpose the sentence that 1715  
it reduced and from which the offender was released if the 1716  
offender violates the sanction. The court shall not make a 1717  
release under this section effective prior to the date on which 1718  
the offender becomes eligible as described in division (C) of 1719  
this section. If the sentence under which the offender is 1720  
confined in a state correctional institution and from which the 1721  
offender is being released was imposed for a felony of the first 1722  
or second degree, the court shall consider ordering that the 1723

offender be monitored by means of a global positioning device. 1724  
If the court reimposes the sentence that it reduced and from 1725  
which the offender was released and if the violation of the 1726  
sanction is a new offense, the court may order that the 1727  
reimposed sentence be served either concurrently with, or 1728  
consecutive to, any new sentence imposed upon the offender as a 1729  
result of the violation that is a new offense. The period of all 1730  
community control sanctions imposed under this division shall 1731  
not exceed five years. The court, in its discretion, may reduce 1732  
the period of community control sanctions by the amount of time 1733  
the offender spent in jail or prison for the offense. 1734

If the court grants an offender early release under this 1735  
section, it shall notify the appropriate person at the 1736  
department of rehabilitation and correction of the release, and 1737  
the department shall post notice of the release on the database 1738  
it maintains pursuant to section 5120.66 of the Revised Code. 1739

(J) The department shall adopt under Chapter 119. of the 1740  
Revised Code any rules necessary to implement this section. 1741

**Sec. 2967.26.** (A) (1) The department of rehabilitation and 1742  
correction, by rule, may establish a transitional control 1743  
program for the purpose of closely monitoring a prisoner's 1744  
adjustment to community supervision during the final one hundred 1745  
eighty days of the prisoner's confinement. If the department 1746  
establishes a transitional control program under this division, 1747  
the division of parole and community services of the department 1748  
of rehabilitation and correction may transfer eligible prisoners 1749  
to transitional control status under the program during the 1750  
final one hundred eighty days of their confinement and under the 1751  
terms and conditions established by the department, shall 1752  
provide for the confinement as provided in this division of each 1753

eligible prisoner so transferred, and shall supervise each 1754  
eligible prisoner so transferred in one or more community 1755  
control sanctions. Each eligible prisoner who is transferred to 1756  
transitional control status under the program shall be confined 1757  
in a suitable facility that is licensed pursuant to division (C) 1758  
of section 2967.14 of the Revised Code, or shall be confined in 1759  
a residence the department has approved for this purpose and be 1760  
monitored pursuant to an electronic monitoring device, as 1761  
defined in section 2929.01 of the Revised Code. If the 1762  
department establishes a transitional control program under this 1763  
division, the rules establishing the program shall include 1764  
criteria that define which prisoners are eligible for the 1765  
program, criteria that must be satisfied to be approved as a 1766  
residence that may be used for confinement under the program of 1767  
a prisoner that is transferred to it and procedures for the 1768  
department to approve residences that satisfy those criteria, 1769  
and provisions of the type described in division (C) of this 1770  
section. At a minimum, the criteria that define which prisoners 1771  
are eligible for the program shall provide all of the following: 1772

(a) That a prisoner is eligible for the program if the 1773  
prisoner is serving a prison term or term of imprisonment for an 1774  
offense committed prior to March 17, 1998, and if, at the time 1775  
at which eligibility is being determined, the prisoner would 1776  
have been eligible for a furlough under this section as it 1777  
existed immediately prior to March 17, 1998, or would have been 1778  
eligible for conditional release under former section 2967.23 of 1779  
the Revised Code as that section existed immediately prior to 1780  
March 17, 1998; 1781

(b) That no prisoner who is serving a mandatory prison 1782  
term is eligible for the program until after expiration of the 1783  
mandatory term; 1784

(c) That no prisoner who is serving a prison term or term 1785  
of life imprisonment without parole imposed pursuant to section 1786  
2971.03 of the Revised Code is eligible for the program. 1787

~~(2) At least sixty days prior to transferring to 1788  
transitional control under this section a prisoner who is 1789  
serving a definite term of imprisonment or definite prison term 1790  
of two years or less for an offense committed on or after July 1791  
1, 1996, or who is serving a minimum term of two years or less 1792  
under a non life felony indefinite prison term, the division of 1793  
parole and community services of the department of 1794  
rehabilitation and correction shall give notice of the pendency 1795  
of the transfer to transitional control to the court of common 1796  
pleas of the county in which the indictment against the prisoner 1797  
was found and of the fact that the court may disapprove the 1798  
transfer of the prisoner to transitional control and shall 1799  
include the institutional summary report prepared by the head of 1800  
the state correctional institution in which the prisoner is 1801  
confined. The head of the state correctional institution in 1802  
which the prisoner is confined, upon the request of the division 1803  
of parole and community services, shall provide to the division 1804  
for inclusion in the notice sent to the court under this 1805  
division an institutional summary report on the prisoner's 1806  
conduct in the institution and in any institution from which the 1807  
prisoner may have been transferred. The institutional summary 1808  
report shall cover the prisoner's participation in school, 1809  
vocational training, work, treatment, and other rehabilitative 1810  
activities and any disciplinary action taken against the 1811  
prisoner. If the court disapproves of the transfer of the 1812  
prisoner to transitional control, the court shall notify the 1813  
division of the disapproval within thirty days after receipt of 1814  
the notice. If the court timely disapproves the transfer of the 1815~~

~~prisoner to transitional control, the division shall not proceed~~ 1816  
~~with the transfer. If the court does not timely disapprove the~~ 1817  
~~transfer of the prisoner to transitional control, the division~~ 1818  
~~may transfer the prisoner to transitional control.~~ 1819

~~(3)~~(a) If the victim of an offense for which a prisoner 1820  
was sentenced to a prison term or term of imprisonment has 1821  
requested notification under section 2930.16 of the Revised Code 1822  
and has provided the department of rehabilitation and correction 1823  
with the victim's name and address or if division ~~(A) (3) (b)~~ (A) 1824  
(2) (b) of this section applies, the division of parole and 1825  
community services, at least sixty days prior to transferring 1826  
the prisoner to transitional control pursuant to this section, 1827  
shall notify the victim of the pendency of the transfer and of 1828  
the victim's right to submit a statement to the division 1829  
regarding the impact of the transfer of the prisoner to 1830  
transitional control. If the victim subsequently submits a 1831  
statement of that nature to the division, the division shall 1832  
consider the statement in deciding whether to transfer the 1833  
prisoner to transitional control. 1834

(b) If a prisoner is incarcerated for the commission of 1835  
aggravated murder, murder, or an offense of violence that is a 1836  
felony of the first, second, or third degree or under a sentence 1837  
of life imprisonment, except as otherwise provided in this 1838  
division, the notice described in division ~~(A) (3) (a)~~ (A) (2) (a) 1839  
of this section shall be given regardless of whether the victim 1840  
has requested the notification. The notice described in division 1841  
~~(A) (3) (a)~~ (A) (2) (a) of this section shall not be given under 1842  
this division to a victim if the victim has requested pursuant 1843  
to division (B) (2) of section 2930.03 of the Revised Code that 1844  
the victim not be provided the notice. If notice is to be 1845  
provided to a victim under this division, the authority may give 1846

the notice by any reasonable means, including regular mail, 1847  
telephone, and electronic mail, in accordance with division (D) 1848  
(1) of section 2930.16 of the Revised Code. If the notice is 1849  
based on an offense committed prior to March 22, 2013, the 1850  
notice also shall include the opt-out information described in 1851  
division (D) (1) of section 2930.16 of the Revised Code. The 1852  
authority, in accordance with division (D) (2) of section 2930.16 1853  
of the Revised Code, shall keep a record of all attempts to 1854  
provide the notice, and of all notices provided, under this 1855  
division. 1856

Division ~~(A) (3) (b)~~ (A) (2) (b) of this section, and the 1857  
notice-related provisions of divisions (E) (2) and (K) of section 1858  
2929.20, division (D) (1) of section 2930.16, division (H) of 1859  
section 2967.12, division (E) (1) (b) of section 2967.19, division 1860  
(D) (1) of section 2967.28, and division (A) (2) of section 1861  
5149.101 of the Revised Code enacted in the act in which 1862  
division ~~(A) (3) (b)~~ (A) (2) (b) of this section was enacted, shall 1863  
be known as "Roberta's Law." 1864

~~(4)~~ (3) The department of rehabilitation and correction, 1865  
at least sixty days prior to transferring a prisoner to 1866  
transitional control pursuant to this section, shall post on the 1867  
database it maintains pursuant to section 5120.66 of the Revised 1868  
Code the prisoner's name and all of the information specified in 1869  
division (A) (1) (c) (iv) of that section. In addition to and 1870  
independent of the right of a victim to submit a statement as 1871  
described in division ~~(A) (3)~~ (A) (2) of this section or to 1872  
otherwise make a statement and in addition to and independent of 1873  
any other right or duty of a person to present information or 1874  
make a statement, any person may send to the division of parole 1875  
and community services at any time prior to the division's 1876  
transfer of the prisoner to transitional control a written 1877

statement regarding the transfer of the prisoner to transitional 1878  
control. In addition to the information, reports, and statements 1879  
it considers under ~~divisions~~ division (A) (2) ~~and (3)~~ of this 1880  
section or that it otherwise considers, the division shall 1881  
consider each statement submitted in accordance with this 1882  
division in deciding whether to transfer the prisoner to 1883  
transitional control. 1884

(B) Each prisoner transferred to transitional control 1885  
under this section shall be confined in the manner described in 1886  
division (A) of this section during any period of time that the 1887  
prisoner is not actually working at the prisoner's approved 1888  
employment, engaged in a vocational training or another 1889  
educational program, engaged in another program designated by 1890  
the director, or engaged in other activities approved by the 1891  
department. 1892

(C) The department of rehabilitation and correction shall 1893  
adopt rules for transferring eligible prisoners to transitional 1894  
control, supervising and confining prisoners so transferred, 1895  
administering the transitional control program in accordance 1896  
with this section, and using the moneys deposited into the 1897  
transitional control fund established under division (E) of this 1898  
section. 1899

(D) The department of rehabilitation and correction may 1900  
adopt rules for the issuance of passes for the limited purposes 1901  
described in this division to prisoners who are transferred to 1902  
transitional control under this section. If the department 1903  
adopts rules of that nature, the rules shall govern the granting 1904  
of the passes and shall provide for the supervision of prisoners 1905  
who are temporarily released pursuant to one of those passes. 1906  
Upon the adoption of rules under this division, the department 1907

may issue passes to prisoners who are transferred to 1908  
transitional control status under this section in accordance 1909  
with the rules and the provisions of this division. All passes 1910  
issued under this division shall be for a maximum of forty-eight 1911  
hours and may be issued only for the following purposes: 1912

(1) To visit a relative in imminent danger of death; 1913

(2) To have a private viewing of the body of a deceased 1914  
relative; 1915

(3) To visit with family; 1916

(4) To otherwise aid in the rehabilitation of the 1917  
prisoner. 1918

(E) The division of parole and community services may 1919  
require a prisoner who is transferred to transitional control to 1920  
pay to the division the reasonable expenses incurred by the 1921  
division in supervising or confining the prisoner while under 1922  
transitional control. Inability to pay those reasonable expenses 1923  
shall not be grounds for refusing to transfer an otherwise 1924  
eligible prisoner to transitional control. Amounts received by 1925  
the division of parole and community services under this 1926  
division shall be deposited into the transitional control fund, 1927  
which is hereby created in the state treasury and which hereby 1928  
replaces and succeeds the furlough services fund that formerly 1929  
existed in the state treasury. All moneys that remain in the 1930  
furlough services fund on March 17, 1998, shall be transferred 1931  
on that date to the transitional control fund. The transitional 1932  
control fund shall be used solely to pay costs related to the 1933  
operation of the transitional control program established under 1934  
this section. The director of rehabilitation and correction 1935  
shall adopt rules in accordance with section 111.15 of the 1936

Revised Code for the use of the fund. 1937

(F) A prisoner who violates any rule established by the 1938  
department of rehabilitation and correction under division (A), 1939  
(C), or (D) of this section may be transferred to a state 1940  
correctional institution pursuant to rules adopted under 1941  
division (A), (C), or (D) of this section, but the prisoner 1942  
shall receive credit towards completing the prisoner's sentence 1943  
for the time spent under transitional control. 1944

If a prisoner is transferred to transitional control under 1945  
this section, upon successful completion of the period of 1946  
transitional control, the prisoner may be released on parole or 1947  
under post-release control pursuant to section 2967.13 or 1948  
2967.28 of the Revised Code and rules adopted by the department 1949  
of rehabilitation and correction. If the prisoner is released 1950  
under post-release control, the duration of the post-release 1951  
control, the type of post-release control sanctions that may be 1952  
imposed, the enforcement of the sanctions, and the treatment of 1953  
prisoners who violate any sanction applicable to the prisoner 1954  
are governed by section 2967.28 of the Revised Code. 1955

**Sec. 2967.28.** (A) As used in this section: 1956

(1) "Monitored time" means the monitored time sanction 1957  
specified in section 2929.17 of the Revised Code. 1958

(2) "Deadly weapon" and "dangerous ordnance" have the same 1959  
meanings as in section 2923.11 of the Revised Code. 1960

(3) "Felony sex offense" means a violation of a section 1961  
contained in Chapter 2907. of the Revised Code that is a felony. 1962

(4) "Risk reduction sentence" means a prison term imposed 1963  
by a court, when the court recommends pursuant to section 1964  
2929.143 of the Revised Code that the offender serve the 1965

sentence under section 5120.036 of the Revised Code, and the 1966  
offender may potentially be released from imprisonment prior to 1967  
the expiration of the prison term if the offender successfully 1968  
completes all assessment and treatment or programming required 1969  
by the department of rehabilitation and correction under section 1970  
5120.036 of the Revised Code. 1971

(5) "Victim's immediate family" has the same meaning as in 1972  
section 2967.12 of the Revised Code. 1973

(6) "Minor drug possession offense" has the same meaning 1974  
as in section 2925.11 of the Revised Code. 1975

(B) Each sentence to a prison term, other than a term of 1976  
life imprisonment, for a felony of the first degree, for a 1977  
felony of the second degree, for a felony sex offense, or for a 1978  
felony of the third degree that is an offense of violence and is 1979  
not a felony sex offense shall include a requirement that the 1980  
offender be subject to a period of post-release control imposed 1981  
by the parole board after the offender's release from 1982  
imprisonment. This division applies with respect to all prison 1983  
terms of a type described in this division, including a term of 1984  
any such type that is a risk reduction sentence. If a court 1985  
imposes a sentence including a prison term of a type described 1986  
in this division on or after July 11, 2006, the failure of a 1987  
sentencing court to notify the offender pursuant to division (B) 1988  
(2) (d) of section 2929.19 of the Revised Code of this 1989  
requirement or to include in the judgment of conviction entered 1990  
on the journal a statement that the offender's sentence includes 1991  
this requirement does not negate, limit, or otherwise affect the 1992  
mandatory period of supervision that is required for the 1993  
offender under this division. This division applies with respect 1994  
to all prison terms of a type described in this division, 1995

including a non-life felony indefinite prison term. Section 1996  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1997  
a court imposed a sentence including a prison term of a type 1998  
described in this division and failed to notify the offender 1999  
pursuant to division (B)(2)(d) of section 2929.19 of the Revised 2000  
Code regarding post-release control or to include in the 2001  
judgment of conviction entered on the journal or in the sentence 2002  
pursuant to division (D)(1) of section 2929.14 of the Revised 2003  
Code a statement regarding post-release control. Unless reduced 2004  
by the parole board pursuant to division (D) of this section 2005  
when authorized under that division, a period of post-release 2006  
control required by this division for an offender shall be of 2007  
one of the following periods: 2008

(1) For a felony of the first degree or for a felony sex 2009  
offense, five years; 2010

(2) For a felony of the second degree that is not a felony 2011  
sex offense, three years; 2012

(3) For a felony of the third degree that is an offense of 2013  
violence and is not a felony sex offense, three years. 2014

(C) Any sentence to a prison term for a felony of the 2015  
third, fourth, or fifth degree that is not subject to division 2016  
(B)(1) or (3) of this section shall include a requirement that 2017  
the offender be subject to a period of post-release control of 2018  
up to three years after the offender's release from 2019  
imprisonment, if the parole board, in accordance with division 2020  
(D) of this section, determines that a period of post-release 2021  
control is necessary for that offender. This division applies 2022  
with respect to all prison terms of a type described in this 2023  
division, including a term of any such type that is a risk 2024  
reduction sentence. Section 2929.191 of the Revised Code applies 2025

if, prior to July 11, 2006, a court imposed a sentence including 2026  
a prison term of a type described in this division and failed to 2027  
notify the offender pursuant to division (B) (2) (e) of section 2028  
2929.19 of the Revised Code regarding post-release control or to 2029  
include in the judgment of conviction entered on the journal or 2030  
in the sentence pursuant to division (D) (2) of section 2929.14 2031  
of the Revised Code a statement regarding post-release control. 2032  
Pursuant to an agreement entered into under section 2967.29 of 2033  
the Revised Code, a court of common pleas or parole board may 2034  
impose sanctions or conditions on an offender who is placed on 2035  
post-release control under this division. 2036

(D) (1) Before the prisoner is released from imprisonment, 2037  
the parole board or, pursuant to an agreement under section 2038  
2967.29 of the Revised Code, the court shall impose upon a 2039  
prisoner described in division (B) of this section, shall impose 2040  
upon a prisoner described in division (C) of this section who is 2041  
to be released before the expiration of the prisoner's stated 2042  
prison term under a risk reduction sentence, may impose upon a 2043  
prisoner described in division (C) of this section who is not to 2044  
be released before the expiration of the prisoner's stated 2045  
prison term under a risk reduction sentence, and shall impose 2046  
upon a prisoner described in division (B) (2) (b) of section 2047  
5120.031 or in division (B) (1) of section 5120.032 of the 2048  
Revised Code, one or more post-release control sanctions to 2049  
apply during the prisoner's period of post-release control. 2050  
Whenever the board or court imposes one or more post-release 2051  
control sanctions upon a prisoner, the board or court, in 2052  
addition to imposing the sanctions, also shall include as a 2053  
condition of the post-release control that the offender not 2054  
leave the state without permission of the court or the 2055  
offender's parole or probation officer and that the offender 2056

abide by the law. The board or court may impose any other 2057  
conditions of release under a post-release control sanction that 2058  
the board or court considers appropriate, and the conditions of 2059  
release may include any community residential sanction, 2060  
community nonresidential sanction, or financial sanction that 2061  
the sentencing court was authorized to impose pursuant to 2062  
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 2063  
Prior to the release of a prisoner for whom it will impose one 2064  
or more post-release control sanctions under this division, the 2065  
parole board or court shall review the prisoner's criminal 2066  
history, results from the single validated risk assessment tool 2067  
selected by the department of rehabilitation and correction 2068  
under section 5120.114 of the Revised Code, all juvenile court 2069  
adjudications finding the prisoner, while a juvenile, to be a 2070  
delinquent child, and the record of the prisoner's conduct while 2071  
imprisoned. The parole board or court shall consider any 2072  
recommendation regarding post-release control sanctions for the 2073  
prisoner made by the office of victims' services. After 2074  
considering those materials, the board or court shall determine, 2075  
for a prisoner described in division (B) of this section, 2076  
division (B) (2) (b) of section 5120.031, or division (B) (1) of 2077  
section 5120.032 of the Revised Code and for a prisoner 2078  
described in division (C) of this section who is to be released 2079  
before the expiration of the prisoner's stated prison term under 2080  
a risk reduction sentence, which post-release control sanction 2081  
or combination of post-release control sanctions is reasonable 2082  
under the circumstances or, for a prisoner described in division 2083  
(C) of this section who is not to be released before the 2084  
expiration of the prisoner's stated prison term under a risk 2085  
reduction sentence, whether a post-release control sanction is 2086  
necessary and, if so, which post-release control sanction or 2087  
combination of post-release control sanctions is reasonable 2088

under the circumstances. In the case of a prisoner convicted of 2089  
a felony of the fourth or fifth degree other than a felony sex 2090  
offense, the board or court shall presume that monitored time is 2091  
the appropriate post-release control sanction unless the board 2092  
or court determines that a more restrictive sanction is 2093  
warranted. A post-release control sanction imposed under this 2094  
division takes effect upon the prisoner's release from 2095  
imprisonment. 2096

Regardless of whether the prisoner was sentenced to the 2097  
prison term prior to, on, or after July 11, 2006, prior to the 2098  
release of a prisoner for whom it will impose one or more post- 2099  
release control sanctions under this division, the parole board 2100  
shall notify the prisoner that, if the prisoner violates any 2101  
sanction so imposed or any condition of post-release control 2102  
described in division (B) of section 2967.131 of the Revised 2103  
Code that is imposed on the prisoner, the parole board may 2104  
impose a prison term of up to one-half of the stated prison term 2105  
originally imposed upon the prisoner. 2106

At least thirty days before the prisoner is released from 2107  
imprisonment under post-release control, except as otherwise 2108  
provided in this paragraph, the department of rehabilitation and 2109  
correction shall notify the victim and the victim's immediate 2110  
family of the date on which the prisoner will be released, the 2111  
period for which the prisoner will be under post-release control 2112  
supervision, and the terms and conditions of the prisoner's 2113  
post-release control regardless of whether the victim or 2114  
victim's immediate family has requested the notification. The 2115  
notice described in this paragraph shall not be given to a 2116  
victim or victim's immediate family if the victim or the 2117  
victim's immediate family has requested pursuant to division (B) 2118  
(2) of section 2930.03 of the Revised Code that the notice not 2119

be provided to the victim or the victim's immediate family. At 2120  
least thirty days before the prisoner is released from 2121  
imprisonment and regardless of whether the victim or victim's 2122  
immediate family has requested that the notice described in this 2123  
paragraph be provided or not be provided to the victim or the 2124  
victim's immediate family, the department also shall provide 2125  
notice of that nature to the prosecuting attorney in the case 2126  
and the law enforcement agency that arrested the prisoner if any 2127  
officer of that agency was a victim of the offense. 2128

If the notice given under the preceding paragraph to the 2129  
victim or the victim's immediate family is based on an offense 2130  
committed prior to March 22, 2013, and if the department of 2131  
rehabilitation and correction has not previously successfully 2132  
provided any notice to the victim or the victim's immediate 2133  
family under division (B), (C), or (D) of section 2930.16 of the 2134  
Revised Code with respect to that offense and the offender who 2135  
committed it, the notice also shall inform the victim or the 2136  
victim's immediate family that the victim or the victim's 2137  
immediate family may request that the victim or the victim's 2138  
immediate family not be provided any further notices with 2139  
respect to that offense and the offender who committed it and 2140  
shall describe the procedure for making that request. The 2141  
department may give the notices to which the preceding paragraph 2142  
applies by any reasonable means, including regular mail, 2143  
telephone, and electronic mail. If the department attempts to 2144  
provide notice to any specified person under the preceding 2145  
paragraph but the attempt is unsuccessful because the department 2146  
is unable to locate the specified person, is unable to provide 2147  
the notice by its chosen method because it cannot determine the 2148  
mailing address, electronic mail address, or telephone number at 2149  
which to provide the notice, or, if the notice is sent by mail, 2150

the notice is returned, the department shall make another 2151  
attempt to provide the notice to the specified person. If the 2152  
second attempt is unsuccessful, the department shall make at 2153  
least one more attempt to provide the notice. If the notice is 2154  
based on an offense committed prior to March 22, 2013, in each 2155  
attempt to provide the notice to the victim or victim's 2156  
immediate family, the notice shall include the opt-out 2157  
information described in this paragraph. The department, in the 2158  
manner described in division (D) (2) of section 2930.16 of the 2159  
Revised Code, shall keep a record of all attempts to provide the 2160  
notice, and of all notices provided, under this paragraph and 2161  
the preceding paragraph. The record shall be considered as if it 2162  
was kept under division (D) (2) of section 2930.16 of the Revised 2163  
Code. This paragraph, the preceding paragraph, and the notice- 2164  
related provisions of divisions (E) (2) and (K) of section 2165  
2929.20, division (D) (1) of section 2930.16, division (H) of 2166  
section 2967.12, division (E) (1) (b) of section 2967.19, division 2167  
~~(A) (3) (b)~~ (A) (2) (b) of section 2967.26, and division (A) (2) of 2168  
section 5149.101 of the Revised Code enacted in the act in which 2169  
this paragraph and the preceding paragraph were enacted, shall 2170  
be known as "Roberta's Law." 2171

(2) If a prisoner who is placed on post-release control 2172  
under this section is released before the expiration of the 2173  
definite term that is the prisoner's stated prison term or the 2174  
expiration of the minimum term that is part of the prisoner's 2175  
indefinite prison term imposed under a non-life felony 2176  
indefinite prison term by reason of credit earned under section 2177  
2967.193 or a reduction under division (F) of section 2967.271 2178  
of the Revised Code and if the prisoner earned sixty or more 2179  
days of credit, the adult parole authority shall supervise the 2180  
offender with an active global positioning system device for the 2181

first fourteen days after the offender's release from 2182  
imprisonment. This division does not prohibit or limit the 2183  
imposition of any post-release control sanction otherwise 2184  
authorized by this section. 2185

(3) At any time after a prisoner is released from 2186  
imprisonment and during the period of post-release control 2187  
applicable to the releasee, the adult parole authority or, 2188  
pursuant to an agreement under section 2967.29 of the Revised 2189  
Code, the court may review the releasee's behavior under the 2190  
post-release control sanctions imposed upon the releasee under 2191  
this section. The authority or court may determine, based upon 2192  
the review and in accordance with the standards established 2193  
under division (E) of this section, that a more restrictive or a 2194  
less restrictive sanction is appropriate and may impose a 2195  
different sanction. The authority also may recommend that the 2196  
parole board or court increase or reduce the duration of the 2197  
period of post-release control imposed by the court. If the 2198  
authority recommends that the board or court increase the 2199  
duration of post-release control, the board or court shall 2200  
review the releasee's behavior and may increase the duration of 2201  
the period of post-release control imposed by the court up to 2202  
eight years. If the authority recommends that the board or court 2203  
reduce the duration of control for an offense described in 2204  
division (B) or (C) of this section, the board or court shall 2205  
review the releasee's behavior and, subject to divisions (D) (3) 2206  
(a) to (c) of this section, may reduce the duration of the 2207  
period of control imposed by the court or, if the period of 2208  
control was imposed for a non-life felony indefinite prison 2209  
term, reduce the duration of or terminate the period of control 2210  
imposed by the court. In no case shall the board or court do any 2211  
of the following: 2212

(a) Reduce the duration of the period of control imposed 2213  
for an offense described in division (B) (1) of this section to a 2214  
period less than the length of the definite prison term included 2215  
in the stated prison term originally imposed on the offender as 2216  
part of the sentence or, with respect to a stated non-life 2217  
felony indefinite prison term, to a period less than the length 2218  
of the minimum prison term imposed as part of that stated prison 2219  
term; 2220

(b) Consider any reduction or termination of the duration 2221  
of the period of control imposed on a releasee prior to the 2222  
expiration of one year after the commencement of the period of 2223  
control, if the period of control was imposed for a non-life 2224  
felony indefinite prison term and the releasee's minimum prison 2225  
term or presumptive earned early release date under that term 2226  
was extended for any length of time under division (C) or (D) of 2227  
section 2967.271 of the Revised Code. 2228

(c) Permit the releasee to leave the state without 2229  
permission of the court or the releasee's parole or probation 2230  
officer. 2231

(4) The department of rehabilitation and correction shall 2232  
develop factors that the parole board or court shall consider in 2233  
determining under division (D) (3) of this section whether to 2234  
terminate the period of control imposed on a releasee for a non- 2235  
life felony indefinite prison term. 2236

(E) The department of rehabilitation and correction, in 2237  
accordance with Chapter 119. of the Revised Code, shall adopt 2238  
rules that do all of the following: 2239

(1) Establish standards for the imposition by the parole 2240  
board of post-release control sanctions under this section that 2241

are consistent with the overriding purposes and sentencing 2242  
principles set forth in section 2929.11 of the Revised Code and 2243  
that are appropriate to the needs of releasees; 2244

(2) Establish standards that provide for a period of post- 2245  
release control of up to three years for all prisoners described 2246  
in division (C) of this section who are to be released before 2247  
the expiration of their stated prison term under a risk 2248  
reduction sentence and standards by which the parole board can 2249  
determine which prisoners described in division (C) of this 2250  
section who are not to be released before the expiration of 2251  
their stated prison term under a risk reduction sentence should 2252  
be placed under a period of post-release control; 2253

(3) Establish standards to be used by the parole board in 2254  
reducing the duration of the period of post-release control 2255  
imposed by the court when authorized under division (D) of this 2256  
section, in imposing a more restrictive post-release control 2257  
sanction than monitored time upon a prisoner convicted of a 2258  
felony of the fourth or fifth degree other than a felony sex 2259  
offense, or in imposing a less restrictive control sanction upon 2260  
a releasee based on the releasee's activities including, but not 2261  
limited to, remaining free from criminal activity and from the 2262  
abuse of alcohol or other drugs, successfully participating in 2263  
approved rehabilitation programs, maintaining employment, and 2264  
paying restitution to the victim or meeting the terms of other 2265  
financial sanctions; 2266

(4) Establish standards to be used by the adult parole 2267  
authority in modifying a releasee's post-release control 2268  
sanctions pursuant to division (D)(2) of this section; 2269

(5) Establish standards to be used by the adult parole 2270  
authority or parole board in imposing further sanctions under 2271

division (F) of this section on releasees who violate post- 2272  
release control sanctions, including standards that do the 2273  
following: 2274

(a) Classify violations according to the degree of 2275  
seriousness; 2276

(b) Define the circumstances under which formal action by 2277  
the parole board is warranted; 2278

(c) Govern the use of evidence at violation hearings; 2279

(d) Ensure procedural due process to an alleged violator; 2280

(e) Prescribe nonresidential community control sanctions 2281  
for most misdemeanor and technical violations; 2282

(f) Provide procedures for the return of a releasee to 2283  
imprisonment for violations of post-release control. 2284

(F) (1) Whenever the parole board imposes one or more post- 2285  
release control sanctions upon an offender under this section, 2286  
the offender upon release from imprisonment shall be under the 2287  
general jurisdiction of the adult parole authority and generally 2288  
shall be supervised by the field services section through its 2289  
staff of parole and field officers as described in section 2290  
5149.04 of the Revised Code, as if the offender had been placed 2291  
on parole. If the offender upon release from imprisonment 2292  
violates the post-release control sanction or any conditions 2293  
described in division (A) of section 2967.131 of the Revised 2294  
Code that are imposed on the offender, the public or private 2295  
person or entity that operates or administers the sanction or 2296  
the program or activity that comprises the sanction shall report 2297  
the violation directly to the adult parole authority or to the 2298  
officer of the authority who supervises the offender. The 2299  
authority's officers may treat the offender as if the offender 2300

were on parole and in violation of the parole, and otherwise 2301  
shall comply with this section. 2302

(2) If the adult parole authority or, pursuant to an 2303  
agreement under section 2967.29 of the Revised Code, the court 2304  
determines that a releasee has violated a post-release control 2305  
sanction or any conditions described in division (A) of section 2306  
2967.131 of the Revised Code imposed upon the releasee and that 2307  
a more restrictive sanction is appropriate, the authority or 2308  
court may impose a more restrictive sanction upon the releasee, 2309  
in accordance with the standards established under division (E) 2310  
of this section or in accordance with the agreement made under 2311  
section 2967.29 of the Revised Code, or may report the violation 2312  
to the parole board for a hearing pursuant to division (F) (3) of 2313  
this section. The authority or court may not, pursuant to this 2314  
division, increase the duration of the releasee's post-release 2315  
control or impose as a post-release control sanction a 2316  
residential sanction that includes a prison term, but the 2317  
authority or court may impose on the releasee any other 2318  
residential sanction, nonresidential sanction, or financial 2319  
sanction that the sentencing court was authorized to impose 2320  
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 2321  
Revised Code. 2322

(3) The parole board or, pursuant to an agreement under 2323  
section 2967.29 of the Revised Code, the court may hold a 2324  
hearing on any alleged violation by a releasee of a post-release 2325  
control sanction or any conditions described in division (A) of 2326  
section 2967.131 of the Revised Code that are imposed upon the 2327  
releasee. If after the hearing the board or court finds that the 2328  
releasee violated the sanction or condition, the board or court 2329  
may increase the duration of the releasee's post-release control 2330  
up to the maximum duration authorized by division (B) or (C) of 2331

this section or impose a more restrictive post-release control 2332  
sanction. If a releasee was acting pursuant to division (B) (2) 2333  
(b) of section 2925.11 of the Revised Code and in so doing 2334  
violated the conditions of a post-release control sanction based 2335  
on a minor drug possession offense as defined in that section, 2336  
the board or the court may consider the releasee's conduct in 2337  
seeking or obtaining medical assistance for another in good 2338  
faith or for self or may consider the releasee being the subject 2339  
of another person seeking or obtaining medical assistance in 2340  
accordance with that division as a mitigating factor before 2341  
imposing any of the penalties described in this division. When 2342  
appropriate, the board or court may impose as a post-release 2343  
control sanction a residential sanction that includes a prison 2344  
term. The board or court shall consider a prison term as a post- 2345  
release control sanction imposed for a violation of post-release 2346  
control when the violation involves a deadly weapon or dangerous 2347  
ordnance, physical harm or attempted serious physical harm to a 2348  
person, or sexual misconduct. Unless a releasee's stated prison 2349  
term was reduced pursuant to section 5120.032 of the Revised 2350  
Code, the period of a prison term that is imposed as a post- 2351  
release control sanction under this division shall not exceed 2352  
nine months, and the maximum cumulative prison term for all 2353  
violations under this division shall not exceed one-half of the 2354  
definite prison term that was the stated prison term originally 2355  
imposed upon the offender as part of this sentence or, with 2356  
respect to a stated non-life felony indefinite prison term, one- 2357  
half of the minimum prison term that was imposed as part of that 2358  
stated prison term originally imposed upon the offender. If a 2359  
releasee's stated prison term was reduced pursuant to section 2360  
5120.032 of the Revised Code, the period of a prison term that 2361  
is imposed as a post-release control sanction under this 2362  
division and the maximum cumulative prison term for all 2363

violations under this division shall not exceed the period of 2364  
time not served in prison under the sentence imposed by the 2365  
court. The period of a prison term that is imposed as a post- 2366  
release control sanction under this division shall not count as, 2367  
or be credited toward, the remaining period of post-release 2368  
control. 2369

If an offender is imprisoned for a felony committed while 2370  
under post-release control supervision and is again released on 2371  
post-release control for a period of time determined by division 2372  
(F) (4) (d) of this section, the maximum cumulative prison term 2373  
for all violations under this division shall not exceed one-half 2374  
of the total stated prison terms of the earlier felony, reduced 2375  
by any prison term administratively imposed by the parole board 2376  
or court, plus one-half of the total stated prison term of the 2377  
new felony. 2378

(4) Any period of post-release control shall commence upon 2379  
an offender's actual release from prison. If an offender is 2380  
serving an indefinite prison term or a life sentence in addition 2381  
to a stated prison term, the offender shall serve the period of 2382  
post-release control in the following manner: 2383

(a) If a period of post-release control is imposed upon 2384  
the offender and if the offender also is subject to a period of 2385  
parole under a life sentence or an indefinite sentence, and if 2386  
the period of post-release control ends prior to the period of 2387  
parole, the offender shall be supervised on parole. The offender 2388  
shall receive credit for post-release control supervision during 2389  
the period of parole. The offender is not eligible for final 2390  
release under section 2967.16 of the Revised Code until the 2391  
post-release control period otherwise would have ended. 2392

(b) If a period of post-release control is imposed upon 2393

the offender and if the offender also is subject to a period of 2394  
parole under an indefinite sentence, and if the period of parole 2395  
ends prior to the period of post-release control, the offender 2396  
shall be supervised on post-release control. The requirements of 2397  
parole supervision shall be satisfied during the post-release 2398  
control period. 2399

(c) If an offender is subject to more than one period of 2400  
post-release control, the period of post-release control for all 2401  
of the sentences shall be the period of post-release control 2402  
that expires last, as determined by the parole board or court. 2403  
Periods of post-release control shall be served concurrently and 2404  
shall not be imposed consecutively to each other. 2405

(d) The period of post-release control for a releasee who 2406  
commits a felony while under post-release control for an earlier 2407  
felony shall be the longer of the period of post-release control 2408  
specified for the new felony under division (B) or (C) of this 2409  
section or the time remaining under the period of post-release 2410  
control imposed for the earlier felony as determined by the 2411  
parole board or court. 2412

**Sec. 5149.101.** (A) (1) A board hearing officer, a board 2413  
member, or the office of victims' services may petition the 2414  
board for a full board hearing that relates to the proposed 2415  
parole or re-parole of a prisoner. At a meeting of the board at 2416  
which a majority of board members are present, the majority of 2417  
those present shall determine whether a full board hearing shall 2418  
be held. 2419

(2) A victim of a violation of section 2903.01 or 2903.02 2420  
of the Revised Code, an offense of violence that is a felony of 2421  
the first, second, or third degree, or an offense punished by a 2422  
sentence of life imprisonment, the victim's representative, or 2423

any person described in division (B) (5) of this section may 2424  
request the board to hold a full board hearing that relates to 2425  
the proposed parole or re-parole of the person that committed 2426  
the violation. If a victim, victim's representative, or other 2427  
person requests a full board hearing pursuant to this division, 2428  
the board shall hold a full board hearing. 2429

At least thirty days before the full hearing, except as 2430  
otherwise provided in this division, the board shall give notice 2431  
of the date, time, and place of the hearing to the victim 2432  
regardless of whether the victim has requested the notification. 2433  
The notice of the date, time, and place of the hearing shall not 2434  
be given under this division to a victim if the victim has 2435  
requested pursuant to division (B) (2) of section 2930.03 of the 2436  
Revised Code that the notice not be provided to the victim. At 2437  
least thirty days before the full board hearing and regardless 2438  
of whether the victim has requested that the notice be provided 2439  
or not be provided under this division to the victim, the board 2440  
shall give similar notice to the prosecuting attorney in the 2441  
case, the law enforcement agency that arrested the prisoner if 2442  
any officer of that agency was a victim of the offense, and, if 2443  
different than the victim, the person who requested the full 2444  
hearing. If the prosecuting attorney has not previously been 2445  
sent an institutional summary report with respect to the 2446  
prisoner, upon the request of the prosecuting attorney, the 2447  
board shall include with the notice sent to the prosecuting 2448  
attorney an institutional summary report that covers the 2449  
offender's participation while confined in a state correctional 2450  
institution in training, work, and other rehabilitative 2451  
activities and any disciplinary action taken against the 2452  
offender while so confined. Upon the request of a law 2453  
enforcement agency that has not previously been sent an 2454

institutional summary report with respect to the prisoner, the 2455  
board also shall send a copy of the institutional summary report 2456  
to the law enforcement agency. If notice is to be provided as 2457  
described in this division, the board may give the notice by any 2458  
reasonable means, including regular mail, telephone, and 2459  
electronic mail, in accordance with division (D) (1) of section 2460  
2930.16 of the Revised Code. If the notice is based on an 2461  
offense committed prior to ~~the effective date of this amendment~~ 2462  
March 22, 2013, the notice also shall include the opt-out 2463  
information described in division (D) (1) of section 2930.16 of 2464  
the Revised Code. The board, in accordance with division (D) (2) 2465  
of section 2930.16 of the Revised Code, shall keep a record of 2466  
all attempts to provide the notice, and of all notices provided, 2467  
under this division. 2468

The preceding paragraph, and the notice-related provisions 2469  
of divisions (E) (2) and (K) of section 2929.20, division (D) (1) 2470  
of section 2930.16, division (H) of section 2967.12, division 2471  
(E) (1) (b) of section 2967.19, division ~~(A) (3) (b)~~ (A) (2) (b) of 2472  
section 2967.26, and division (D) (1) of section 2967.28 of the 2473  
Revised Code enacted in the act in which this paragraph was 2474  
enacted, shall be known as "Roberta's Law." 2475

(B) At a full board hearing that relates to the proposed 2476  
parole or re-parole of a prisoner and that has been petitioned 2477  
for or requested in accordance with division (A) of this 2478  
section, the parole board shall permit the following persons to 2479  
appear and to give testimony or to submit written statements: 2480

(1) The prosecuting attorney of the county in which the 2481  
original indictment against the prisoner was found and members 2482  
of any law enforcement agency that assisted in the prosecution 2483  
of the original offense; 2484

(2) The judge of the court of common pleas who imposed the original sentence of incarceration upon the prisoner, or the judge's successor;	2485 2486 2487
(3) The victim of the original offense for which the prisoner is serving the sentence or the victim's representative designated pursuant to section 2930.02 of the Revised Code;	2488 2489 2490
(4) The victim of any behavior that resulted in parole being revoked;	2491 2492
(5) With respect to a full board hearing held pursuant to division (A)(2) of this section, all of the following:	2493 2494
(a) The spouse of the victim of the original offense;	2495
(b) The parent or parents of the victim of the original offense;	2496 2497
(c) The sibling of the victim of the original offense;	2498
(d) The child or children of the victim of the original offense.	2499 2500
(6) Counsel or some other person designated by the prisoner as a representative, as described in division (C) of this section.	2501 2502 2503
(C) Except as otherwise provided in this division, a full board hearing of the parole board is not subject to section 121.22 of the Revised Code. The persons who may attend a full board hearing are the persons described in divisions (B)(1) to (6) of this section, and representatives of the press, radio and television stations, and broadcasting networks who are members of a generally recognized professional media organization.	2504 2505 2506 2507 2508 2509 2510
At the request of a person described in division (B)(3) of	2511

this section, representatives of the news media described in 2512  
this division shall be excluded from the hearing while that 2513  
person is giving testimony at the hearing. The prisoner being 2514  
considered for parole has no right to be present at the hearing, 2515  
but may be represented by counsel or some other person 2516  
designated by the prisoner. 2517

If there is an objection at a full board hearing to a 2518  
recommendation for the parole of a prisoner, the board may 2519  
approve or disapprove the recommendation or defer its decision 2520  
until a subsequent full board hearing. The board may permit 2521  
interested persons other than those listed in this division and 2522  
division (B) of this section to attend full board hearings 2523  
pursuant to rules adopted by the adult parole authority. 2524

(D) If the victim of the original offense died as a result 2525  
of the offense and the offense was aggravated murder, murder, an 2526  
offense of violence that is a felony of the first, second, or 2527  
third degree, or an offense punished by a sentence of life 2528  
imprisonment, the family of the victim may show at a full board 2529  
hearing a video recording not exceeding five minutes in length 2530  
memorializing the victim. 2531

(E) The adult parole authority shall adopt rules for the 2532  
implementation of this section. The rules shall specify 2533  
reasonable restrictions on the number of media representatives 2534  
that may attend a hearing, based on considerations of space, and 2535  
other procedures designed to accomplish an effective, orderly 2536  
process for full board hearings. 2537

**Section 2.** That existing sections 2929.01, 2929.20, 2538  
2930.03, 2930.06, 2930.16, 2967.12, 2967.19, 2967.26, 2967.28, 2539  
and 5149.101 of the Revised Code are hereby repealed. 2540

**Section 3.** The General Assembly, applying the principle 2541  
stated in division (B) of section 1.52 of the Revised Code that 2542  
amendments are to be harmonized if reasonably capable of 2543  
simultaneous operation, finds that the following sections, 2544  
presented in this act as composites of the sections as amended 2545  
by the acts indicated, are the resulting versions of the 2546  
sections in effect prior to the effective date of the sections 2547  
as presented in this act: 2548

Section 2929.01 of the Revised Code as amended by H.B. 63, 2549  
H.B. 411, H.B. 1, S.B. 20, and S.B. 201, all of the 132nd 2550  
General Assembly. 2551

Section 2967.28 of the Revised Code as amended by both 2552  
S.B. 66 and S.B. 201 of the 132nd General Assembly. 2553