

**As Passed by the House**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. H. B. No. 166**

**Representatives Boggs, Carfagna**

**Cosponsors: Representatives Russo, Leland, Brown, Ghanbari, O'Brien, Sweeney, Seitz, Weinstein, Lightbody, Gross, Smith, K., Young, T., Liston, Plummer, Miranda, Galonski, Crossman, Crawley, Miller, J., Sheehy, White, Abrams, Baldrige, Blackshear, Brent, Callender, Carruthers, Creech, Denson, Fraizer, Ginter, Hall, Hicks-Hudson, Hillyer, Holmes, Hoops, Humphrey, Ingram, Jarrells, John, Johnson, Jones, Kelly, Lampton, Lanese, LaRe, Lepore-Hagan, Lipps, Loychik, Manning, Miller, A., Miller, K., Oelslager, Patton, Ray, Riedel, Robinson, Schmidt, Skindell, Smith, M., Sobeki, Stein, Upchurch, West, Wilkin, Speaker Cupp**

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**A BILL**

To amend sections 181.21, 2152.13, 2152.14, 1  
2901.011, 2929.01, 2929.14, 2929.144, 2929.19, 2  
2930.16, 2945.37, 2945.401, 2949.08, 2951.03, 3  
2953.07, 2967.14, 2967.191, 2967.193, 2967.271, 4  
5120.021, 5120.038, 5120.113, 5120.66, and 5  
5149.04; to enact new section 2953.08 and 6  
section 181.26; and to repeal section 2953.08 of 7  
the Revised Code to modify the Criminal 8  
Sentencing Law with respect to non-life felony 9  
indefinite sentencing, to modify the process for 10  
felony appeals as a matter of right, to modify 11  
the Corrections Law regarding a Department of 12  
Rehabilitation and Correction reentry program 13  
for certain offenders, maximum workload and 14  
caseload standards for parole and field 15  
officers, GPS monitoring of offenders released 16  
from prison, and entry into LEADS of specified 17

information about GPS-monitored offenders, and 18  
to require the Ohio Criminal Sentencing 19  
Commission to appoint an Offender Supervision 20  
Study Committee. 21

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

**Section 1.** That sections 181.21, 2152.13, 2152.14, 22  
2901.011, 2929.01, 2929.14, 2929.144, 2929.19, 2930.16, 2945.37, 23  
2945.401, 2949.08, 2951.03, 2953.07, 2967.14, 2967.191, 24  
2967.193, 2967.271, 5120.021, 5120.038, 5120.113, 5120.66, and 25  
5149.04 be amended and new section 2953.08 and section 181.26 of 26  
the Revised Code be enacted to read as follows: 27

**Sec. 181.21.** (A) There is hereby created within the 28  
supreme court the state criminal sentencing commission, 29  
consisting of thirty-one members. One member shall be the chief 30  
justice of the supreme court, who shall be the chairperson of 31  
the commission. The following ten members of the commission, no 32  
more than six of whom shall be members of the same political 33  
party, shall be appointed by the chief justice: one judge of a 34  
court of appeals, three judges of courts of common pleas who are 35  
not juvenile court judges, three judges of juvenile courts, and 36  
three judges of municipal courts or county courts. Four members 37  
shall be the superintendent of the state highway patrol, the 38  
state public defender, the director of youth services, and the 39  
director of rehabilitation and correction, or their individual 40  
designees. The following twelve members, no more than seven of 41  
whom shall be members of the same political party, shall be 42  
appointed by the governor after consulting with the appropriate 43  
state associations, if any, that are represented by these 44

members: one sheriff; two county prosecuting attorneys, at least 45  
one of whom shall be experienced in the prosecution of cases in 46  
juvenile court involving alleged delinquent children, unruly 47  
children, and juvenile traffic offenders; two peace officers of 48  
a municipal corporation or township, at least one of whom shall 49  
be experienced in the investigation of cases involving 50  
juveniles; one former victim of a violation of Title XXIX of the 51  
Revised Code; one attorney whose practice of law primarily 52  
involves the representation of criminal defendants; one member 53  
of the Ohio state bar association; one attorney whose practice 54  
of law primarily involves the representation in juvenile court 55  
of alleged delinquent children, unruly children, and juvenile 56  
traffic offenders; one full-time city prosecuting attorney; one 57  
county commissioner; and one mayor, city manager, or member of a 58  
legislative authority of a municipal corporation. Two members 59  
shall be members of the senate, one appointed by the president 60  
of the senate and one appointed by the minority leader of the 61  
senate. Two members shall be members of the house of 62  
representatives, one appointed by the speaker of the house of 63  
representatives and one appointed by the minority leader of the 64  
house of representatives. 65

The chief justice shall become a member of the commission 66  
on August 22, 1990, and the chief justice's successors in office 67  
shall become members of the commission on the day that they 68  
assume the office of chief justice. The term of office of the 69  
chief justice as a member of the commission shall continue for 70  
as long as that person holds the office of chief justice. The 71  
term of office of the member who is an attorney whose practice 72  
of law primarily involves the representation of criminal 73  
defendants, the term of office of the member who is an attorney 74  
whose practice of law primarily involves the representation in 75

juvenile court of alleged delinquent children, unruly children, 76  
and juvenile traffic offenders, and the term of office of the 77  
former victim of a violation of Title XXIX of the Revised Code 78  
shall be four years. The term of office of the superintendent of 79  
the state highway patrol, the state public defender, the 80  
director of youth services, and the director of rehabilitation 81  
and correction, or their individual designees, as members of the 82  
commission shall continue for as long as they hold the office of 83  
superintendent of the state highway patrol, state public 84  
defender, director of youth services, or director of 85  
rehabilitation and correction. The term of office of a municipal 86  
corporation or township peace officer as a member of the 87  
commission shall be the lesser of four years or until that 88  
person ceases to be a peace officer of a municipal corporation 89  
or township. Unless the full-time city prosecuting attorney is 90  
an elected official, the term of office of the full-time city 91  
prosecuting attorney shall be the lesser of four years or until 92  
the full-time city prosecuting attorney ceases to be a full-time 93  
city prosecuting attorney. All of the members of the commission 94  
who are elected officials shall serve the lesser of four years 95  
or until the expiration of their term of office. Any vacancy on 96  
the commission shall be filled in the same manner as the 97  
original appointment. 98

When the chief justice and governor make their 99  
appointments to the commission, they shall consider adequate 100  
representation by race and gender. 101

(B) The commission shall select a vice-chairperson and any 102  
other necessary officers and adopt rules to govern its 103  
proceedings. The commission shall meet as necessary at the call 104  
of the chairperson or on the written request of eight or more of 105  
its members. Sixteen members of the commission constitute a 106

quorum, and the votes of a majority of the quorum present shall 107  
be required to validate any action of the commission. All 108  
business of the commission shall be conducted in public 109  
meetings. 110

The members of the commission shall serve without 111  
compensation, but each member shall be reimbursed for the 112  
member's actual and necessary expenses incurred in the 113  
performance of the member's official duties on the commission. 114  
In the absence of the chairperson, the vice-chairperson shall 115  
perform the duties of the chairperson. 116

(C) The commission shall establish an office and shall 117  
appoint and fix the compensation of a project director and any 118  
other employees necessary to assist the commission in the 119  
execution of its authority under sections 181.21 to ~~181.25~~ 120  
181.26 of the Revised Code. The project director shall have a 121  
thorough understanding of the criminal laws of this state and 122  
experience in committee-oriented research. The other employees 123  
may include a research coordinator with experience and training 124  
in policy-oriented research; professional staff employees with 125  
backgrounds in criminal law, criminal justice, political 126  
science, or related fields of expertise; administrative 127  
assistants; and secretaries. The commission also may appoint and 128  
fix the compensation of part-time data collectors, clerical 129  
employees, and other temporary employees as needed to enable the 130  
commission to execute its authority under sections 181.21 to 131  
~~181.25~~181.26 of the Revised Code. 132

(D) (1) The sentencing commission shall establish an ad 133  
hoc, standing offender supervision study committee. The 134  
committee shall consist of one member who is a person appointed 135  
by the governor and the following twelve members appointed by 136

the commission: one active parole line officer who is a member 137  
of the exclusive representative, as defined in section 4117.01 138  
of the Revised Code, with which the state has entered into a 139  
collective bargaining agreement that is in effect at the time of 140  
the appointment and who has been recommended by the exclusive 141  
representative; one active probation officer; two members of the 142  
house of representatives who shall not be members of the same 143  
political party; two members of the senate who shall not be 144  
members of the same political party; one judge of a court of 145  
common pleas; one representative of the Ohio community 146  
corrections association; the director of rehabilitation and 147  
corrections or the director's representative; one county 148  
prosecuting attorney; the state public defender, the state 149  
public defender's representative, or a county public defender; 150  
and one sheriff. The members of the commission may serve on the 151  
committee by designation of the chief justice, to the extent 152  
that the members satisfy the criteria for service on the 153  
committee. The chief justice shall designate a member to serve 154  
as chairperson of the committee. The committee shall select a 155  
vice-chairperson. The committee shall meet as necessary at the 156  
call of the chairperson or on the written request of four or 157  
more of the committee's members. In the absence of the 158  
chairperson, the vice-chairperson shall perform the duties of 159  
the chairperson. A majority of the members of the committee 160  
shall constitute a quorum, and the votes of a majority of the 161  
quorum present shall be required to validate any action of the 162  
committee, including the content of reports and recommendations 163  
to the commission. 164

The members of the committee who are not members of the 165  
commission shall serve without compensation, but each such 166  
member shall be reimbursed for the member's actual and necessary 167

expenses incurred in the performance of the member's official 168  
duties on the commission. Section 181.21 of the Revised Code 169  
applies to the members of the committee who are members of the 170  
commission. 171

(2) The offender supervision study committee shall study 172  
and review all issues related to the supervision of offenders, 173  
including issues related to parole, community control, 174  
probation, community corrections, and transitional control, and 175  
issues related to interstate compact policies. The committee 176  
shall submit a report to the commission not later than the 177  
thirty-first day of December in each even-numbered year that 178  
contains its findings with respect to the issues it studies and 179  
reviews and recommendations regarding possible changes in the 180  
law based on those findings. 181

The commission shall comply with division (D) of section 182  
181.26 of the Revised Code with respect to the reports submitted 183  
to it under this division. 184

(3) The sentencing commission may appoint persons who are 185  
experts in issues related to the supervision of offenders to 186  
assist the committee in the performance of its duties under 187  
division (D)(2) of this section. No person appointed in a 188  
capacity under this division may vote on any action of the 189  
committee, including the content of any report or recommendation 190  
to the commission. 191

**Sec. 181.26.** (A) In addition to its duties set forth in 192  
sections 181.23 to 181.25 and 181.27 of the Revised Code, the 193  
state criminal sentencing commission shall review all reports 194  
submitted to it by the offender supervision study committee 195  
under division (D)(2) of section 181.21 of the Revised Code and, 196  
for each report so received, not later than ninety days after 197

receiving the report, shall submit a report to the general 198  
assembly that contains the commission's recommendations 199  
regarding possible changes in the law based on the findings of 200  
the committee that are set forth in the report. In preparing its 201  
report to the general assembly, the commission shall consider 202  
all findings and recommendations of the committee contained in 203  
the report the committee submitted to the commission, and the 204  
commission's report to the general assembly may be, but is not 205  
required to be, the same as the report of the committee 206  
submitted to the commission. 207

(B) The state criminal sentencing commission, within 208  
ninety days after the effective date of this section, pursuant 209  
to section 181.23 of the Revised Code, shall study the impact of 210  
sections relevant to the Reagan Tokes Law, including those 211  
listed in section 2901.011 of the Revised Code as constituting 212  
the Reagan Tokes Law. The commission shall submit a report to 213  
the general assembly and the governor that contains the results 214  
of the study and recommendations on the thirty-first day of 215  
December in every even-numbered year beginning on December 31, 216  
2024. 217

**Sec. 2152.13.** (A) A juvenile court shall impose a serious 218  
youthful dispositional sentence on a child when required under 219  
division (B) (3) of section 2152.121 of the Revised Code. In such 220  
a case, the remaining provisions of this division and divisions 221  
(B) and (C) do not apply to the child, and the court shall 222  
impose the mandatory serious youthful dispositional sentence 223  
under division (D) (1) of this section. 224

In all other cases, a juvenile court may impose a serious 225  
youthful offender dispositional sentence on a child only if the 226  
prosecuting attorney of the county in which the delinquent act 227



allegedly occurred initiates the process against the child in	228
accordance with this division, and the child is an alleged	229
delinquent child who is eligible for the dispositional sentence.	230
The prosecuting attorney may initiate the process in any of the	231
following ways:	232
(1) Obtaining an indictment of the child as a serious	233
youthful offender;	234
(2) The child waives the right to indictment, charging the	235
child in a bill of information as a serious youthful offender;	236
(3) Until an indictment or information is obtained,	237
requesting a serious youthful offender dispositional sentence in	238
the original complaint alleging that the child is a delinquent	239
child;	240
(4) Until an indictment or information is obtained, if the	241
original complaint does not request a serious youthful offender	242
dispositional sentence, filing with the juvenile court a written	243
notice of intent to seek a serious youthful offender	244
dispositional sentence within twenty days after the later of the	245
following, unless the time is extended by the juvenile court for	246
good cause shown:	247
(a) The date of the child's first juvenile court hearing	248
regarding the complaint;	249
(b) The date the juvenile court determines not to transfer	250
the case under section 2152.12 of the Revised Code.	251
After a written notice is filed under division (A) (4) of	252
this section, the juvenile court shall serve a copy of the	253
notice on the child and advise the child of the prosecuting	254
attorney's intent to seek a serious youthful offender	255
dispositional sentence in the case.	256

(B) If an alleged delinquent child is not indicted or 257  
charged by information as described in division (A) (1) or (2) of 258  
this section and if a notice or complaint as described in 259  
division (A) (3) or (4) of this section indicates that the 260  
prosecuting attorney intends to pursue a serious youthful 261  
offender dispositional sentence in the case, the juvenile court 262  
shall hold a preliminary hearing to determine if there is 263  
probable cause that the child committed the act charged and is 264  
by age eligible for, or required to receive, a serious youthful 265  
offender dispositional sentence. 266

(C) (1) A child for whom a serious youthful offender 267  
dispositional sentence is sought by a prosecuting attorney has 268  
the right to a grand jury determination of probable cause that 269  
the child committed the act charged and that the child is 270  
eligible by age for a serious youthful offender dispositional 271  
sentence. The grand jury may be impaneled by the court of common 272  
pleas or the juvenile court. 273

Once a child is indicted, or charged by information or the 274  
juvenile court determines that the child is eligible for a 275  
serious youthful offender dispositional sentence, the child is 276  
entitled to an open and speedy trial by jury in juvenile court 277  
and to be provided with a transcript of the proceedings. The 278  
time within which the trial is to be held under Title XXIX of 279  
the Revised Code commences on whichever of the following dates 280  
is applicable: 281

(a) If the child is indicted or charged by information, on 282  
the date of the filing of the indictment or information. 283

(b) If the child is charged by an original complaint that 284  
requests a serious youthful offender dispositional sentence, on 285  
the date of the filing of the complaint. 286

(c) If the child is not charged by an original complaint 287  
that requests a serious youthful offender dispositional 288  
sentence, on the date that the prosecuting attorney files the 289  
written notice of intent to seek a serious youthful offender 290  
dispositional sentence. 291

(2) If the child is detained awaiting adjudication, upon 292  
indictment or being charged by information, the child has the 293  
same right to bail as an adult charged with the offense the 294  
alleged delinquent act would be if committed by an adult. Except 295  
as provided in division (D) of section 2152.14 of the Revised 296  
Code, all provisions of Title XXIX of the Revised Code and the 297  
Criminal Rules shall apply in the case and to the child. The 298  
juvenile court shall afford the child all rights afforded a 299  
person who is prosecuted for committing a crime including the 300  
right to counsel and the right to raise the issue of competency. 301  
The child may not waive the right to counsel. 302

(D) (1) If a child is adjudicated a delinquent child for 303  
committing an act under circumstances that require the juvenile 304  
court to impose upon the child a serious youthful offender 305  
dispositional sentence under section 2152.11 of the Revised 306  
Code, all of the following apply: 307

(a) The juvenile court shall impose upon the child a 308  
sentence available for the violation, as if the child were an 309  
adult, under Chapter 2929. of the Revised Code, except that the 310  
juvenile court shall not impose on the child a sentence of death 311  
or life imprisonment without parole. 312

(b) The juvenile court also shall impose upon the child 313  
one or more traditional juvenile dispositions under sections 314  
2152.16, 2152.19, and 2152.20, and, if applicable, section 315  
2152.17 of the Revised Code. 316

(c) The juvenile court shall stay the adult portion of the 317  
serious youthful offender dispositional sentence pending the 318  
successful completion of the traditional juvenile dispositions 319  
imposed. 320

(2) (a) If a child is adjudicated a delinquent child for 321  
committing an act under circumstances that allow, but do not 322  
require, the juvenile court to impose on the child a serious 323  
youthful offender dispositional sentence under section 2152.11 324  
of the Revised Code, all of the following apply: 325

(i) If the juvenile court on the record makes a finding 326  
that, given the nature and circumstances of the violation and 327  
the history of the child, the length of time, level of security, 328  
and types of programming and resources available in the juvenile 329  
system alone are not adequate to provide the juvenile court with 330  
a reasonable expectation that the purposes set forth in section 331  
2152.01 of the Revised Code will be met, the juvenile court may 332  
impose upon the child a sentence available for the violation, as 333  
if the child were an adult, under Chapter 2929. of the Revised 334  
Code, except that the juvenile court shall not impose on the 335  
child a sentence of death or life imprisonment without parole. 336

(ii) If a sentence is imposed under division (D) (2) (a) (i) 337  
of this section, the juvenile court also shall impose upon the 338  
child one or more traditional juvenile dispositions under 339  
sections 2152.16, 2152.19, and 2152.20 and, if applicable, 340  
section 2152.17 of the Revised Code. 341

(iii) The juvenile court shall stay the adult portion of 342  
the serious youthful offender dispositional sentence pending the 343  
successful completion of the traditional juvenile dispositions 344  
imposed. 345

(b) If the juvenile court does not find that a sentence 346  
should be imposed under division (D) (2) (a) (i) of this section, 347  
the juvenile court may impose one or more traditional juvenile 348  
dispositions under sections 2152.16, 2152.19, 2152.20, and, if 349  
applicable, section 2152.17 of the Revised Code. 350

(3) A child upon whom a serious youthful offender 351  
dispositional sentence is imposed under division (D) (1) or (2) 352  
of this section has a right to appeal under ~~division (A) (1),~~ 353  
~~(3), (4), or (5)~~ divisions (C) (1) to (7) of section 2953.08 of 354  
the Revised Code the adult portion of the serious youthful 355  
offender dispositional sentence when any of those divisions 356  
apply. The child may appeal the adult portion, and the court 357  
shall consider the appeal as if the adult portion were not 358  
stayed. 359

**Sec. 2152.14.** (A) (1) The director of youth services may 360  
request the prosecuting attorney of the county in which is 361  
located the juvenile court that imposed a serious youthful 362  
offender dispositional sentence upon a person under section 363  
2152.121 or 2152.13 of the Revised Code to file a motion with 364  
that juvenile court to invoke the adult portion of the 365  
dispositional sentence if all of the following apply to the 366  
person: 367

(a) The person is at least fourteen years of age. 368

(b) The person is in the institutional custody, or an 369  
escapee from the custody, of the department of youth services. 370

(c) The person is serving the juvenile portion of the 371  
serious youthful offender dispositional sentence. 372

(2) The motion shall state that there is reasonable cause 373  
to believe that either of the following misconduct has occurred 374

and shall state that at least one incident of misconduct of that nature occurred after the person reached fourteen years of age:

(a) The person committed an act that is a violation of the rules of the institution and that could be charged as any felony or as a first degree misdemeanor offense of violence if committed by an adult.

(b) The person has engaged in conduct that creates a substantial risk to the safety or security of the institution, the community, or the victim.

(B) If a person is at least fourteen years of age, is serving the juvenile portion of a serious youthful offender dispositional sentence imposed under section 2152.121 or 2152.13 of the Revised Code, and is on parole or aftercare from a department of youth services facility, or on community control, the director of youth services, the juvenile court that imposed the serious youthful offender dispositional sentence on the person, or the probation department supervising the person may request the prosecuting attorney of the county in which is located the juvenile court to file a motion with the juvenile court to invoke the adult portion of the dispositional sentence. The prosecuting attorney may file a motion to invoke the adult portion of the dispositional sentence even if no request is made. The motion shall state that there is reasonable cause to believe that either of the following occurred and shall state that at least one incident of misconduct of that nature occurred after the person reached fourteen years of age:

(1) The person committed an act that is a violation of the conditions of supervision and that could be charged as any felony or as a first degree misdemeanor offense of violence if committed by an adult.

(2) The person has engaged in conduct that creates a 405  
substantial risk to the safety or security of the community or 406  
of the victim. 407

(C) If the prosecuting attorney declines a request to file 408  
a motion that was made by the department of youth services or 409  
the supervising probation department under division (A) or (B) 410  
of this section or fails to act on a request made under either 411  
division by the department within a reasonable time, the 412  
department of youth services or the supervising probation 413  
department may file a motion of the type described in division 414  
(A) or (B) of this section with the juvenile court to invoke the 415  
adult portion of the serious youthful offender dispositional 416  
sentence. If the prosecuting attorney declines a request to file 417  
a motion that was made by the juvenile court under division (B) 418  
of this section or fails to act on a request from the court 419  
under that division within a reasonable time, the juvenile court 420  
may hold the hearing described in division (D) of this section 421  
on its own motion. 422

(D) Upon the filing of a motion described in division (A), 423  
(B), or (C) of this section, the juvenile court may hold a 424  
hearing to determine whether to invoke the adult portion of a 425  
person's serious juvenile offender dispositional sentence. The 426  
juvenile court shall not invoke the adult portion of the 427  
dispositional sentence without a hearing. At the hearing the 428  
person who is the subject of the serious youthful offender 429  
disposition has the right to be present, to receive notice of 430  
the grounds upon which the adult sentence portion is sought to 431  
be invoked, to be represented by counsel including counsel 432  
appointed under Juvenile Rule 4(A), to be advised on the 433  
procedures and protections set forth in the Juvenile Rules, and 434  
to present evidence on the person's own behalf, including 435

evidence that the person has a mental illness or intellectual 436  
disability. The person may not waive the right to counsel. The 437  
hearing shall be open to the public. If the person presents 438  
evidence that the person has a mental illness or intellectual 439  
disability, the juvenile court shall consider that evidence in 440  
determining whether to invoke the adult portion of the serious 441  
youthful offender dispositional sentence. 442

(E) (1) The juvenile court may invoke the adult portion of 443  
a person's serious youthful offender dispositional sentence if 444  
the juvenile court finds all of the following on the record by 445  
clear and convincing evidence: 446

(a) The person is serving the juvenile portion of a 447  
serious youthful offender dispositional sentence. 448

(b) The person is at least fourteen years of age and has 449  
been admitted to a department of youth services facility, or 450  
criminal charges are pending against the person. 451

(c) The person engaged in the conduct or acts charged 452  
under division (A), (B), or (C) of this section, and the 453  
person's conduct demonstrates that the person is unlikely to be 454  
rehabilitated during the remaining period of juvenile 455  
jurisdiction. 456

(2) The court may modify the adult sentence the court 457  
invokes to consist of any lesser prison term that could be 458  
imposed for the offense and, in addition to the prison term or 459  
in lieu of the prison term if the prison term was not mandatory, 460  
any community control sanction that the offender was eligible to 461  
receive at sentencing. 462

(F) If a juvenile court issues an order invoking the adult 463  
portion of a serious youthful offender dispositional sentence 464



under division (E) of this section, the juvenile portion of the 465  
dispositional sentence shall terminate, and the department of 466  
youth services shall transfer the person to the department of 467  
rehabilitation and correction or place the person under another 468  
sanction imposed as part of the sentence. The juvenile court 469  
shall state in its order the total number of days that the 470  
person has been held in detention or in a facility operated by, 471  
or under contract with, the department of youth services under 472  
the juvenile portion of the dispositional sentence. The time the 473  
person must serve on a prison term imposed under the adult 474  
portion of the dispositional sentence shall be reduced by the 475  
total number of days specified in the order plus any additional 476  
days the person is held in a juvenile facility or in detention 477  
after the order is issued and before the person is transferred 478  
to the custody of the department of rehabilitation and 479  
correction. In no case shall the total prison term as calculated 480  
under this division exceed the maximum prison term available for 481  
an adult who is convicted of violating the same sections of the 482  
Revised Code, including, for an offense that would be a felony 483  
of the first or second degree that was committed on or after 484  
March 22, 2019, both the longest minimum prison term that the 485  
defendant or person could have received for the offense if 486  
convicted plus the corresponding maximum prison term that would 487  
be required for the offense. 488

Any community control imposed as part of the adult 489  
sentence or as a condition of a judicial release from prison 490  
shall be under the supervision of the entity that provides adult 491  
probation services in the county. Any post-release control 492  
imposed after the offender otherwise is released from prison 493  
shall be supervised by the adult parole authority. 494

(G) As used in division (F) of this section, "minimum 495

prison term" and "maximum prison term" have the same meanings as 496  
in section 2929.01 of the Revised Code. 497

**Sec. 2901.011.** The amendments to sections 109.42, 121.22, 498  
149.43, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 499  
2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 500  
2921.36, 2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 501  
2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 502  
2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 503  
2967.03, 2967.13, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 504  
2971.03, 3719.99, 5120.021, 5120.53, 5120.66, and 5120.80 and 505  
the enactment of sections 2901.011, 2929.144, 2967.271, and 506  
5120.038 of the Revised Code by S.B. 201 of the 132nd general 507  
assembly and amendments to those sections made by the act in 508  
which this amendment was made constitute the Reagan Tokes Law. 509

The amendments to sections 2901.01, 2929.011, 2929.14, 510  
2929.144, 2929.19, 2930.16, 2945.37, 2945.401, 2949.08, 511  
2967.191, 2967.193, and 2967.271 of the Revised Code by the act 512  
in which this amendment was made are intended to be remedial in 513  
nature and apply to any individual sentenced for an offense 514  
committed on or after March 22, 2019. 515

**Sec. 2929.01.** As used in this chapter: 516

(A) (1) "Alternative residential facility" means, subject 517  
to division (A) (2) of this section, any facility other than an 518  
offender's home or residence in which an offender is assigned to 519  
live and that satisfies all of the following criteria: 520

(a) It provides programs through which the offender may 521  
seek or maintain employment or may receive education, training, 522  
treatment, or habilitation. 523

(b) It has received the appropriate license or certificate 524

for any specialized education, training, treatment, 525  
habilitation, or other service that it provides from the 526  
government agency that is responsible for licensing or 527  
certifying that type of education, training, treatment, 528  
habilitation, or service. 529

(2) "Alternative residential facility" does not include a 530  
community-based correctional facility, jail, halfway house, or 531  
prison. 532

(B) "Basic probation supervision" means a requirement that 533  
the offender maintain contact with a person appointed to 534  
supervise the offender in accordance with sanctions imposed by 535  
the court or imposed by the parole board pursuant to section 536  
2967.28 of the Revised Code. "Basic probation supervision" 537  
includes basic parole supervision and basic post-release control 538  
supervision. 539

(C) "Cocaine," "fentanyl-related compound," "hashish," 540  
"L.S.D.," and "unit dose" have the same meanings as in section 541  
2925.01 of the Revised Code. 542

(D) "Community-based correctional facility" means a 543  
community-based correctional facility and program or district 544  
community-based correctional facility and program developed 545  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 546

(E) "Community control sanction" means a sanction that is 547  
not a prison term and that is described in section 2929.15, 548  
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 549  
that is not a jail term and that is described in section 550  
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 551  
control sanction" includes probation if the sentence involved 552  
was imposed for a felony that was committed prior to July 1, 553

1996, or if the sentence involved was imposed for a misdemeanor 554  
that was committed prior to January 1, 2004. 555

(F) "Controlled substance," "marihuana," "schedule I," and 556  
"schedule II" have the same meanings as in section 3719.01 of 557  
the Revised Code. 558

(G) "Curfew" means a requirement that an offender during a 559  
specified period of time be at a designated place. 560

(H) "Day reporting" means a sanction pursuant to which an 561  
offender is required each day to report to and leave a center or 562  
other approved reporting location at specified times in order to 563  
participate in work, education or training, treatment, and other 564  
approved programs at the center or outside the center. 565

(I) "Deadly weapon" has the same meaning as in section 566  
2923.11 of the Revised Code. 567

(J) "Drug and alcohol use monitoring" means a program 568  
under which an offender agrees to submit to random chemical 569  
analysis of the offender's blood, breath, or urine to determine 570  
whether the offender has ingested any alcohol or other drugs. 571

(K) "Drug treatment program" means any program under which 572  
a person undergoes assessment and treatment designed to reduce 573  
or completely eliminate the person's physical or emotional 574  
reliance upon alcohol, another drug, or alcohol and another drug 575  
and under which the person may be required to receive assessment 576  
and treatment on an outpatient basis or may be required to 577  
reside at a facility other than the person's home or residence 578  
while undergoing assessment and treatment. 579

(L) "Economic loss" means any economic detriment suffered 580  
by a victim as a direct and proximate result of the commission 581  
of an offense and includes any loss of income due to lost time 582

at work because of any injury caused to the victim, any property 583  
loss, medical cost, or funeral expense incurred as a result of 584  
the commission of the offense, and the cost of any accounting or 585  
auditing done to determine the extent of loss if the cost is 586  
incurred and payable by the victim. "Economic loss" does not 587  
include non-economic loss or any punitive or exemplary damages. 588

(M) "Education or training" includes study at, or in 589  
conjunction with a program offered by, a university, college, or 590  
technical college or vocational study and also includes the 591  
completion of primary school, secondary school, and literacy 592  
curricula or their equivalent. 593

(N) "Firearm" has the same meaning as in section 2923.11 594  
of the Revised Code. 595

(O) "Halfway house" means a facility licensed by the 596  
division of parole and community services of the department of 597  
rehabilitation and correction pursuant to section 2967.14 of the 598  
Revised Code as a suitable facility for the care and treatment 599  
of adult offenders. 600

(P) "House arrest" means a period of confinement of an 601  
offender that is in the offender's home or in other premises 602  
specified by the sentencing court or by the parole board 603  
pursuant to section 2967.28 of the Revised Code and during which 604  
all of the following apply: 605

(1) The offender is required to remain in the offender's 606  
home or other specified premises for the specified period of 607  
confinement, except for periods of time during which the 608  
offender is at the offender's place of employment or at other 609  
premises as authorized by the sentencing court or by the parole 610  
board. 611

(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, 641  
division (B) of section 4510.14 of the Revised Code, or division 642  
(G) of section 4511.19 of the Revised Code or pursuant to any 643  
other provision of the Revised Code that requires a term in a 644  
jail for a misdemeanor conviction. 645

(U) "Delinquent child" has the same meaning as in section 646  
2152.02 of the Revised Code. 647

(V) "License violation report" means a report that is made 648  
by a sentencing court, or by the parole board pursuant to 649  
section 2967.28 of the Revised Code, to the regulatory or 650  
licensing board or agency that issued an offender a professional 651  
license or a license or permit to do business in this state and 652  
that specifies that the offender has been convicted of or 653  
pleaded guilty to an offense that may violate the conditions 654  
under which the offender's professional license or license or 655  
permit to do business in this state was granted or an offense 656  
for which the offender's professional license or license or 657  
permit to do business in this state may be revoked or suspended. 658

(W) "Major drug offender" means an offender who is 659  
convicted of or pleads guilty to the possession of, sale of, or 660  
offer to sell any drug, compound, mixture, preparation, or 661  
substance that consists of or contains at least one thousand 662  
grams of hashish; at least one hundred grams of cocaine; at 663  
least one thousand unit doses or one hundred grams of heroin; at 664  
least five thousand unit doses of L.S.D. or five hundred grams 665  
of L.S.D. in a liquid concentrate, liquid extract, or liquid 666  
distillate form; at least fifty grams of a controlled substance 667  
analog; at least one thousand unit doses or one hundred grams of 668  
a fentanyl-related compound; or at least one hundred times the 669  
amount of any other schedule I or II controlled substance other 670

than marihuana that is necessary to commit a felony of the third 671  
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 672  
of the Revised Code that is based on the possession of, sale of, 673  
or offer to sell the controlled substance. 674

(X) "Mandatory prison term" means any of the following: 675

(1) Subject to division (X) (2) of this section, the term 676  
in prison that must be imposed for the offenses or circumstances 677  
set forth in divisions (F) (1) to (8) or (F) (12) to (21) of 678  
section 2929.13 and division (B) of section 2929.14 of the 679  
Revised Code. Except as provided in sections 2925.02, 2925.03, 680  
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 681  
maximum or another specific term is required under section 682  
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 683  
described in this division may be any prison term authorized for 684  
the level of offense except that if the offense is a felony of 685  
the first or second degree committed on or after March 22, 2019, 686  
a mandatory prison term described in this division may be one of 687  
the terms prescribed in division (A) (1) (a) or (2) (a) of section 688  
2929.14 of the Revised Code, whichever is applicable, that is 689  
authorized as the minimum prison term for the offense. 690

(2) The term of sixty or one hundred twenty days in prison 691  
that a sentencing court is required to impose for a third or 692  
fourth degree felony OVI offense pursuant to division (G) (2) of 693  
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 694  
of the Revised Code or the term of one, two, three, four, or 695  
five years in prison that a sentencing court is required to 696  
impose pursuant to division (G) (2) of section 2929.13 of the 697  
Revised Code. 698

(3) The term in prison imposed pursuant to division (A) of 699  
section 2971.03 of the Revised Code for the offenses and in the 700



circumstances described in division (F) (11) of section 2929.13 701  
of the Revised Code or pursuant to division (B) (1) (a), (b), or 702  
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 703  
section 2971.03 of the Revised Code and that term as modified or 704  
terminated pursuant to section 2971.05 of the Revised Code. 705

(Y) "Monitored time" means a period of time during which 706  
an offender continues to be under the control of the sentencing 707  
court or parole board, subject to no conditions other than 708  
leading a law-abiding life. 709

(Z) "Offender" means a person who, in this state, is 710  
convicted of or pleads guilty to a felony or a misdemeanor. 711

(AA) "Prison" means a residential facility used for the 712  
confinement of convicted felony offenders that is under the 713  
control of the department of rehabilitation and correction and 714  
includes a violation sanction center operated under authority of 715  
section 2967.141 of the Revised Code. 716

(BB) (1) "Prison term" includes either of the following 717  
sanctions for an offender: 718

(a) A stated prison term; 719

(b) A term in a prison shortened by, or with the approval 720  
of, the sentencing court pursuant to section 2929.143, 2929.20, 721  
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 722

(2) With respect to a non-life felony indefinite prison 723  
term, references in any provision of law to a reduction of, or 724  
deduction from, the prison term mean a reduction in, or 725  
deduction from, the minimum prison term imposed as part of the 726  
indefinite term. 727

(CC) "Repeat violent offender" means a person about whom 728

both of the following apply:	729
(1) The person is being sentenced for committing or for complicity in committing any of the following:	730 731
(a) Aggravated murder, murder, any felony of the first or second degree that is an offense of violence, or an attempt to commit any of these offenses if the attempt is a felony of the first or second degree;	732 733 734 735
(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense described in division (CC) (1) (a) of this section.	736 737 738 739
(2) The person previously was convicted of or pleaded guilty to an offense described in division (CC) (1) (a) or (b) of this section.	740 741 742
(DD) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 or 2929.24 to 2929.28 of the Revised Code.	743 744 745 746 747
(EE) "Sentence" means the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to an offense.	748 749 750
(FF) (1) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory prison terms imposed by the sentencing court pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised Code or under section 2919.25 of the Revised Code. "Stated prison term" includes any credit received by the offender for time spent in jail awaiting trial, sentencing, or transfer to prison for the	751 752 753 754 755 756 757

offense and any time spent under house arrest or house arrest 758  
with electronic monitoring imposed after earning credits 759  
pursuant to section 2967.193 of the Revised Code. If an offender 760  
is serving a prison term as a risk reduction sentence under 761  
sections 2929.143 and 5120.036 of the Revised Code, "stated 762  
prison term" includes any period of time by which the prison 763  
term imposed upon the offender is shortened by the offender's 764  
successful completion of all assessment and treatment or 765  
programming pursuant to those sections. 766

(2) As used in the definition of "stated prison term" set 767  
forth in division (FF)(1) of this section, a prison term is a 768  
definite prison term imposed under section 2929.14 of the 769  
Revised Code or any other provision of law, is ~~the a minimum and~~ 770  
prison term imposed under section 2929.14 of the Revised Code 771  
for a non-life felony indefinite prison term plus any maximum 772  
prison terms under a term imposed as part of the non-life felony 773  
indefinite prison term under section 2929.144 of the Revised 774  
Code, or is a term of life imprisonment except to the extent 775  
that the use of that definition in a section of the Revised Code 776  
clearly is not intended to include a term of life imprisonment. 777  
With respect to an offender sentenced to a non-life felony 778  
indefinite prison term, references in section 2967.191 or 779  
2967.193 of the Revised Code or any other provision of law to a 780  
reduction of, or deduction from, the offender's stated prison 781  
term or to release of the offender before the expiration of the 782  
offender's stated prison term mean a reduction in, or deduction 783  
from, the minimum prison term imposed as part of the indefinite 784  
term or a release of the offender before the expiration of that 785  
minimum prison term, references in section 2929.19 or 2967.28 of 786  
the Revised Code to a stated prison term with respect to a 787  
prison term imposed for a violation of a post-release control 788

sanction mean the minimum prison term so imposed, and references 789  
in any provision of law to an offender's service of the 790  
offender's stated prison term or the expiration of the 791  
offender's stated prison term mean service or expiration of the 792  
minimum prison term so imposed plus any additional period of 793  
incarceration under the sentence that is required under section 794  
2967.271 of the Revised Code. 795

(GG) "Victim-offender mediation" means a reconciliation or 796  
mediation program that involves an offender and the victim of 797  
the offense committed by the offender and that includes a 798  
meeting in which the offender and the victim may discuss the 799  
offense, discuss restitution, and consider other sanctions for 800  
the offense. 801

(HH) "Fourth degree felony OVI offense" means a violation 802  
of division (A) of section 4511.19 of the Revised Code that, 803  
under division (G) of that section, is a felony of the fourth 804  
degree. 805

(II) "Mandatory term of local incarceration" means the 806  
term of sixty or one hundred twenty days in a jail, a community- 807  
based correctional facility, a halfway house, or an alternative 808  
residential facility that a sentencing court may impose upon a 809  
person who is convicted of or pleads guilty to a fourth degree 810  
felony OVI offense pursuant to division (G)(1) of section 811  
2929.13 of the Revised Code and division (G)(1)(d) or (e) of 812  
section 4511.19 of the Revised Code. 813

(JJ) "Designated homicide, assault, or kidnapping 814  
offense," "violent sex offense," "sexual motivation 815  
specification," "sexually violent offense," "sexually violent 816  
predator," and "sexually violent predator specification" have 817  
the same meanings as in section 2971.01 of the Revised Code. 818

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

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

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

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

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

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

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

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

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

(TT) "Electronic monitoring" means monitoring through the

use of an electronic monitoring device. 847

(UU) "Electronic monitoring device" means any of the 848  
following: 849

(1) Any device that can be operated by electrical or 850  
battery power and that conforms with all of the following: 851

(a) The device has a transmitter that can be attached to a 852  
person, that will transmit a specified signal to a receiver of 853  
the type described in division (UU) (1) (b) of this section if the 854  
transmitter is removed from the person, turned off, or altered 855  
in any manner without prior court approval in relation to 856  
electronic monitoring or without prior approval of the 857  
department of rehabilitation and correction in relation to the 858  
use of an electronic monitoring device for an inmate on 859  
transitional control or otherwise is tampered with, that can 860  
transmit continuously and periodically a signal to that receiver 861  
when the person is within a specified distance from the 862  
receiver, and that can transmit an appropriate signal to that 863  
receiver if the person to whom it is attached travels a 864  
specified distance from that receiver. 865

(b) The device has a receiver that can receive 866  
continuously the signals transmitted by a transmitter of the 867  
type described in division (UU) (1) (a) of this section, can 868  
transmit continuously those signals by a wireless or landline 869  
telephone connection to a central monitoring computer of the 870  
type described in division (UU) (1) (c) of this section, and can 871  
transmit continuously an appropriate signal to that central 872  
monitoring computer if the device has been turned off or altered 873  
without prior court approval or otherwise tampered with. The 874  
device is designed specifically for use in electronic 875  
monitoring, is not a converted wireless phone or another 876

tracking device that is clearly not designed for electronic 877  
monitoring, and provides a means of text-based or voice 878  
communication with the person. 879

(c) The device has a central monitoring computer that can 880  
receive continuously the signals transmitted by a wireless or 881  
landline telephone connection by a receiver of the type 882  
described in division (UU) (1) (b) of this section and can monitor 883  
continuously the person to whom an electronic monitoring device 884  
of the type described in division (UU) (1) (a) of this section is 885  
attached. 886

(2) Any device that is not a device of the type described 887  
in division (UU) (1) of this section and that conforms with all 888  
of the following: 889

(a) The device includes a transmitter and receiver that 890  
can monitor and determine the location of a subject person at 891  
any time, or at a designated point in time, through the use of a 892  
central monitoring computer or through other electronic means. 893

(b) The device includes a transmitter and receiver that 894  
can determine at any time, or at a designated point in time, 895  
through the use of a central monitoring computer or other 896  
electronic means the fact that the transmitter is turned off or 897  
altered in any manner without prior approval of the court in 898  
relation to the electronic monitoring or without prior approval 899  
of the department of rehabilitation and correction in relation 900  
to the use of an electronic monitoring device for an inmate on 901  
transitional control or otherwise is tampered with. 902

(3) Any type of technology that can adequately track or 903  
determine the location of a subject person at any time and that 904  
is approved by the director of rehabilitation and correction, 905

including, but not limited to, any satellite technology, voice 906  
tracking system, or retinal scanning system that is so approved. 907

(VV) "Non-economic loss" means nonpecuniary harm suffered 908  
by a victim of an offense as a result of or related to the 909  
commission of the offense, including, but not limited to, pain 910  
and suffering; loss of society, consortium, companionship, care, 911  
assistance, attention, protection, advice, guidance, counsel, 912  
instruction, training, or education; mental anguish; and any 913  
other intangible loss. 914

(WW) "Prosecutor" has the same meaning as in section 915  
2935.01 of the Revised Code. 916

(XX) "Continuous alcohol monitoring" means the ability to 917  
automatically test and periodically transmit alcohol consumption 918  
levels and tamper attempts at least every hour, regardless of 919  
the location of the person who is being monitored. 920

(YY) A person is "adjudicated a sexually violent predator" 921  
if the person is convicted of or pleads guilty to a violent sex 922  
offense and also is convicted of or pleads guilty to a sexually 923  
violent predator specification that was included in the 924  
indictment, count in the indictment, or information charging 925  
that violent sex offense or if the person is convicted of or 926  
pleads guilty to a designated homicide, assault, or kidnapping 927  
offense and also is convicted of or pleads guilty to both a 928  
sexual motivation specification and a sexually violent predator 929  
specification that were included in the indictment, count in the 930  
indictment, or information charging that designated homicide, 931  
assault, or kidnapping offense. 932

(ZZ) An offense is "committed in proximity to a school" if 933  
the offender commits the offense in a school safety zone or 934



within five hundred feet of any school building or the 935  
boundaries of any school premises, regardless of whether the 936  
offender knows the offense is being committed in a school safety 937  
zone or within five hundred feet of any school building or the 938  
boundaries of any school premises. 939

(AAA) "Human trafficking" means a scheme or plan to which 940  
all of the following apply: 941

(1) Its object is one or both of the following: 942

(a) To subject a victim or victims to involuntary 943  
servitude, as defined in section 2905.31 of the Revised Code or 944  
to compel a victim or victims to engage in sexual activity for 945  
hire, to engage in a performance that is obscene, sexually 946  
oriented, or nudity oriented, or to be a model or participant in 947  
the production of material that is obscene, sexually oriented, 948  
or nudity oriented; 949

(b) To facilitate, encourage, or recruit a victim who is a 950  
minor or is a person with a developmental disability, or victims 951  
who are minors or are persons with developmental disabilities, 952  
for any purpose listed in divisions (A) (2) (a) to (c) of section 953  
2905.32 of the Revised Code. 954

(2) It involves at least two felony offenses, whether or 955  
not there has been a prior conviction for any of the felony 956  
offenses, to which all of the following apply: 957

(a) Each of the felony offenses is a violation of section 958  
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 959  
division (A) (1) or (2) of section 2907.323, or division (B) (1), 960  
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 961  
is a violation of a law of any state other than this state that 962  
is substantially similar to any of the sections or divisions of 963

the Revised Code identified in this division. 964

(b) At least one of the felony offenses was committed in 965  
this state. 966

(c) The felony offenses are related to the same scheme or 967  
plan and are not isolated instances. 968

(BBB) "Material," "nudity," "obscene," "performance," and 969  
"sexual activity" have the same meanings as in section 2907.01 970  
of the Revised Code. 971

(CCC) "Material that is obscene, sexually oriented, or 972  
nudity oriented" means any material that is obscene, that shows 973  
a person participating or engaging in sexual activity, 974  
masturbation, or bestiality, or that shows a person in a state 975  
of nudity. 976

(DDD) "Performance that is obscene, sexually oriented, or 977  
nudity oriented" means any performance that is obscene, that 978  
shows a person participating or engaging in sexual activity, 979  
masturbation, or bestiality, or that shows a person in a state 980  
of nudity. 981

(EEE) "Accelerant" means a fuel or oxidizing agent, such 982  
as an ignitable liquid, used to initiate a fire or increase the 983  
rate of growth or spread of a fire. 984

(FFF) "Permanent disabling harm" means serious physical 985  
harm that results in permanent injury to the intellectual, 986  
physical, or sensory functions and that permanently and 987  
substantially impairs a person's ability to meet one or more of 988  
the ordinary demands of life, including the functions of caring 989  
for one's self, performing manual tasks, walking, seeing, 990  
hearing, speaking, breathing, learning, and working. 991

(GGG) "Non-life felony indefinite prison term" means a 992  
prison term imposed under division (A) (1) (a) or (2) (a) of 993  
section 2929.14 and section 2929.144 of the Revised Code for a 994  
felony of the first or second degree committed on or after March 995  
22, 2019 that consists of both a minimum prison term and a 996  
maximum prison term. 997

(HHH) "Minimum prison term" means the minimum term of 998  
years imposed under division (A) (1) (a) or (2) (a) of section 999  
2929.14 of the Revised Code as part of a non-life felony 1000  
indefinite prison term. 1001

(III) "Maximum prison term" means the potential additional 1002  
prison term imposed as part of a non-life felony indefinite 1003  
prison term as calculated under section 2929.144 of the Revised 1004  
Code that must be served by the offender at the conclusion of 1005  
the offender's minimum prison term or aggregate minimum prison 1006  
term, to the extent that the presumption of release under 1007  
division (C) of section 2967.271 of the Revised Code has been 1008  
rebutted. 1009

(JJJ) "Aggregate minimum prison term" means the sum of all 1010  
minimum prison terms and definite terms sentenced to be served 1011  
consecutively to one another or combined under division (C) (10) 1012  
of section 2929.14 of the Revised Code as part of a non-life 1013  
felony indefinite sentence. 1014

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 1015  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 1016  
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 1017  
in division (D) (6) of section 2919.25 of the Revised Code and 1018  
except in relation to an offense for which a sentence of death 1019  
or life imprisonment is to be imposed, if the court imposing a 1020  
sentence upon an offender for a felony elects or is required to 1021

impose a prison term on the offender pursuant to this chapter, 1022  
the court shall impose a prison term that shall be one of the 1023  
following: 1024

~~(1)(a) For (1)(a)(i) Except as provided in division (A)(1)~~ 1025  
~~(a)(ii) of this section, for a felony of the first degree~~ 1026  
~~committed on or after the effective date of this amendment March~~ 1027  
~~22, 2019, the prison term shall be an a non-life felony~~ 1028  
~~indefinite prison term with that consists of a stated minimum~~ 1029  
~~prison term selected by the court of three, four, five, six,~~ 1030  
~~seven, eight, nine, ten, or eleven years and followed by a~~ 1031  
~~single maximum prison term that is shall be determined pursuant~~ 1032  
~~to section 2929.144 of the Revised Code, except that if.~~ 1033

(ii) If the section that criminalizes the conduct 1034  
constituting the felony specifies a different minimum prison 1035  
term or penalty for the offense, the specific language of that 1036  
section shall control over division (A)(1)(a)(i) of this section 1037  
in determining the minimum prison term or otherwise sentencing 1038  
the offender but the minimum prison term or sentence imposed 1039  
under that specific language shall be considered for purposes of 1040  
the Revised Code as if it had been imposed under ~~this~~ division 1041  
(A)(1)(a)(i) of this section. 1042

(b) For a felony of the first degree committed prior to 1043  
~~the effective date of this amendment March 22, 2019,~~ the prison 1044  
term shall be a definite prison term of three, four, five, six, 1045  
seven, eight, nine, ten, or eleven years. 1046

~~(2)(a) For (2)(a)(i) Except as provided in division (A)(2)~~ 1047  
~~(a)(ii) of this section, for a felony of the second degree~~ 1048  
~~committed on or after the effective date of this amendment March~~ 1049  
~~22, 2019, the prison term shall be an a non-life felony~~ 1050  
indefinite prison term ~~with that consists of a stated minimum~~ 1051

prison term selected by the court of two, three, four, five, 1052  
six, seven, or eight years ~~and followed by a single~~ maximum 1053  
prison term that ~~is shall be~~ determined pursuant to section 1054  
2929.144 of the Revised Code, ~~except that if.~~ 1055

(ii) If the section that criminalizes the conduct 1056  
constituting the felony specifies a different minimum prison 1057  
term or penalty for the offense, the specific language of that 1058  
section shall control over division (A) (2) (a) (i) of this section 1059  
in determining the minimum prison term or otherwise sentencing 1060  
the offender but the minimum prison term or sentence imposed 1061  
under that specific language shall be considered for purposes of 1062  
the Revised Code as if it had been imposed under ~~this~~ division 1063  
(A) (2) (a) (i) of this section. 1064

(b) For a felony of the second degree committed prior to 1065  
~~the effective date of this amendment~~ March 22, 2019, the prison 1066  
term shall be a definite term of two, three, four, five, six, 1067  
seven, or eight years. 1068

(3) (a) For a felony of the third degree that is a 1069  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 1070  
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 1071  
Code or that is a violation of section 2911.02 or 2911.12 of the 1072  
Revised Code if the offender previously has been convicted of or 1073  
pleaded guilty in two or more separate proceedings to two or 1074  
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 1075  
of the Revised Code, the prison term shall be a definite term of 1076  
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 1077  
forty-eight, fifty-four, or sixty months. 1078

(b) For a felony of the third degree that is not an 1079  
offense for which division (A) (3) (a) of this section applies, 1080  
the prison term shall be a definite term of nine, twelve, 1081

eighteen, twenty-four, thirty, or thirty-six months. 1082

(4) For a felony of the fourth degree, the prison term 1083  
shall be a definite term of six, seven, eight, nine, ten, 1084  
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 1085  
or eighteen months. 1086

(5) For a felony of the fifth degree, the prison term 1087  
shall be a definite term of six, seven, eight, nine, ten, 1088  
eleven, or twelve months. 1089

(B) (1) (a) Except as provided in division (B) (1) (e) of this 1090  
section, if an offender who is convicted of or pleads guilty to 1091  
a felony also is convicted of or pleads guilty to a 1092  
specification of the type described in section 2941.141, 1093  
2941.144, or 2941.145 of the Revised Code, the court shall 1094  
impose on the offender one of the following prison terms: 1095

(i) A prison term of six years if the specification is of 1096  
the type described in division (A) of section 2941.144 of the 1097  
Revised Code that charges the offender with having a firearm 1098  
that is an automatic firearm or that was equipped with a firearm 1099  
muffler or suppressor on or about the offender's person or under 1100  
the offender's control while committing the offense; 1101

(ii) A prison term of three years if the specification is 1102  
of the type described in division (A) of section 2941.145 of the 1103  
Revised Code that charges the offender with having a firearm on 1104  
or about the offender's person or under the offender's control 1105  
while committing the offense and displaying the firearm, 1106  
brandishing the firearm, indicating that the offender possessed 1107  
the firearm, or using it to facilitate the offense; 1108

(iii) A prison term of one year if the specification is of 1109  
the type described in division (A) of section 2941.141 of the 1110

Revised Code that charges the offender with having a firearm on 1111  
or about the offender's person or under the offender's control 1112  
while committing the offense; 1113

(iv) A prison term of nine years if the specification is 1114  
of the type described in division (D) of section 2941.144 of the 1115  
Revised Code that charges the offender with having a firearm 1116  
that is an automatic firearm or that was equipped with a firearm 1117  
muffler or suppressor on or about the offender's person or under 1118  
the offender's control while committing the offense and 1119  
specifies that the offender previously has been convicted of or 1120  
pleaded guilty to a specification of the type described in 1121  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1122  
the Revised Code; 1123

(v) A prison term of fifty-four months if the 1124  
specification is of the type described in division (D) of 1125  
section 2941.145 of the Revised Code that charges the offender 1126  
with having a firearm on or about the offender's person or under 1127  
the offender's control while committing the offense and 1128  
displaying the firearm, brandishing the firearm, indicating that 1129  
the offender possessed the firearm, or using the firearm to 1130  
facilitate the offense and that the offender previously has been 1131  
convicted of or pleaded guilty to a specification of the type 1132  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1133  
2941.1412 of the Revised Code; 1134

(vi) A prison term of eighteen months if the specification 1135  
is of the type described in division (D) of section 2941.141 of 1136  
the Revised Code that charges the offender with having a firearm 1137  
on or about the offender's person or under the offender's 1138  
control while committing the offense and that the offender 1139  
previously has been convicted of or pleaded guilty to a 1140

specification of the type described in section 2941.141, 1141  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1142

(b) If a court imposes a prison term on an offender under 1143  
division (B)(1)(a) of this section, the prison term shall not be 1144  
reduced pursuant to section 2967.19, section 2929.20, section 1145  
2967.193, or any other provision of Chapter 2967. or Chapter 1146  
5120. of the Revised Code. Except as provided in division (B)(1) 1147  
(g) of this section, a court shall not impose more than one 1148  
prison term on an offender under division (B)(1)(a) of this 1149  
section for felonies committed as part of the same act or 1150  
transaction. 1151

(c)(i) Except as provided in division (B)(1)(e) of this 1152  
section, if an offender who is convicted of or pleads guilty to 1153  
a violation of section 2923.161 of the Revised Code or to a 1154  
felony that includes, as an essential element, purposely or 1155  
knowingly causing or attempting to cause the death of or 1156  
physical harm to another, also is convicted of or pleads guilty 1157  
to a specification of the type described in division (A) of 1158  
section 2941.146 of the Revised Code that charges the offender 1159  
with committing the offense by discharging a firearm from a 1160  
motor vehicle other than a manufactured home, the court, after 1161  
imposing a prison term on the offender for the violation of 1162  
section 2923.161 of the Revised Code or for the other felony 1163  
offense under division (A), (B)(2), or (B)(3) of this section, 1164  
shall impose an additional prison term of five years upon the 1165  
offender that shall not be reduced pursuant to section 2929.20, 1166  
section 2967.19, section 2967.193, or any other provision of 1167  
Chapter 2967. or Chapter 5120. of the Revised Code. 1168

(ii) Except as provided in division (B)(1)(e) of this 1169  
section, if an offender who is convicted of or pleads guilty to 1170



a violation of section 2923.161 of the Revised Code or to a 1171  
felony that includes, as an essential element, purposely or 1172  
knowingly causing or attempting to cause the death of or 1173  
physical harm to another, also is convicted of or pleads guilty 1174  
to a specification of the type described in division (C) of 1175  
section 2941.146 of the Revised Code that charges the offender 1176  
with committing the offense by discharging a firearm from a 1177  
motor vehicle other than a manufactured home and that the 1178  
offender previously has been convicted of or pleaded guilty to a 1179  
specification of the type described in section 2941.141, 1180  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1181  
the court, after imposing a prison term on the offender for the 1182  
violation of section 2923.161 of the Revised Code or for the 1183  
other felony offense under division (A), (B) (2), or (3) of this 1184  
section, shall impose an additional prison term of ninety months 1185  
upon the offender that shall not be reduced pursuant to section 1186  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1187  
2967. or Chapter 5120. of the Revised Code. 1188

(iii) A court shall not impose more than one additional 1189  
prison term on an offender under division (B) (1) (c) of this 1190  
section for felonies committed as part of the same act or 1191  
transaction. If a court imposes an additional prison term on an 1192  
offender under division (B) (1) (c) of this section relative to an 1193  
offense, the court also shall impose a prison term under 1194  
division (B) (1) (a) of this section relative to the same offense, 1195  
provided the criteria specified in that division for imposing an 1196  
additional prison term are satisfied relative to the offender 1197  
and the offense. 1198

(d) If an offender who is convicted of or pleads guilty to 1199  
an offense of violence that is a felony also is convicted of or 1200  
pleads guilty to a specification of the type described in 1201

section 2941.1411 of the Revised Code that charges the offender 1202  
with wearing or carrying body armor while committing the felony 1203  
offense of violence, the court shall impose on the offender an 1204  
additional prison term of two years. The prison term so imposed, 1205  
subject to divisions (C) to (I) of section 2967.19 of the 1206  
Revised Code, shall not be reduced pursuant to section 2929.20, 1207  
section 2967.19, section 2967.193, or any other provision of 1208  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1209  
shall not impose more than one prison term on an offender under 1210  
division (B)(1)(d) of this section for felonies committed as 1211  
part of the same act or transaction. If a court imposes an 1212  
additional prison term under division (B)(1)(a) or (c) of this 1213  
section, the court is not precluded from imposing an additional 1214  
prison term under division (B)(1)(d) of this section. 1215

(e) The court shall not impose any of the prison terms 1216  
described in division (B)(1)(a) of this section or any of the 1217  
additional prison terms described in division (B)(1)(c) of this 1218  
section upon an offender for a violation of section 2923.12 or 1219  
2923.123 of the Revised Code. The court shall not impose any of 1220  
the prison terms described in division (B)(1)(a) or (b) of this 1221  
section upon an offender for a violation of section 2923.122 1222  
that involves a deadly weapon that is a firearm other than a 1223  
dangerous ordnance, section 2923.16, or section 2923.121 of the 1224  
Revised Code. The court shall not impose any of the prison terms 1225  
described in division (B)(1)(a) of this section or any of the 1226  
additional prison terms described in division (B)(1)(c) of this 1227  
section upon an offender for a violation of section 2923.13 of 1228  
the Revised Code unless all of the following apply: 1229

(i) The offender previously has been convicted of 1230  
aggravated murder, murder, or any felony of the first or second 1231  
degree. 1232

(ii) Less than five years have passed since the offender 1233  
was released from prison or post-release control, whichever is 1234  
later, for the prior offense. 1235

(f)(i) If an offender is convicted of or pleads guilty to 1236  
a felony that includes, as an essential element, causing or 1237  
attempting to cause the death of or physical harm to another and 1238  
also is convicted of or pleads guilty to a specification of the 1239  
type described in division (A) of section 2941.1412 of the 1240  
Revised Code that charges the offender with committing the 1241  
offense by discharging a firearm at a peace officer as defined 1242  
in section 2935.01 of the Revised Code or a corrections officer, 1243  
as defined in section 2941.1412 of the Revised Code, the court, 1244  
after imposing a prison term on the offender for the felony 1245  
offense under division (A), (B)(2), or (B)(3) of this section, 1246  
shall impose an additional prison term of seven years upon the 1247  
offender that shall not be reduced pursuant to section 2929.20, 1248  
section 2967.19, section 2967.193, or any other provision of 1249  
Chapter 2967. or Chapter 5120. of the Revised Code. 1250

(ii) If an offender is convicted of or pleads guilty to a 1251  
felony that includes, as an essential element, causing or 1252  
attempting to cause the death of or physical harm to another and 1253  
also is convicted of or pleads guilty to a specification of the 1254  
type described in division (B) of section 2941.1412 of the 1255  
Revised Code that charges the offender with committing the 1256  
offense by discharging a firearm at a peace officer, as defined 1257  
in section 2935.01 of the Revised Code, or a corrections 1258  
officer, as defined in section 2941.1412 of the Revised Code, 1259  
and that the offender previously has been convicted of or 1260  
pleaded guilty to a specification of the type described in 1261  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1262  
the Revised Code, the court, after imposing a prison term on the 1263

offender for the felony offense under division (A), (B) (2), or 1264  
(3) of this section, shall impose an additional prison term of 1265  
one hundred twenty-six months upon the offender that shall not 1266  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1267  
any other provision of Chapter 2967. or 5120. of the Revised 1268  
Code. 1269

(iii) If an offender is convicted of or pleads guilty to 1270  
two or more felonies that include, as an essential element, 1271  
causing or attempting to cause the death or physical harm to 1272  
another and also is convicted of or pleads guilty to a 1273  
specification of the type described under division (B) (1) (f) of 1274  
this section in connection with two or more of the felonies of 1275  
which the offender is convicted or to which the offender pleads 1276  
guilty, the sentencing court shall impose on the offender the 1277  
prison term specified under division (B) (1) (f) of this section 1278  
for each of two of the specifications of which the offender is 1279  
convicted or to which the offender pleads guilty and, in its 1280  
discretion, also may impose on the offender the prison term 1281  
specified under that division for any or all of the remaining 1282  
specifications. If a court imposes an additional prison term on 1283  
an offender under division (B) (1) (f) of this section relative to 1284  
an offense, the court shall not impose a prison term under 1285  
division (B) (1) (a) or (c) of this section relative to the same 1286  
offense. 1287

(g) If an offender is convicted of or pleads guilty to two 1288  
or more felonies, if one or more of those felonies are 1289  
aggravated murder, murder, attempted aggravated murder, 1290  
attempted murder, aggravated robbery, felonious assault, or 1291  
rape, and if the offender is convicted of or pleads guilty to a 1292  
specification of the type described under division (B) (1) (a) of 1293  
this section in connection with two or more of the felonies, the 1294

sentencing court shall impose on the offender the prison term 1295  
specified under division (B) (1) (a) of this section for each of 1296  
the two most serious specifications of which the offender is 1297  
convicted or to which the offender pleads guilty and, in its 1298  
discretion, also may impose on the offender the prison term 1299  
specified under that division for any or all of the remaining 1300  
specifications. 1301

(2) (a) If division (B) (2) (b) of this section does not 1302  
apply, the court may impose on an offender, in addition to the 1303  
longest prison term authorized or required for the offense or, 1304  
for offenses for which division (A) (1) (a) or (2) (a) of this 1305  
section applies, in addition to the longest minimum prison term 1306  
authorized or required for the offense, an additional definite 1307  
prison term of one, two, three, four, five, six, seven, eight, 1308  
nine, or ten years if all of the following criteria are met: 1309

(i) The offender is convicted of or pleads guilty to a 1310  
specification of the type described in section 2941.149 of the 1311  
Revised Code that the offender is a repeat violent offender. 1312

(ii) The offense of which the offender currently is 1313  
convicted or to which the offender currently pleads guilty is 1314  
aggravated murder and the court does not impose a sentence of 1315  
death or life imprisonment without parole, murder, terrorism and 1316  
the court does not impose a sentence of life imprisonment 1317  
without parole, any felony of the first degree that is an 1318  
offense of violence and the court does not impose a sentence of 1319  
life imprisonment without parole, or any felony of the second 1320  
degree that is an offense of violence and the trier of fact 1321  
finds that the offense involved an attempt to cause or a threat 1322  
to cause serious physical harm to a person or resulted in 1323  
serious physical harm to a person. 1324

(iii) The court imposes the longest prison term for the offense or the longest minimum prison term for the offense, whichever is applicable, that is not life imprisonment without parole.

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

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

(b) The court shall impose on an offender the longest prison term authorized or required for the offense or, for offenses for which division (A) (1) (a) or (2) (a) of this section applies, the longest minimum prison term authorized or required for the offense, and shall impose on the offender an additional definite prison term of one, two, three, four, five, six, seven, eight, nine, or ten years if all of the following criteria are met:

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

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

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

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

(d) A sentence imposed under division (B) (2) (a) or (b) of this section shall not be reduced pursuant to section 2929.20,

section 2967.19, or section 2967.193, or any other provision of 1385  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1386  
shall serve an additional prison term imposed under division (B) 1387  
(2) (a) or (b) of this section consecutively to and prior to the 1388  
prison term imposed for the underlying offense. 1389

(e) When imposing a sentence pursuant to division (B) (2) 1390  
(a) or (b) of this section, the court shall state its findings 1391  
explaining the imposed sentence. 1392

(3) Except when an offender commits a violation of section 1393  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1394  
for the violation is life imprisonment or commits a violation of 1395  
section 2903.02 of the Revised Code, if the offender commits a 1396  
violation of section 2925.03 or 2925.11 of the Revised Code and 1397  
that section classifies the offender as a major drug offender, 1398  
if the offender commits a violation of section 2925.05 of the 1399  
Revised Code and division (E) (1) of that section classifies the 1400  
offender as a major drug offender, if the offender commits a 1401  
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1402  
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1403  
division (C) or (D) of section 3719.172, division (E) of section 1404  
4729.51, or division (J) of section 4729.54 of the Revised Code 1405  
that includes the sale, offer to sell, or possession of a 1406  
schedule I or II controlled substance, with the exception of 1407  
marihuana, and the court imposing sentence upon the offender 1408  
finds that the offender is guilty of a specification of the type 1409  
described in division (A) of section 2941.1410 of the Revised 1410  
Code charging that the offender is a major drug offender, if the 1411  
court imposing sentence upon an offender for a felony finds that 1412  
the offender is guilty of corrupt activity with the most serious 1413  
offense in the pattern of corrupt activity being a felony of the 1414  
first degree, or if the offender is guilty of an attempted 1415



violation of section 2907.02 of the Revised Code and, had the 1416  
offender completed the violation of section 2907.02 of the 1417  
Revised Code that was attempted, the offender would have been 1418  
subject to a sentence of life imprisonment or life imprisonment 1419  
without parole for the violation of section 2907.02 of the 1420  
Revised Code, the court shall impose upon the offender for the 1421  
felony violation a mandatory prison term determined as described 1422  
in this division that, subject to divisions (C) to (I) of 1423  
section 2967.19 of the Revised Code, cannot be reduced pursuant 1424  
to section 2929.20, section 2967.19, or any other provision of 1425  
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 1426  
term shall be the maximum definite prison term prescribed in 1427  
division (A) (1) (b) of this section for a felony of the first 1428  
degree, except that for offenses for which division (A) (1) (a) of 1429  
this section applies, the mandatory prison term shall be the 1430  
longest minimum prison term prescribed in that division for the 1431  
offense. 1432

(4) If the offender is being sentenced for a third or 1433  
fourth degree felony OVI offense under division (G) (2) of 1434  
section 2929.13 of the Revised Code, the sentencing court shall 1435  
impose upon the offender a mandatory prison term in accordance 1436  
with that division. In addition to the mandatory prison term, if 1437  
the offender is being sentenced for a fourth degree felony OVI 1438  
offense, the court, notwithstanding division (A) (4) of this 1439  
section, may sentence the offender to a definite prison term of 1440  
not less than six months and not more than thirty months, and if 1441  
the offender is being sentenced for a third degree felony OVI 1442  
offense, the sentencing court may sentence the offender to an 1443  
additional prison term of any duration specified in division (A) 1444  
(3) of this section. In either case, the additional prison term 1445  
imposed shall be reduced by the sixty or one hundred twenty days 1446

imposed upon the offender as the mandatory prison term. The 1447  
total of the additional prison term imposed under division (B) 1448  
(4) of this section plus the sixty or one hundred twenty days 1449  
imposed as the mandatory prison term shall equal a definite term 1450  
in the range of six months to thirty months for a fourth degree 1451  
felony OVI offense and shall equal one of the authorized prison 1452  
terms specified in division (A) (3) of this section for a third 1453  
degree felony OVI offense. If the court imposes an additional 1454  
prison term under division (B) (4) of this section, the offender 1455  
shall serve the additional prison term after the offender has 1456  
served the mandatory prison term required for the offense. In 1457  
addition to the mandatory prison term or mandatory and 1458  
additional prison term imposed as described in division (B) (4) 1459  
of this section, the court also may sentence the offender to a 1460  
community control sanction under section 2929.16 or 2929.17 of 1461  
the Revised Code, but the offender shall serve all of the prison 1462  
terms so imposed prior to serving the community control 1463  
sanction. 1464

If the offender is being sentenced for a fourth degree 1465  
felony OVI offense under division (G) (1) of section 2929.13 of 1466  
the Revised Code and the court imposes a mandatory term of local 1467  
incarceration, the court may impose a prison term as described 1468  
in division (A) (1) of that section. 1469

(5) If an offender is convicted of or pleads guilty to a 1470  
violation of division (A) (1) or (2) of section 2903.06 of the 1471  
Revised Code and also is convicted of or pleads guilty to a 1472  
specification of the type described in section 2941.1414 of the 1473  
Revised Code that charges that the victim of the offense is a 1474  
peace officer, as defined in section 2935.01 of the Revised 1475  
Code, or an investigator of the bureau of criminal 1476  
identification and investigation, as defined in section 2903.11 1477

of the Revised Code, the court shall impose on the offender a 1478  
prison term of five years. If a court imposes a prison term on 1479  
an offender under division (B) (5) of this section, the prison 1480  
term, subject to divisions (C) to (I) of section 2967.19 of the 1481  
Revised Code, shall not be reduced pursuant to section 2929.20, 1482  
section 2967.19, section 2967.193, or any other provision of 1483  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1484  
shall not impose more than one prison term on an offender under 1485  
division (B) (5) of this section for felonies committed as part 1486  
of the same act. 1487

(6) If an offender is convicted of or pleads guilty to a 1488  
violation of division (A) (1) or (2) of section 2903.06 of the 1489  
Revised Code and also is convicted of or pleads guilty to a 1490  
specification of the type described in section 2941.1415 of the 1491  
Revised Code that charges that the offender previously has been 1492  
convicted of or pleaded guilty to three or more violations of 1493  
division (A) or (B) of section 4511.19 of the Revised Code or an 1494  
equivalent offense, as defined in section 2941.1415 of the 1495  
Revised Code, or three or more violations of any combination of 1496  
those divisions and offenses, the court shall impose on the 1497  
offender a prison term of three years. If a court imposes a 1498  
prison term on an offender under division (B) (6) of this 1499  
section, the prison term, subject to divisions (C) to (I) of 1500  
section 2967.19 of the Revised Code, shall not be reduced 1501  
pursuant to section 2929.20, section 2967.19, section 2967.193, 1502  
or any other provision of Chapter 2967. or Chapter 5120. of the 1503  
Revised Code. A court shall not impose more than one prison term 1504  
on an offender under division (B) (6) of this section for 1505  
felonies committed as part of the same act. 1506

(7) (a) If an offender is convicted of or pleads guilty to 1507  
a felony violation of section 2905.01, 2905.02, 2907.21, 1508

2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1509  
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1510  
section 2919.22 of the Revised Code and also is convicted of or 1511  
pleads guilty to a specification of the type described in 1512  
section 2941.1422 of the Revised Code that charges that the 1513  
offender knowingly committed the offense in furtherance of human 1514  
trafficking, the court shall impose on the offender a mandatory 1515  
prison term that is one of the following: 1516

(i) If the offense is a felony of the first degree, a 1517  
definite prison term of not less than five years and not greater 1518  
than eleven years, except that if the offense is a felony of the 1519  
first degree committed on or after ~~the effective date of this~~ 1520  
~~amendment~~ March 22, 2019, the court shall impose as the minimum 1521  
prison term a mandatory term of not less than five years and not 1522  
greater than eleven years; 1523

(ii) If the offense is a felony of the second or third 1524  
degree, a definite prison term of not less than three years and 1525  
not greater than the maximum prison term allowed for the offense 1526  
by division (A) (2) (b) or (3) of this section, except that if the 1527  
offense is a felony of the second degree committed on or after 1528  
~~the effective date of this amendment~~ March 22, 2019, the court 1529  
shall impose as the minimum prison term a mandatory term of not 1530  
less than three years and not greater than eight years; 1531

(iii) If the offense is a felony of the fourth or fifth 1532  
degree, a definite prison term that is the maximum prison term 1533  
allowed for the offense by division (A) of section 2929.14 of 1534  
the Revised Code. 1535

(b) Subject to divisions (C) to (I) of section 2967.19 of 1536  
the Revised Code, the prison term imposed under division (B) (7) 1537  
(a) of this section shall not be reduced pursuant to section 1538

2929.20, section 2967.19, section 2967.193, or any other 1539  
provision of Chapter 2967. of the Revised Code. A court shall 1540  
not impose more than one prison term on an offender under 1541  
division (B) (7) (a) of this section for felonies committed as 1542  
part of the same act, scheme, or plan. 1543

(8) If an offender is convicted of or pleads guilty to a 1544  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1545  
Revised Code and also is convicted of or pleads guilty to a 1546  
specification of the type described in section 2941.1423 of the 1547  
Revised Code that charges that the victim of the violation was a 1548  
woman whom the offender knew was pregnant at the time of the 1549  
violation, notwithstanding the range prescribed in division (A) 1550  
of this section as the definite prison term or minimum prison 1551  
term for felonies of the same degree as the violation, the court 1552  
shall impose on the offender a mandatory prison term that is 1553  
either a definite prison term of six months or one of the prison 1554  
terms prescribed in division (A) of this section for felonies of 1555  
the same degree as the violation, except that if the violation 1556  
is a felony of the first or second degree committed on or after 1557  
~~the effective date of this amendment~~ March 22, 2019, the court 1558  
shall impose as the minimum prison term under division (A) (1) (a) 1559  
or (2) (a) of this section a mandatory term that is one of the 1560  
terms prescribed in that division, whichever is applicable, for 1561  
the offense. 1562

(9) (a) If an offender is convicted of or pleads guilty to 1563  
a violation of division (A) (1) or (2) of section 2903.11 of the 1564  
Revised Code and also is convicted of or pleads guilty to a 1565  
specification of the type described in section 2941.1425 of the 1566  
Revised Code, the court shall impose on the offender a mandatory 1567  
prison term of six years if either of the following applies: 1568

(i) The violation is a violation of division (A) (1) of 1569  
section 2903.11 of the Revised Code and the specification 1570  
charges that the offender used an accelerant in committing the 1571  
violation and the serious physical harm to another or to 1572  
another's unborn caused by the violation resulted in a 1573  
permanent, serious disfigurement or permanent, substantial 1574  
incapacity; 1575

(ii) The violation is a violation of division (A) (2) of 1576  
section 2903.11 of the Revised Code and the specification 1577  
charges that the offender used an accelerant in committing the 1578  
violation, that the violation caused physical harm to another or 1579  
to another's unborn, and that the physical harm resulted in a 1580  
permanent, serious disfigurement or permanent, substantial 1581  
incapacity. 1582

(b) If a court imposes a prison term on an offender under 1583  
division (B) (9) (a) of this section, the prison term shall not be 1584  
reduced pursuant to section 2929.20, section 2967.19, section 1585  
2967.193, or any other provision of Chapter 2967. or Chapter 1586  
5120. of the Revised Code. A court shall not impose more than 1587  
one prison term on an offender under division (B) (9) of this 1588  
section for felonies committed as part of the same act. 1589

(c) The provisions of divisions (B) (9) and (C) (6) of this 1590  
section and of division (D) (2) of section 2903.11, division (F) 1591  
(20) of section 2929.13, and section 2941.1425 of the Revised 1592  
Code shall be known as "Judy's Law." 1593

(10) If an offender is convicted of or pleads guilty to a 1594  
violation of division (A) of section 2903.11 of the Revised Code 1595  
and also is convicted of or pleads guilty to a specification of 1596  
the type described in section 2941.1426 of the Revised Code that 1597  
charges that the victim of the offense suffered permanent 1598

disabling harm as a result of the offense and that the victim 1599  
was under ten years of age at the time of the offense, 1600  
regardless of whether the offender knew the age of the victim, 1601  
the court shall impose upon the offender an additional definite 1602  
prison term of six years. A prison term imposed on an offender 1603  
under division (B) (10) of this section shall not be reduced 1604  
pursuant to section 2929.20, section 2967.193, or any other 1605  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1606  
If a court imposes an additional prison term on an offender 1607  
under this division relative to a violation of division (A) of 1608  
section 2903.11 of the Revised Code, the court shall not impose 1609  
any other additional prison term on the offender relative to the 1610  
same offense. 1611

(11) If an offender is convicted of or pleads guilty to a 1612  
felony violation of section 2925.03 or 2925.05 of the Revised 1613  
Code or a felony violation of section 2925.11 of the Revised 1614  
Code for which division (C) (11) of that section applies in 1615  
determining the sentence for the violation, if the drug involved 1616  
in the violation is a fentanyl-related compound or a compound, 1617  
mixture, preparation, or substance containing a fentanyl-related 1618  
compound, and if the offender also is convicted of or pleads 1619  
guilty to a specification of the type described in division (B) 1620  
of section 2941.1410 of the Revised Code that charges that the 1621  
offender is a major drug offender, in addition to any other 1622  
penalty imposed for the violation, the court shall impose on the 1623  
offender a mandatory prison term of three, four, five, six, 1624  
seven, or eight years. If a court imposes a prison term on an 1625  
offender under division (B) (11) of this section, the prison 1626  
term, subject to divisions (C) to (I) of section 2967.19 of the 1627  
Revised Code, shall not be reduced pursuant to section 2929.20, 1628  
2967.19, or 2967.193, or any other provision of Chapter 2967. or 1629

5120. of the Revised Code. A court shall not impose more than 1630  
one prison term on an offender under division (B) (1) of this 1631  
section for felonies committed as part of the same act. 1632

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1633  
if a mandatory prison term is imposed upon an offender pursuant 1634  
to division (B) (1) (a) of this section for having a firearm on or 1635  
about the offender's person or under the offender's control 1636  
while committing a felony, if a mandatory prison term is imposed 1637  
upon an offender pursuant to division (B) (1) (c) of this section 1638  
for committing a felony specified in that division by 1639  
discharging a firearm from a motor vehicle, or if both types of 1640  
mandatory prison terms are imposed, the offender shall serve any 1641  
mandatory prison term imposed under either division 1642  
consecutively to any other mandatory prison term imposed under 1643  
either division or under division (B) (1) (d) of this section, 1644  
consecutively to and prior to any prison term imposed for the 1645  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1646  
this section or any other section of the Revised Code, and 1647  
consecutively to any other prison term or mandatory prison term 1648  
previously or subsequently imposed upon the offender. 1649

(b) If a mandatory prison term is imposed upon an offender 1650  
pursuant to division (B) (1) (d) of this section for wearing or 1651  
carrying body armor while committing an offense of violence that 1652  
is a felony, the offender shall serve the mandatory term so 1653  
imposed consecutively to any other mandatory prison term imposed 1654  
under that division or under division (B) (1) (a) or (c) of this 1655  
section, consecutively to and prior to any prison term imposed 1656  
for the underlying felony under division (A), (B) (2), or (B) (3) 1657  
of this section or any other section of the Revised Code, and 1658  
consecutively to any other prison term or mandatory prison term 1659  
previously or subsequently imposed upon the offender. 1660



(c) If a mandatory prison term is imposed upon an offender 1661  
pursuant to division (B) (1) (f) of this section, the offender 1662  
shall serve the mandatory prison term so imposed consecutively 1663  
to and prior to any prison term imposed for the underlying 1664  
felony under division (A), (B) (2), or (B) (3) of this section or 1665  
any other section of the Revised Code, and consecutively to any 1666  
other prison term or mandatory prison term previously or 1667  
subsequently imposed upon the offender. 1668

(d) If a mandatory prison term is imposed upon an offender 1669  
pursuant to division (B) (7) or (8) of this section, the offender 1670  
shall serve the mandatory prison term so imposed consecutively 1671  
to any other mandatory prison term imposed under that division 1672  
or under any other provision of law and consecutively to any 1673  
other prison term or mandatory prison term previously or 1674  
subsequently imposed upon the offender. 1675

(e) If a mandatory prison term is imposed upon an offender 1676  
pursuant to division (B) (11) of this section, the offender shall 1677  
serve the mandatory prison term consecutively to any other 1678  
mandatory prison term imposed under that division, consecutively 1679  
to and prior to any prison term imposed for the underlying 1680  
felony, and consecutively to any other prison term or mandatory 1681  
prison term previously or subsequently imposed upon the 1682  
offender. 1683

(2) If an offender who is an inmate in a jail, prison, or 1684  
other residential detention facility violates section 2917.02, 1685  
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1686  
(2) of section 2921.34 of the Revised Code, if an offender who 1687  
is under detention at a detention facility commits a felony 1688  
violation of section 2923.131 of the Revised Code, or if an 1689  
offender who is an inmate in a jail, prison, or other 1690

residential detention facility or is under detention at a 1691  
detention facility commits another felony while the offender is 1692  
an escapee in violation of division (A) (1) or (2) of section 1693  
2921.34 of the Revised Code, any prison term imposed upon the 1694  
offender for one of those violations shall be served by the 1695  
offender consecutively to the prison term or term of 1696  
imprisonment the offender was serving when the offender 1697  
committed that offense and to any other prison term previously 1698  
or subsequently imposed upon the offender. 1699

(3) If a prison term is imposed for a violation of 1700  
division (B) of section 2911.01 of the Revised Code, a violation 1701  
of division (A) of section 2913.02 of the Revised Code in which 1702  
the stolen property is a firearm or dangerous ordnance, or a 1703  
felony violation of division (B) of section 2921.331 of the 1704  
Revised Code, the offender shall serve that prison term 1705  
consecutively to any other prison term or mandatory prison term 1706  
previously or subsequently imposed upon the offender. 1707

(4) If multiple prison terms are imposed on an offender 1708  
for convictions of multiple offenses, the court may require the 1709  
offender to serve the prison terms consecutively if the court 1710  
finds that the consecutive service is necessary to protect the 1711  
public from future crime or to punish the offender and that 1712  
consecutive sentences are not disproportionate to the 1713  
seriousness of the offender's conduct and to the danger the 1714  
offender poses to the public, and if the court also finds any of 1715  
the following: 1716

(a) The offender committed one or more of the multiple 1717  
offenses while the offender was awaiting trial or sentencing, 1718  
was under a sanction imposed pursuant to section 2929.16, 1719  
2929.17, or 2929.18 of the Revised Code, or was under post- 1720

release control for a prior offense. 1721

(b) At least two of the multiple offenses were committed 1722  
as part of one or more courses of conduct, and the harm caused 1723  
by two or more of the multiple offenses so committed was so 1724  
great or unusual that no single prison term for any of the 1725  
offenses committed as part of any of the courses of conduct 1726  
adequately reflects the seriousness of the offender's conduct. 1727

(c) The offender's history of criminal conduct 1728  
demonstrates that consecutive sentences are necessary to protect 1729  
the public from future crime by the offender. 1730

(5) If a mandatory prison term is imposed upon an offender 1731  
pursuant to division (B) (5) or (6) of this section, the offender 1732  
shall serve the mandatory prison term consecutively to and prior 1733  
to any prison term imposed for the underlying violation of 1734  
division (A) (1) or (2) of section 2903.06 of the Revised Code 1735  
pursuant to division (A) of this section or section 2929.142 of 1736  
the Revised Code. If a mandatory prison term is imposed upon an 1737  
offender pursuant to division (B) (5) of this section, and if a 1738  
mandatory prison term also is imposed upon the offender pursuant 1739  
to division (B) (6) of this section in relation to the same 1740  
violation, the offender shall serve the mandatory prison term 1741  
imposed pursuant to division (B) (5) of this section 1742  
consecutively to and prior to the mandatory prison term imposed 1743  
pursuant to division (B) (6) of this section and consecutively to 1744  
and prior to any prison term imposed for the underlying 1745  
violation of division (A) (1) or (2) of section 2903.06 of the 1746  
Revised Code pursuant to division (A) of this section or section 1747  
2929.142 of the Revised Code. 1748

(6) If a mandatory prison term is imposed on an offender 1749  
pursuant to division (B) (9) of this section, the offender shall 1750

serve the mandatory prison term consecutively to and prior to 1751  
any prison term imposed for the underlying violation of division 1752  
(A) (1) or (2) of section 2903.11 of the Revised Code and 1753  
consecutively to and prior to any other prison term or mandatory 1754  
prison term previously or subsequently imposed on the offender. 1755

(7) If a mandatory prison term is imposed on an offender 1756  
pursuant to division (B) (10) of this section, the offender shall 1757  
serve that mandatory prison term consecutively to and prior to 1758  
any prison term imposed for the underlying felonious assault. 1759  
Except as otherwise provided in division (C) of this section, 1760  
any other prison term or mandatory prison term previously or 1761  
subsequently imposed upon the offender may be served 1762  
concurrently with, or consecutively to, the prison term imposed 1763  
pursuant to division (B) (10) of this section. 1764

(8) Any prison term imposed for a violation of section 1765  
2903.04 of the Revised Code that is based on a violation of 1766  
section 2925.03 or 2925.11 of the Revised Code or on a violation 1767  
of section 2925.05 of the Revised Code that is not funding of 1768  
marihuana trafficking shall run consecutively to any prison term 1769  
imposed for the violation of section 2925.03 or 2925.11 of the 1770  
Revised Code or for the violation of section 2925.05 of the 1771  
Revised Code that is not funding of marihuana trafficking. 1772

(9) When consecutive prison terms are imposed pursuant to 1773  
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 1774  
division (H) (1) or (2) of this section, subject to division (C) 1775  
(10) of this section, the term to be served is the aggregate of 1776  
all of the terms so imposed. 1777

~~(10)~~ (10) (a) When a court sentences an offender to a non- 1778  
life felony indefinite prison term, to be served consecutively 1779  
with any definite prison term or mandatory definite prison term 1780

previously ~~or~~, subsequently, or contemporaneously imposed on the 1781  
offender ~~in addition to that indefinite sentence that is~~ 1782  
~~required to be served consecutively to that indefinite sentence,~~ 1783  
the definite prison term or mandatory definite prison term shall 1784  
be served prior to the non-life felony indefinite ~~sentence~~ prison 1785  
term. 1786

(b) When a court sentences an offender to a non-life 1787  
felony indefinite prison term for an offense committed on or 1788  
after March 22, 2019, to be served consecutively with any other 1789  
non-life felony indefinite prison term previously, subsequently, 1790  
or contemporaneously imposed on the offender in another case for 1791  
an offense committed on or after March 22, 2019, the minimum 1792  
prison term portions of each non-life felony indefinite prison 1793  
term shall be aggregated and treated as one aggregate minimum 1794  
prison term and the maximum prison term portions of each non- 1795  
life felony indefinite prison term shall be aggregated and 1796  
treated as one aggregate maximum prison term to be served in 1797  
accordance with section 2967.271 of the Revised Code. 1798

(c) When a court sentences an offender to a non-life 1799  
felony indefinite prison term for an offense committed on or 1800  
after March 22, 2019, to be served consecutively to any 1801  
indefinite prison term for an offense committed before July 1, 1802  
1996, the non-life felony indefinite prison term for the offense 1803  
committed on or after March 22, 2019, shall be served prior to 1804  
the indefinite prison term for the offense committed prior to 1805  
July 1, 1996. 1806

(11) If a court is sentencing an offender for a felony of 1807  
the first or second degree, if division (A) (1) (a) or (2) (a) of 1808  
this section applies with respect to the sentencing for the 1809  
offense, and if the court is required under the Revised Code 1810

section that sets forth the offense or any other Revised Code 1811  
provision to impose a mandatory prison term for the offense, the 1812  
court shall impose the required mandatory prison term as the 1813  
minimum prison term imposed under division (A)(1)(a) or (2)(a) 1814  
of this section, whichever is applicable. 1815

(D)(1) If a court imposes a prison term, other than a term 1816  
of life imprisonment, for a felony of the first degree, for a 1817  
felony of the second degree, for a felony sex offense, or for a 1818  
felony of the third degree that is an offense of violence and 1819  
that is not a felony sex offense, it shall include in the 1820  
sentence a requirement that the offender be subject to a period 1821  
of post-release control after the offender's release from 1822  
imprisonment, in accordance with section 2967.28 of the Revised 1823  
Code. If a court imposes a sentence including a prison term of a 1824  
type described in this division on or after July 11, 2006, the 1825  
failure of a court to include a post-release control requirement 1826  
in the sentence pursuant to this division does not negate, 1827  
limit, or otherwise affect the mandatory period of post-release 1828  
control that is required for the offender under division (B) of 1829  
section 2967.28 of the Revised Code. Section 2929.191 of the 1830  
Revised Code applies if, prior to July 11, 2006, a court imposed 1831  
a sentence including a prison term of a type described in this 1832  
division and failed to include in the sentence pursuant to this 1833  
division a statement regarding post-release control. 1834

(2) If a court imposes a prison term for a felony of the 1835  
third, fourth, or fifth degree that is not subject to division 1836  
(D)(1) of this section, it shall include in the sentence a 1837  
requirement that the offender be subject to a period of post- 1838  
release control after the offender's release from imprisonment, 1839  
in accordance with that division, if the parole board determines 1840  
that a period of post-release control is necessary. Section 1841

2929.191 of the Revised Code applies if, prior to July 11, 2006, 1842  
a court imposed a sentence including a prison term of a type 1843  
described in this division and failed to include in the sentence 1844  
pursuant to this division a statement regarding post-release 1845  
control. 1846

(E) The court shall impose sentence upon the offender in 1847  
accordance with section 2971.03 of the Revised Code, and Chapter 1848  
2971. of the Revised Code applies regarding the prison term or 1849  
term of life imprisonment without parole imposed upon the 1850  
offender and the service of that term of imprisonment if any of 1851  
the following apply: 1852

(1) A person is convicted of or pleads guilty to a violent 1853  
sex offense or a designated homicide, assault, or kidnapping 1854  
offense, and, in relation to that offense, the offender is 1855  
adjudicated a sexually violent predator. 1856

(2) A person is convicted of or pleads guilty to a 1857  
violation of division (A) (1) (b) of section 2907.02 of the 1858  
Revised Code committed on or after January 2, 2007, and either 1859  
the court does not impose a sentence of life without parole when 1860  
authorized pursuant to division (B) of section 2907.02 of the 1861  
Revised Code, or division (B) of section 2907.02 of the Revised 1862  
Code provides that the court shall not sentence the offender 1863  
pursuant to section 2971.03 of the Revised Code. 1864

(3) A person is convicted of or pleads guilty to attempted 1865  
rape committed on or after January 2, 2007, and a specification 1866  
of the type described in section 2941.1418, 2941.1419, or 1867  
2941.1420 of the Revised Code. 1868

(4) A person is convicted of or pleads guilty to a 1869  
violation of section 2905.01 of the Revised Code committed on or 1870

after January 1, 2008, and that section requires the court to 1871  
sentence the offender pursuant to section 2971.03 of the Revised 1872  
Code. 1873

(5) A person is convicted of or pleads guilty to 1874  
aggravated murder committed on or after January 1, 2008, and 1875  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1876  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1877  
(a) (iv) of section 2929.03, or division (A) or (B) of section 1878  
2929.06 of the Revised Code requires the court to sentence the 1879  
offender pursuant to division (B) (3) of section 2971.03 of the 1880  
Revised Code. 1881

(6) A person is convicted of or pleads guilty to murder 1882  
committed on or after January 1, 2008, and division (B) (2) of 1883  
section 2929.02 of the Revised Code requires the court to 1884  
sentence the offender pursuant to section 2971.03 of the Revised 1885  
Code. 1886

(F) If a person who has been convicted of or pleaded 1887  
guilty to a felony is sentenced to a prison term or term of 1888  
imprisonment under this section, sections 2929.02 to 2929.06 of 1889  
the Revised Code, section 2929.142 of the Revised Code, section 1890  
2971.03 of the Revised Code, or any other provision of law, 1891  
section 5120.163 of the Revised Code applies regarding the 1892  
person while the person is confined in a state correctional 1893  
institution. 1894

(G) If an offender who is convicted of or pleads guilty to 1895  
a felony that is an offense of violence also is convicted of or 1896  
pleads guilty to a specification of the type described in 1897  
section 2941.142 of the Revised Code that charges the offender 1898  
with having committed the felony while participating in a 1899  
criminal gang, the court shall impose upon the offender an 1900



additional prison term of one, two, or three years. 1901

(H) (1) If an offender who is convicted of or pleads guilty 1902  
to aggravated murder, murder, or a felony of the first, second, 1903  
or third degree that is an offense of violence also is convicted 1904  
of or pleads guilty to a specification of the type described in 1905  
section 2941.143 of the Revised Code that charges the offender 1906  
with having committed the offense in a school safety zone or 1907  
towards a person in a school safety zone, the court shall impose 1908  
upon the offender an additional prison term of two years. The 1909  
offender shall serve the additional two years consecutively to 1910  
and prior to the prison term imposed for the underlying offense. 1911

(2) (a) If an offender is convicted of or pleads guilty to 1912  
a felony violation of section 2907.22, 2907.24, 2907.241, or 1913  
2907.25 of the Revised Code and to a specification of the type 1914  
described in section 2941.1421 of the Revised Code and if the 1915  
court imposes a prison term on the offender for the felony 1916  
violation, the court may impose upon the offender an additional 1917  
prison term as follows: 1918

(i) Subject to division (H) (2) (a) (ii) of this section, an 1919  
additional prison term of one, two, three, four, five, or six 1920  
months; 1921

(ii) If the offender previously has been convicted of or 1922  
pleaded guilty to one or more felony or misdemeanor violations 1923  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1924  
the Revised Code and also was convicted of or pleaded guilty to 1925  
a specification of the type described in section 2941.1421 of 1926  
the Revised Code regarding one or more of those violations, an 1927  
additional prison term of one, two, three, four, five, six, 1928  
seven, eight, nine, ten, eleven, or twelve months. 1929

(b) In lieu of imposing an additional prison term under 1930  
division (H) (2) (a) of this section, the court may directly 1931  
impose on the offender a sanction that requires the offender to 1932  
wear a real-time processing, continual tracking electronic 1933  
monitoring device during the period of time specified by the 1934  
court. The period of time specified by the court shall equal the 1935  
duration of an additional prison term that the court could have 1936  
imposed upon the offender under division (H) (2) (a) of this 1937  
section. A sanction imposed under this division shall commence 1938  
on the date specified by the court, provided that the sanction 1939  
shall not commence until after the offender has served the 1940  
prison term imposed for the felony violation of section 2907.22, 1941  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1942  
residential sanction imposed for the violation under section 1943  
2929.16 of the Revised Code. A sanction imposed under this 1944  
division shall be considered to be a community control sanction 1945  
for purposes of section 2929.15 of the Revised Code, and all 1946  
provisions of the Revised Code that pertain to community control 1947  
sanctions shall apply to a sanction imposed under this division, 1948  
except to the extent that they would by their nature be clearly 1949  
inapplicable. The offender shall pay all costs associated with a 1950  
sanction imposed under this division, including the cost of the 1951  
use of the monitoring device. 1952

(I) At the time of sentencing, the court may recommend the 1953  
offender for placement in a program of shock incarceration under 1954  
section 5120.031 of the Revised Code or for placement in an 1955  
intensive program prison under section 5120.032 of the Revised 1956  
Code, disapprove placement of the offender in a program of shock 1957  
incarceration or an intensive program prison of that nature, or 1958  
make no recommendation on placement of the offender. In no case 1959  
shall the department of rehabilitation and correction place the 1960

offender in a program or prison of that nature unless the 1961  
department determines as specified in section 5120.031 or 1962  
5120.032 of the Revised Code, whichever is applicable, that the 1963  
offender is eligible for the placement. 1964

If the court disapproves placement of the offender in a 1965  
program or prison of that nature, the department of 1966  
rehabilitation and correction shall not place the offender in 1967  
any program of shock incarceration or intensive program prison. 1968

If the court recommends placement of the offender in a 1969  
program of shock incarceration or in an intensive program 1970  
prison, and if the offender is subsequently placed in the 1971  
recommended program or prison, the department shall notify the 1972  
court of the placement and shall include with the notice a brief 1973  
description of the placement. 1974

If the court recommends placement of the offender in a 1975  
program of shock incarceration or in an intensive program prison 1976  
and the department does not subsequently place the offender in 1977  
the recommended program or prison, the department shall send a 1978  
notice to the court indicating why the offender was not placed 1979  
in the recommended program or prison. 1980

If the court does not make a recommendation under this 1981  
division with respect to an offender and if the department 1982  
determines as specified in section 5120.031 or 5120.032 of the 1983  
Revised Code, whichever is applicable, that the offender is 1984  
eligible for placement in a program or prison of that nature, 1985  
the department shall screen the offender and determine if there 1986  
is an available program of shock incarceration or an intensive 1987  
program prison for which the offender is suited. If there is an 1988  
available program of shock incarceration or an intensive program 1989  
prison for which the offender is suited, the department shall 1990

notify the court of the proposed placement of the offender as 1991  
specified in section 5120.031 or 5120.032 of the Revised Code 1992  
and shall include with the notice a brief description of the 1993  
placement. The court shall have ten days from receipt of the 1994  
notice to disapprove the placement. 1995

(J) If a person is convicted of or pleads guilty to 1996  
aggravated vehicular homicide in violation of division (A) (1) of 1997  
section 2903.06 of the Revised Code and division (B) (2) (c) of 1998  
that section applies, the person shall be sentenced pursuant to 1999  
section 2929.142 of the Revised Code. 2000

(K) (1) The court shall impose an additional mandatory 2001  
prison term of two, three, four, five, six, seven, eight, nine, 2002  
ten, or eleven years on an offender who is convicted of or 2003  
pleads guilty to a violent felony offense if the offender also 2004  
is convicted of or pleads guilty to a specification of the type 2005  
described in section 2941.1424 of the Revised Code that charges 2006  
that the offender is a violent career criminal and had a firearm 2007  
on or about the offender's person or under the offender's 2008  
control while committing the presently charged violent felony 2009  
offense and displayed or brandished the firearm, indicated that 2010  
the offender possessed a firearm, or used the firearm to 2011  
facilitate the offense. The offender shall serve the prison term 2012  
imposed under this division consecutively to and prior to the 2013  
prison term imposed for the underlying offense. The prison term 2014  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 2015  
any other provision of Chapter 2967. or 5120. of the Revised 2016  
Code. A court may not impose more than one sentence under 2017  
division (B) (2) (a) of this section and this division for acts 2018  
committed as part of the same act or transaction. 2019

(2) As used in division (K) (1) of this section, "violent 2020

career criminal" and "violent felony offense" have the same 2021  
meanings as in section 2923.132 of the Revised Code. 2022

(L) If an offender receives or received a sentence of life 2023  
imprisonment without parole, a sentence of life imprisonment, a 2024  
definite sentence, or a sentence to an indefinite prison term 2025  
under this chapter for a felony offense that was committed when 2026  
the offender was under eighteen years of age, the offender's 2027  
parole eligibility shall be determined under section 2967.132 of 2028  
the Revised Code. 2029

**Sec. 2929.144.** (A) As used in this section, ~~"qualifying:~~ 2030

(1) "Most serious qualifying felony being sentenced" 2031  
means, with respect to one or more indictments, informations, or 2032  
complaints that contain more than one qualifying felony of the 2033  
first or second degree, the qualifying felony of the first or 2034  
second degree carrying the highest degree of felony of all the 2035  
qualifying felonies of the first or second degree contained in 2036  
the indictments, informations, or complaints for which sentence 2037  
is being imposed. 2038

(2) "Qualifying felony of the first or second degree" 2039  
means a felony of the first or second degree committed on or 2040  
~~after the effective date of this section~~ March 22, 2019. 2041

(B) The court imposing a prison term on an offender under 2042  
division (A) (1) (a) or (2) (a) of section 2929.14 of the Revised 2043  
Code for ~~a one or more qualifying felony-felonies~~ of the first 2044  
or second degree contained in one or more indictments, 2045  
informations, or complaints shall determine ~~the a single~~ maximum 2046  
prison term that is part of the sentence for all of the 2047  
qualifying felonies of the first or second degree contained in 2048  
the indictments, informations, or complaints in accordance with 2049

the following:

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(1) If the offender is being sentenced for one felony and  
the felony is a qualifying felony of the first or second degree,  
the maximum prison term shall be equal to fifty per cent of the  
minimum prison term imposed on the offender under division (A)  
(1) (a) or (2) (a) of section 2929.14 of the Revised Code ~~plus~~  
~~fifty per cent of that term.~~

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(2) If the offender is being sentenced for more than one  
felony, and if one or more of the felonies is a qualifying  
felony of the first or second degree, ~~and if the court orders~~  
~~that some or all of the prison terms imposed are to be served~~  
~~consecutively, the court shall add all of the minimum terms~~  
~~imposed on the offender under division (A) (1) (a) or (2) (a) of~~  
~~section 2929.14 of the Revised Code for a qualifying felony of~~  
~~the first or second degree that are to be served consecutively~~  
~~and all of the definite terms of the felonies that are not~~  
~~qualifying felonies of the first or second degree that are to be~~  
~~served consecutively, and the maximum term shall be equal to the~~  
~~total of those terms so added by the court plus fifty per cent~~  
~~of the longest minimum term or definite term for the most~~  
~~serious felony being sentenced.~~

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~~(3) If the offender is being sentenced for more than one~~  
~~felony, if one or more of the felonies is a qualifying felony of~~  
~~the first or second degree, and if the court orders that all of~~  
~~the prison terms imposed are to run concurrently, the maximum~~  
prison term shall be equal to ~~the longest of the minimum terms~~  
~~imposed on the offender under division (A) (1) (a) or (2) (a) of~~  
~~section 2929.14 of the Revised Code for a qualifying felony of~~  
~~the first or second degree for which the sentence is being~~  
~~imposed plus~~ fifty per cent of the longest minimum prison term

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for the most serious qualifying felony being sentenced. 2080

~~(4)~~ (3) Any mandatory prison term, or portion of a 2081  
mandatory prison term, that is imposed or to be imposed on the 2082  
offender under division (B), (G), or (H) of section 2929.14 of 2083  
the Revised Code or under any other provision of the Revised 2084  
Code, with respect to a conviction of or plea of guilty to a 2085  
specification, and that is in addition to the sentence imposed 2086  
for the underlying offense ~~is~~: 2087

(a) Is separate from the non-life felony indefinite 2088  
sentence being imposed for the qualifying first or second degree 2089  
felony committed on or after ~~the effective date of this section~~ 2090  
~~and shall March 22, 2019;~~ 2091

(b) Shall not be considered or included in determining a 2092  
maximum prison term for the offender under divisions (B) (1) to 2093  
(3) of this section; and 2094

(c) Is to be imposed separately from the non-life felony 2095  
indefinite sentence being imposed under this section. 2096

(C) The court imposing a prison term on an offender 2097  
pursuant to division (A) (1) (a) or (2) (a) of section 2929.14 of 2098  
the Revised Code for a qualifying felony of the first or second 2099  
degree shall sentence the offender, as part of the sentence, to 2100  
~~the~~ a maximum prison term determined under division (B) of this 2101  
section. The court shall impose this maximum term at sentencing 2102  
as part of the sentence it imposes under section 2929.14 of the 2103  
Revised Code, and shall state the minimum prison term it imposes 2104  
under division (A) (1) (a) or (2) (a) of that section for each 2105  
qualifying felony of the first or second degree, and this 2106  
maximum term, in the sentencing entry. 2107

(D) If a court imposes a prison term on an offender 2108

pursuant to division (A) (1) (a) or (2) (a) of section 2929.14 of 2109  
the Revised Code for a qualifying felony of the first or second 2110  
degree, section 2967.271 of the Revised Code applies with 2111  
respect to the offender's service of the prison term. 2112

**Sec. 2929.19.** (A) The court shall hold a sentencing 2113  
hearing before imposing a sentence under this chapter upon an 2114  
offender who was convicted of or pleaded guilty to a felony and 2115  
before resentencing an offender who was convicted of or pleaded 2116  
guilty to a felony and whose case was remanded pursuant to 2117  
section 2953.07 or 2953.08 of the Revised Code. At the hearing, 2118  
the offender, the prosecuting attorney, the victim or the 2119  
victim's representative in accordance with section 2930.14 of 2120  
the Revised Code, and, with the approval of the court, any other 2121  
person may present information relevant to the imposition of 2122  
sentence in the case. The court shall inform the offender of the 2123  
verdict of the jury or finding of the court and ask the offender 2124  
whether the offender has anything to say as to why sentence 2125  
should not be imposed upon the offender. 2126

(B) (1) At the sentencing hearing, the court, before 2127  
imposing sentence, shall do all of the following: 2128

(a) Consider the record, any information presented at the 2129  
hearing by any person pursuant to division (A) of this section, 2130  
and, if one was prepared, the presentence investigation report 2131  
made pursuant to section 2951.03 of the Revised Code or Criminal 2132  
Rule 32.2, and any victim impact statement made pursuant to 2133  
section 2947.051 of the Revised Code; 2134

(b) If the offense was committed when the offender was 2135  
under eighteen years of age, in addition to other factors 2136  
considered, consider youth and its characteristics as mitigating 2137  
factors, including: 2138



(i) The chronological age of the offender at the time of 2139  
the offense and that age's hallmark features, including 2140  
intellectual capacity, immaturity, impetuosity, and a failure to 2141  
appreciate risks and consequences; 2142

(ii) The family and home environment of the offender at 2143  
the time of the offense, the offender's inability to control the 2144  
offender's surroundings, a history of trauma regarding the 2145  
offender, and the offender's school and special education 2146  
history; 2147

(iii) The circumstances of the offense, including the 2148  
extent of the offender's participation in the conduct and the 2149  
way familial and peer pressures may have impacted the offender's 2150  
conduct; 2151

(iv) Whether the offender might have been charged and 2152  
convicted of a lesser offense if not for the incompetencies 2153  
associated with youth, such as the offender's inability to deal 2154  
with police officers and prosecutors during the offender's 2155  
interrogation or possible plea agreement or the offender's 2156  
inability to assist the offender's own attorney; 2157

(v) Examples of the offender's rehabilitation, including 2158  
any subsequent growth or increase in maturity during 2159  
confinement. 2160

(2) Subject to division (B)(3) of this section, if the 2161  
sentencing court determines at the sentencing hearing that a 2162  
prison term is necessary or required, the court shall do all of 2163  
the following: 2164

(a) Impose a stated prison term and, if the court imposes 2165  
a mandatory prison term, notify the offender that the prison 2166  
term is a mandatory prison term; 2167

(b) In addition to any other information, include in the 2168  
sentencing entry the name and section reference to the offense 2169  
or offenses, the sentence or sentences imposed and whether the 2170  
sentence or sentences contain mandatory prison terms, if 2171  
sentences are imposed for multiple counts whether the sentences 2172  
are to be served concurrently or consecutively, and the name and 2173  
section reference of any specification or specifications for 2174  
which sentence is imposed and the sentence or sentences imposed 2175  
for the specification or specifications; 2176

(c) If the prison term is a non-life felony indefinite 2177  
prison term, notify the offender of all of the following: 2178

(i) That the non-life felony indefinite prison term to 2179  
which the offender is subject consists of a minimum prison term 2180  
followed by a maximum prison term. 2181

(ii) That it is rebuttably presumed that the offender will 2182  
be released from service of the sentence on the expiration of 2183  
the minimum prison term imposed as part of the sentence or on 2184  
the offender's presumptive earned early release date, as defined 2185  
in section 2967.271 of the Revised Code, whichever is earlier; 2186

~~(ii)~~ (iii) That the department of rehabilitation and 2187  
correction may rebut the presumption described in division ~~(B)~~ 2188  
~~(2)(e)(i)~~ (B)(2)(c)(ii) of this section if, at a hearing held 2189  
under section 2967.271 of the Revised Code, the department makes 2190  
specified determinations regarding the offender's conduct while 2191  
confined, the offender's rehabilitation, the offender's threat 2192  
to society, the offender's restrictive housing, if any, while 2193  
confined, and the offender's security classification; 2194

~~(iii)~~ (iv) That if, as described in division ~~(B)(2)(e)(ii)~~ 2195  
(B)(2)(c)(iii) of this section, the department at the hearing 2196

makes the specified determinations and rebuts the presumption, 2197  
the department may maintain the offender's incarceration after 2198  
the expiration of that minimum term or after that presumptive 2199  
earned early release date for the length of time the department 2200  
determines to be reasonable, subject to the limitation specified 2201  
in section 2967.271 of the Revised Code; 2202

~~(iv)~~ (v) That the department may make the specified 2203  
determinations and maintain the offender's incarceration under 2204  
the provisions described in divisions ~~(B) (2) (e) (i) and (ii)~~ (B) 2205  
(2) (c) (ii) and (iii) of this section more than one time, subject 2206  
to the limitation specified in section 2967.271 of the Revised 2207  
Code; 2208

~~(v)~~ (vi) That if the offender has not been released prior 2209  
to the expiration of the offender's maximum prison term imposed 2210  
as part of the sentence, the offender must be released upon the 2211  
expiration of that term. 2212

(d) Notify the offender that the offender will be 2213  
supervised under section 2967.28 of the Revised Code after the 2214  
offender leaves prison if the offender is being sentenced, other 2215  
than to a sentence of life imprisonment, for a felony of the 2216  
first degree or second degree, for a felony sex offense, or for 2217  
a felony of the third degree that is an offense of violence and 2218  
is not a felony sex offense. This division applies with respect 2219  
to all prison terms imposed for an offense of a type described 2220  
in this division, including a non-life felony indefinite prison 2221  
term and including a term imposed for any offense of a type 2222  
described in this division that is a risk reduction sentence, as 2223  
defined in section 2967.28 of the Revised Code. If a court 2224  
imposes a sentence including a prison term of a type described 2225  
in division (B) (2) (d) of this section on or after July 11, 2006, 2226

the failure of a court to notify the offender pursuant to 2227  
division (B) (2) (d) of this section that the offender will be 2228  
supervised under section 2967.28 of the Revised Code after the 2229  
offender leaves prison or to include in the judgment of 2230  
conviction entered on the journal a statement to that effect 2231  
does not negate, limit, or otherwise affect the mandatory period 2232  
of supervision that is required for the offender under division 2233  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 2234  
the Revised Code applies if, prior to July 11, 2006, a court 2235  
imposed a sentence including a prison term of a type described 2236  
in division (B) (2) (d) of this section and failed to notify the 2237  
offender pursuant to division (B) (2) (d) of this section 2238  
regarding post-release control or to include in the judgment of 2239  
conviction entered on the journal or in the sentence a statement 2240  
regarding post-release control. 2241

(e) Notify the offender that the offender may be 2242  
supervised under section 2967.28 of the Revised Code after the 2243  
offender leaves prison if the offender is being sentenced for a 2244  
felony of the third, fourth, or fifth degree that is not subject 2245  
to division (B) (2) (d) of this section. This division applies 2246  
with respect to all prison terms imposed for an offense of a 2247  
type described in this division, including a term imposed for 2248  
any such offense that is a risk reduction sentence, as defined 2249  
in section 2967.28 of the Revised Code. Section 2929.191 of the 2250  
Revised Code applies if, prior to July 11, 2006, a court imposed 2251  
a sentence including a prison term of a type described in 2252  
division (B) (2) (e) of this section and failed to notify the 2253  
offender pursuant to division (B) (2) (e) of this section 2254  
regarding post-release control or to include in the judgment of 2255  
conviction entered on the journal or in the sentence a statement 2256  
regarding post-release control. 2257

(f) Notify the offender that, if a period of supervision 2258  
is imposed following the offender's release from prison, as 2259  
described in division (B) (2) (d) or (e) of this section, and if 2260  
the offender violates that supervision or a condition of post- 2261  
release control imposed under division (B) of section 2967.131 2262  
of the Revised Code, the parole board may impose a prison term, 2263  
as part of the sentence, of up to one-half of the definite 2264  
prison term originally imposed upon the offender as the 2265  
offender's stated prison term or up to one-half of the minimum 2266  
prison term originally imposed upon the offender as part of the 2267  
offender's stated non-life felony indefinite prison term. If a 2268  
court imposes a sentence including a prison term on or after 2269  
July 11, 2006, the failure of a court to notify the offender 2270  
pursuant to division (B) (2) (f) of this section that the parole 2271  
board may impose a prison term as described in division (B) (2) 2272  
(f) of this section for a violation of that supervision or a 2273  
condition of post-release control imposed under division (B) of 2274  
section 2967.131 of the Revised Code or to include in the 2275  
judgment of conviction entered on the journal a statement to 2276  
that effect does not negate, limit, or otherwise affect the 2277  
authority of the parole board to so impose a prison term for a 2278  
violation of that nature if, pursuant to division (D) (1) of 2279  
section 2967.28 of the Revised Code, the parole board notifies 2280  
the offender prior to the offender's release of the board's 2281  
authority to so impose a prison term. Section 2929.191 of the 2282  
Revised Code applies if, prior to July 11, 2006, a court imposed 2283  
a sentence including a prison term and failed to notify the 2284  
offender pursuant to division (B) (2) (f) of this section 2285  
regarding the possibility of the parole board imposing a prison 2286  
term for a violation of supervision or a condition of post- 2287  
release control. 2288

(g) (i) Determine, notify the offender of, and include in 2289  
the sentencing entry the total number of days, including the 2290  
sentencing date but excluding conveyance time, that the offender 2291  
has been confined for any reason arising out of the offense for 2292  
which the offender is being sentenced and by which the 2293  
department of rehabilitation and correction must reduce the 2294  
definite prison term imposed on the offender as the offender's 2295  
stated prison term or, if the offense is an offense for which a 2296  
non-life felony indefinite prison term is imposed under division 2297  
(A) (1) (a) or (2) (a) of section 2929.14 of the Revised Code, the 2298  
minimum ~~and maximum~~ prison ~~terms~~ term imposed on the offender as 2299  
part of that non-life felony indefinite prison term, under 2300  
section 2967.191 of the Revised Code. The court's calculation 2301  
shall not include the number of days, if any, that the offender 2302  
served in the custody of the department of rehabilitation and 2303  
correction arising out of any prior offense for which the 2304  
prisoner was convicted and sentenced. 2305

(ii) In making a determination under division (B) (2) (g) (i) 2306  
of this section, the court shall consider the arguments of the 2307  
parties and conduct a hearing if one is requested. 2308

(iii) The sentencing court retains continuing jurisdiction 2309  
to correct any error not previously raised at sentencing in 2310  
making a determination under division (B) (2) (g) (i) of this 2311  
section. The offender may, at any time after sentencing, file a 2312  
motion in the sentencing court to correct any error made in 2313  
making a determination under division (B) (2) (g) (i) of this 2314  
section, and the court may in its discretion grant or deny that 2315  
motion. If the court changes the number of days in its 2316  
determination or redetermination, the court shall cause the 2317  
entry granting that change to be delivered to the department of 2318  
rehabilitation and correction without delay. Sections 2931.15 2319

and 2953.21 of the Revised Code do not apply to a motion made 2320  
under this section. 2321

(iv) An inaccurate determination under division (B) (2) (g) 2322  
(i) of this section is not grounds for setting aside the 2323  
offender's conviction or sentence and does not otherwise render 2324  
the sentence void or voidable. 2325

(v) The department of rehabilitation and correction shall 2326  
rely upon the latest journal entry of the court in determining 2327  
the total days of local confinement for purposes of division (B) 2328  
(2) (g) (i) to (iii) of this section and section 2967.191 of the 2329  
Revised Code. 2330

(3) (a) The court shall include in the offender's sentence 2331  
a statement that the offender is a tier III sex offender/child- 2332  
victim offender, and the court shall comply with the 2333  
requirements of section 2950.03 of the Revised Code if any of 2334  
the following apply: 2335

(i) The offender is being sentenced for a violent sex 2336  
offense or designated homicide, assault, or kidnapping offense 2337  
that the offender committed on or after January 1, 1997, and the 2338  
offender is adjudicated a sexually violent predator in relation 2339  
to that offense. 2340

(ii) The offender is being sentenced for a sexually 2341  
oriented offense that the offender committed on or after January 2342  
1, 1997, and the offender is a tier III sex offender/child- 2343  
victim offender relative to that offense. 2344

(iii) The offender is being sentenced on or after July 31, 2345  
2003, for a child-victim oriented offense, and the offender is a 2346  
tier III sex offender/child-victim offender relative to that 2347  
offense. 2348

(iv) The offender is being sentenced under section 2971.03 2349  
of the Revised Code for a violation of division (A) (1) (b) of 2350  
section 2907.02 of the Revised Code committed on or after 2351  
January 2, 2007. 2352

(v) The offender is sentenced to a term of life without 2353  
parole under division (B) of section 2907.02 of the Revised 2354  
Code. 2355

(vi) The offender is being sentenced for attempted rape 2356  
committed on or after January 2, 2007, and a specification of 2357  
the type described in section 2941.1418, 2941.1419, or 2941.1420 2358  
of the Revised Code. 2359

(vii) The offender is being sentenced under division (B) 2360  
(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code 2361  
for an offense described in those divisions committed on or 2362  
after January 1, 2008. 2363

(b) Additionally, if any criterion set forth in divisions 2364  
(B) (3) (a) (i) to (vii) of this section is satisfied, in the 2365  
circumstances described in division (E) of section 2929.14 of 2366  
the Revised Code, the court shall impose sentence on the 2367  
offender as described in that division. 2368

(4) If the sentencing court determines at the sentencing 2369  
hearing that a community control sanction should be imposed and 2370  
the court is not prohibited from imposing a community control 2371  
sanction, the court shall impose a community control sanction. 2372  
The court shall notify the offender that, if the conditions of 2373  
the sanction are violated, if the offender commits a violation 2374  
of any law, or if the offender leaves this state without the 2375  
permission of the court or the offender's probation officer, the 2376  
court may impose a longer time under the same sanction, may 2377



impose a more restrictive sanction, or may impose a prison term 2378  
on the offender and shall indicate the range from which the 2379  
prison term may be imposed as a sanction for the violation, 2380  
which shall be the range of prison terms for the offense that is 2381  
specified pursuant to section 2929.14 of the Revised Code and as 2382  
described in section 2929.15 of the Revised Code." 2383

(5) Before imposing a financial sanction under section 2384  
2929.18 of the Revised Code or a fine under section 2929.32 of 2385  
the Revised Code, the court shall consider the offender's 2386  
present and future ability to pay the amount of the sanction or 2387  
fine. 2388

(6) If the sentencing court sentences the offender to a 2389  
sanction of confinement pursuant to section 2929.14 or 2929.16 2390  
of the Revised Code that is to be served in a local detention 2391  
facility, as defined in section 2929.36 of the Revised Code, and 2392  
if the local detention facility is covered by a policy adopted 2393  
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 2394  
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 2395  
and section 2929.37 of the Revised Code, both of the following 2396  
apply: 2397

(a) The court shall specify both of the following as part 2398  
of the sentence: 2399

(i) If the offender is presented with an itemized bill 2400  
pursuant to section 2929.37 of the Revised Code for payment of 2401  
the costs of confinement, the offender is required to pay the 2402  
bill in accordance with that section. 2403

(ii) If the offender does not dispute the bill described 2404  
in division (B) (6) (a) (i) of this section and does not pay the 2405  
bill by the times specified in section 2929.37 of the Revised 2406

Code, the clerk of the court may issue a certificate of judgment 2407  
against the offender as described in that section. 2408

(b) The sentence automatically includes any certificate of 2409  
judgment issued as described in division (B)(6)(a)(ii) of this 2410  
section. 2411

(7) The failure of the court to notify the offender that a 2412  
prison term is a mandatory prison term pursuant to division (B) 2413  
(2)(a) of this section or to include in the sentencing entry any 2414  
information required by division (B)(2)(b) of this section does 2415  
not affect the validity of the imposed sentence or sentences. If 2416  
the sentencing court notifies the offender at the sentencing 2417  
hearing that a prison term is mandatory but the sentencing entry 2418  
does not specify that the prison term is mandatory, the court 2419  
may complete a corrected journal entry and send copies of the 2420  
corrected entry to the offender and the department of 2421  
rehabilitation and correction, or, at the request of the state, 2422  
the court shall complete a corrected journal entry and send 2423  
copies of the corrected entry to the offender and department of 2424  
rehabilitation and correction. 2425

(C)(1) If the offender is being sentenced for a fourth 2426  
degree felony OVI offense under division (G)(1) of section 2427  
2929.13 of the Revised Code, the court shall impose the 2428  
mandatory term of local incarceration in accordance with that 2429  
division, shall impose a mandatory fine in accordance with 2430  
division (B)(3) of section 2929.18 of the Revised Code, and, in 2431  
addition, may impose additional sanctions as specified in 2432  
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 2433  
Code. The court shall not impose a prison term on the offender 2434  
except that the court may impose a prison term upon the offender 2435  
as provided in division (A)(1) of section 2929.13 of the Revised 2436

Code. 2437

(2) If the offender is being sentenced for a third or 2438  
fourth degree felony OVI offense under division (G) (2) of 2439  
section 2929.13 of the Revised Code, the court shall impose the 2440  
mandatory prison term in accordance with that division, shall 2441  
impose a mandatory fine in accordance with division (B) (3) of 2442  
section 2929.18 of the Revised Code, and, in addition, may 2443  
impose an additional prison term as specified in section 2929.14 2444  
of the Revised Code. In addition to the mandatory prison term or 2445  
mandatory prison term and additional prison term the court 2446  
imposes, the court also may impose a community control sanction 2447  
on the offender, but the offender shall serve all of the prison 2448  
terms so imposed prior to serving the community control 2449  
sanction. 2450

(D) The sentencing court, pursuant to division (I) (1) of 2451  
section 2929.14 of the Revised Code, may recommend placement of 2452  
the offender in a program of shock incarceration under section 2453  
5120.031 of the Revised Code or an intensive program prison 2454  
under section 5120.032 of the Revised Code, disapprove placement 2455  
of the offender in a program or prison of that nature, or make 2456  
no recommendation. If the court recommends or disapproves 2457  
placement, it shall make a finding that gives its reasons for 2458  
its recommendation or disapproval. 2459

**Sec. 2930.16.** (A) If a defendant is incarcerated, a victim 2460  
in a case who has requested to receive notice under this section 2461  
shall be given notice of the incarceration of the defendant. If 2462  
an alleged juvenile offender is committed to the temporary 2463  
custody of a school, camp, institution, or other facility 2464  
operated for the care of delinquent children or to the legal 2465  
custody of the department of youth services, a victim in a case 2466

who has requested to receive notice under this section shall be 2467  
given notice of the commitment. Promptly after sentence is 2468  
imposed upon the defendant or the commitment of the alleged 2469  
juvenile offender is ordered, the prosecutor in the case shall 2470  
notify the victim of the date on which the defendant will be 2471  
released, or initially will be eligible for release, from 2472  
confinement or the prosecutor's reasonable estimate of that date 2473  
or the date on which the alleged juvenile offender will have 2474  
served the minimum period of commitment or the prosecutor's 2475  
reasonable estimate of that date. The prosecutor also shall 2476  
notify the victim of the name of the custodial agency of the 2477  
defendant or alleged juvenile offender and tell the victim how 2478  
to contact that custodial agency. If the custodial agency is the 2479  
department of rehabilitation and correction, the prosecutor 2480  
shall notify the victim of the services offered by the office of 2481  
victims' services pursuant to section 5120.60 of the Revised 2482  
Code. If the custodial agency is the department of youth 2483  
services, the prosecutor shall notify the victim of the services 2484  
provided by the office of victims' services within the release 2485  
authority of the department pursuant to section 5139.55 of the 2486  
Revised Code and the victim's right pursuant to section 5139.56 2487  
of the Revised Code to submit a written request to the release 2488  
authority to be notified of actions the release authority takes 2489  
with respect to the alleged juvenile offender. The victim shall 2490  
keep the custodial agency informed of the victim's current 2491  
address and telephone number. 2492

(B) (1) Upon the victim's request or in accordance with 2493  
division (D) of this section, the prosecutor promptly shall 2494  
notify the victim of any hearing for judicial release of the 2495  
defendant pursuant to section 2929.20 of the Revised Code, of 2496  
any hearing for release of the defendant pursuant to section 2497

2967.19 of the Revised Code, or of any hearing for judicial 2498  
release or early release of the alleged juvenile offender 2499  
pursuant to section 2151.38 of the Revised Code and of the 2500  
victim's right to make a statement under those sections. The 2501  
court shall notify the victim of its ruling in each of those 2502  
hearings and on each of those applications. 2503

(2) If an offender is sentenced to a prison term pursuant 2504  
to division (A) (3) or (B) of section 2971.03 of the Revised 2505  
Code, upon the request of the victim of the crime or in 2506  
accordance with division (D) of this section, the prosecutor 2507  
promptly shall notify the victim of any hearing to be conducted 2508  
pursuant to section 2971.05 of the Revised Code to determine 2509  
whether to modify the requirement that the offender serve the 2510  
entire prison term in a state correctional facility in 2511  
accordance with division (C) of that section, whether to 2512  
continue, revise, or revoke any existing modification of that 2513  
requirement, or whether to terminate the prison term in 2514  
accordance with division (D) of that section. The court shall 2515  
notify the victim of any order issued at the conclusion of the 2516  
hearing. 2517

(C) Upon the victim's request made at any time before the 2518  
particular notice would be due or in accordance with division 2519  
(D) of this section, the custodial agency of a defendant or 2520  
alleged juvenile offender shall give the victim any of the 2521  
following notices that is applicable: 2522

(1) At least sixty days before the adult parole authority 2523  
recommends a pardon or commutation of sentence for the defendant 2524  
or at least sixty days prior to a hearing before the adult 2525  
parole authority regarding a grant of parole to the defendant, 2526  
notice of the victim's right to submit a statement regarding the 2527

impact of the defendant's release in accordance with section 2528  
2967.12 of the Revised Code and, if applicable, of the victim's 2529  
right to appear at a full board hearing of the parole board to 2530  
give testimony as authorized by section 5149.101 of the Revised 2531  
Code; and at least sixty days prior to a hearing before the 2532  
department regarding a determination of whether the inmate must 2533  
be released under division (C) or (D)~~(2)~~ of section 2967.271 of 2534  
the Revised Code if the inmate is serving a non-life felony 2535  
indefinite prison term, notice of the fact that the inmate will 2536  
be having a hearing regarding a possible grant of release, the 2537  
date of any hearing regarding a possible grant of release, and 2538  
the right of any person to submit a written statement regarding 2539  
the pending action; 2540

(2) At least sixty days before the defendant is 2541  
transferred to transitional control under section 2967.26 of the 2542  
Revised Code, notice of the pendency of the transfer and of the 2543  
victim's right under that section to submit a statement 2544  
regarding the impact of the transfer; 2545

(3) At least sixty days before the release authority of 2546  
the department of youth services holds a release review, release 2547  
hearing, or discharge review for the alleged juvenile offender, 2548  
notice of the pendency of the review or hearing, of the victim's 2549  
right to make an oral or written statement regarding the impact 2550  
of the crime upon the victim or regarding the possible release 2551  
or discharge, and, if the notice pertains to a hearing, of the 2552  
victim's right to attend and make statements or comments at the 2553  
hearing as authorized by section 5139.56 of the Revised Code; 2554

(4) Prompt notice of the defendant's or alleged juvenile 2555  
offender's escape from a facility of the custodial agency in 2556  
which the defendant was incarcerated or in which the alleged 2557

juvenile offender was placed after commitment, of the 2558  
defendant's or alleged juvenile offender's absence without leave 2559  
from a mental health or developmental disabilities facility or 2560  
from other custody, and of the capture of the defendant or 2561  
alleged juvenile offender after an escape or absence; 2562

(5) Notice of the defendant's or alleged juvenile 2563  
offender's death while in confinement or custody; 2564

(6) Notice of the filing of a petition by the director of 2565  
rehabilitation and correction pursuant to section 2967.19 of the 2566  
Revised Code requesting the early release under that section of 2567  
the defendant; 2568

(7) Notice of the defendant's or alleged juvenile 2569  
offender's release from confinement or custody and the terms and 2570  
conditions of the release. 2571

(D) (1) If a defendant is incarcerated for the commission 2572  
of aggravated murder, murder, or an offense of violence that is 2573  
a felony of the first, second, or third degree or is under a 2574  
sentence of life imprisonment or if an alleged juvenile offender 2575  
has been charged with the commission of an act that would be 2576  
aggravated murder, murder, or an offense of violence that is a 2577  
felony of the first, second, or third degree or be subject to a 2578  
sentence of life imprisonment if committed by an adult, except 2579  
as otherwise provided in this division, the notices described in 2580  
divisions (B) and (C) of this section shall be given regardless 2581  
of whether the victim has requested the notification. The 2582  
notices described in divisions (B) and (C) of this section shall 2583  
not be given under this division to a victim if the victim has 2584  
requested pursuant to division (B) (2) of section 2930.03 of the 2585  
Revised Code that the victim not be provided the notice. 2586  
Regardless of whether the victim has requested that the notices 2587

described in division (C) of this section be provided or not be 2588  
provided, the custodial agency shall give notice similar to 2589  
those notices to the prosecutor in the case, to the sentencing 2590  
court, to the law enforcement agency that arrested the defendant 2591  
or alleged juvenile offender if any officer of that agency was a 2592  
victim of the offense, and to any member of the victim's 2593  
immediate family who requests notification. If the notice given 2594  
under this division to the victim is based on an offense 2595  
committed prior to March 22, 2013, and if the prosecutor or 2596  
custodial agency has not previously successfully provided any 2597  
notice to the victim under this division or division (B) or (C) 2598  
of this section with respect to that offense and the offender 2599  
who committed it, the notice also shall inform the victim that 2600  
the victim may request that the victim not be provided any 2601  
further notices with respect to that offense and the offender 2602  
who committed it and shall describe the procedure for making 2603  
that request. If the notice given under this division to the 2604  
victim pertains to a hearing regarding a grant of a parole to 2605  
the defendant, the notice also shall inform the victim that the 2606  
victim, a member of the victim's immediate family, or the 2607  
victim's representative may request a victim conference, as 2608  
described in division (E) of this section, and shall provide an 2609  
explanation of a victim conference. 2610

The prosecutor or custodial agency may give the notices to 2611  
which this division applies by any reasonable means, including 2612  
regular mail, telephone, and electronic mail. If the prosecutor 2613  
or custodial agency attempts to provide notice to a victim under 2614  
this division but the attempt is unsuccessful because the 2615  
prosecutor or custodial agency is unable to locate the victim, 2616  
is unable to provide the notice by its chosen method because it 2617  
cannot determine the mailing address, telephone number, or 2618



electronic mail address at which to provide the notice, or, if 2619  
the notice is sent by mail, the notice is returned, the 2620  
prosecutor or custodial agency shall make another attempt to 2621  
provide the notice to the victim. If the second attempt is 2622  
unsuccessful, the prosecutor or custodial agency shall make at 2623  
least one more attempt to provide the notice. If the notice is 2624  
based on an offense committed prior to March 22, 2013, in each 2625  
attempt to provide the notice to the victim, the notice shall 2626  
include the opt-out information described in the preceding 2627  
paragraph. The prosecutor or custodial agency, in accordance 2628  
with division (D) (2) of this section, shall keep a record of all 2629  
attempts to provide the notice, and of all notices provided, 2630  
under this division. 2631

Division (D) (1) of this section, and the notice-related 2632  
provisions of divisions (E) (2) and (K) of section 2929.20, 2633  
division (H) of section 2967.12, division (E) (1) (b) of section 2634  
2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) 2635  
of section 2967.28, and division (A) (2) of section 5149.101 of 2636  
the Revised Code enacted in the act in which division (D) (1) of 2637  
this section was enacted, shall be known as "Roberta's Law." 2638

(2) Each prosecutor and custodial agency that attempts to 2639  
give any notice to which division (D) (1) of this section applies 2640  
shall keep a record of all attempts to give the notice. The 2641  
record shall indicate the person who was to be the recipient of 2642  
the notice, the date on which the attempt was made, the manner 2643  
in which the attempt was made, and the person who made the 2644  
attempt. If the attempt is successful and the notice is given, 2645  
the record shall indicate that fact. The record shall be kept in 2646  
a manner that allows public inspection of attempts and notices 2647  
given to persons other than victims without revealing the names, 2648  
addresses, or other identifying information relating to victims. 2649

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:

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

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

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

(F) The department may limit the number of persons 2679  
specified in division (E) (1) of this section who may be present 2680  
at any single victim conference, provided that the department 2681  
shall not limit the number of persons who may be present at any 2682  
single conference to fewer than three. If the department limits 2683  
the number of persons who may be present at any single victim 2684  
conference, the department shall permit and schedule, upon 2685  
request of the victim, a member of the victim's immediate 2686  
family, or the victim's representative, multiple victim 2687  
conferences for the persons specified in division (E) (1) of this 2688  
section. 2689

(G) As used in this section, "victim's immediate family" 2690  
has the same meaning as in section 2967.12 of the Revised Code. 2691

**Sec. 2945.37.** (A) As used in sections 2945.37 to 2945.402 2692  
of the Revised Code: 2693

(1) "Prosecutor" means a prosecuting attorney or a city 2694  
director of law, village solicitor, or similar chief legal 2695  
officer of a municipal corporation who has authority to 2696  
prosecute a criminal case that is before the court or the 2697  
criminal case in which a defendant in a criminal case has been 2698  
found incompetent to stand trial or not guilty by reason of 2699  
insanity. 2700

(2) "Examiner" means either of the following: 2701

(a) A psychiatrist or a licensed clinical psychologist who 2702  
satisfies the criteria of division (I) of section 5122.01 of the 2703  
Revised Code or is employed by a certified forensic center 2704  
designated by the department of mental health and addiction 2705  
services to conduct examinations or evaluations. 2706

(b) For purposes of a separate intellectual disability 2707

evaluation that is ordered by a court pursuant to division (I) 2708  
of section 2945.371 of the Revised Code, a psychologist 2709  
designated by the director of developmental disabilities 2710  
pursuant to that section to conduct that separate intellectual 2711  
disability evaluation. 2712

(3) "Nonsecured status" means any unsupervised, off- 2713  
grounds movement or trial visit from a hospital or institution, 2714  
or any conditional release, that is granted to a person who is 2715  
found incompetent to stand trial and is committed pursuant to 2716  
section 2945.39 of the Revised Code or to a person who is found 2717  
not guilty by reason of insanity and is committed pursuant to 2718  
section 2945.40 of the Revised Code. 2719

(4) "Unsupervised, off-grounds movement" includes only 2720  
off-grounds privileges that are unsupervised and that have an 2721  
expectation of return to the hospital or institution on a daily 2722  
basis. 2723

(5) "Trial visit" means a patient privilege of a longer 2724  
stated duration of unsupervised community contact with an 2725  
expectation of return to the hospital or institution at 2726  
designated times. 2727

(6) "Conditional release" means a commitment status ~~under~~ 2728  
to which both of the following apply: 2729

(a) Under the status, the trial court at any time may 2730  
revoke a person's conditional release and order the 2731  
rehospitalization or reinstitutionalization of the person as 2732  
described in division (A) of section 2945.402 of the Revised 2733  
Code ~~and pursuant to which.~~ 2734

(b) Pursuant to the status, a person who is found 2735  
incompetent to stand trial or a person who is found not guilty 2736

by reason of insanity lives and receives treatment in the 2737  
community for a period of time that does not exceed the ~~maximum~~ 2738  
longest prison term or term of imprisonment that the person 2739  
could have received for the offense in question had the person 2740  
been convicted of the offense instead of being found incompetent 2741  
to stand trial on the charge of the offense or being found not 2742  
guilty by reason of insanity relative to the offense. The 2743  
longest prison term includes, for an offense that would be a 2744  
felony of the first or second degree that occurred on or after 2745  
March 22, 2019, both the longest minimum prison term that the 2746  
defendant or person could have received if convicted plus the 2747  
corresponding maximum prison term that would be required. 2748

(7) "Licensed clinical psychologist," "mentally ill person 2749  
subject to court order," and "psychiatrist" have the same 2750  
meanings as in section 5122.01 of the Revised Code. 2751

(8) "Person with an intellectual disability subject to 2752  
institutionalization by court order" has the same meaning as in 2753  
section 5123.01 of the Revised Code. 2754

(9) "Minimum prison term" and "maximum prison term" have 2755  
the same meanings as in section 2929.01 of the Revised Code. 2756

(B) In a criminal action in a court of common pleas, a 2757  
county court, or a municipal court, the court, prosecutor, or 2758  
defense may raise the issue of the defendant's competence to 2759  
stand trial. If the issue is raised before the trial has 2760  
commenced, the court shall hold a hearing on the issue as 2761  
provided in this section. If the issue is raised after the trial 2762  
has commenced, the court shall hold a hearing on the issue only 2763  
for good cause shown or on the court's own motion. 2764

(C) The court shall conduct the hearing required or 2765

authorized under division (B) of this section within thirty days 2766  
after the issue is raised, unless the defendant has been 2767  
referred for evaluation in which case the court shall conduct 2768  
the hearing within ten days after the filing of the report of 2769  
the evaluation or, in the case of a defendant who is ordered by 2770  
the court pursuant to division (I) of section 2945.371 of the 2771  
Revised Code to undergo a separate intellectual disability 2772  
evaluation conducted by a psychologist designated by the 2773  
director of developmental disabilities, within ten days after 2774  
the filing of the report of the separate intellectual disability 2775  
evaluation under that division. A hearing may be continued for 2776  
good cause. 2777

(D) The defendant shall be represented by counsel at the 2778  
hearing conducted under division (C) of this section. If the 2779  
defendant is unable to obtain counsel, the court shall appoint 2780  
counsel under Chapter 120. of the Revised Code or under the 2781  
authority recognized in division (C) of section 120.06, division 2782  
(E) of section 120.16, division (E) of section 120.26, or 2783  
section 2941.51 of the Revised Code before proceeding with the 2784  
hearing. 2785

(E) The prosecutor and defense counsel may submit evidence 2786  
on the issue of the defendant's competence to stand trial. A 2787  
written report of the evaluation of the defendant may be 2788  
admitted into evidence at the hearing by stipulation, but, if 2789  
either the prosecution or defense objects to its admission, the 2790  
report may be admitted under sections 2317.36 to 2317.38 of the 2791  
Revised Code or any other applicable statute or rule. 2792

(F) The court shall not find a defendant incompetent to 2793  
stand trial solely because the defendant is receiving or has 2794  
received treatment as a voluntary or involuntary mentally ill 2795

patient under Chapter 5122. or a voluntary or involuntary 2796  
resident with an intellectual disability under Chapter 5123. of 2797  
the Revised Code or because the defendant is receiving or has 2798  
received psychotropic drugs or other medication, even if the 2799  
defendant might become incompetent to stand trial without the 2800  
drugs or medication. 2801

(G) A defendant is presumed to be competent to stand 2802  
trial. If, after a hearing, the court finds by a preponderance 2803  
of the evidence that, because of the defendant's present mental 2804  
condition, the defendant is incapable of understanding the 2805  
nature and objective of the proceedings against the defendant or 2806  
of assisting in the defendant's defense, the court shall find 2807  
the defendant incompetent to stand trial and shall enter an 2808  
order authorized by section 2945.38 of the Revised Code. 2809

(H) Municipal courts shall follow the procedures set forth 2810  
in sections 2945.37 to 2945.402 of the Revised Code. Except as 2811  
provided in section 2945.371 of the Revised Code, a municipal 2812  
court shall not order an evaluation of the defendant's 2813  
competence to stand trial or the defendant's mental condition at 2814  
the time of the commission of the offense to be conducted at any 2815  
hospital operated by the department of mental health and 2816  
addiction services. Those evaluations shall be performed through 2817  
community resources including, but not limited to, certified 2818  
forensic centers, court probation departments, and community 2819  
mental health services providers. All expenses of the 2820  
evaluations shall be borne by the legislative authority of the 2821  
municipal court, as defined in section 1901.03 of the Revised 2822  
Code, and shall be taxed as costs in the case. If a defendant is 2823  
found incompetent to stand trial or not guilty by reason of 2824  
insanity, a municipal court may commit the defendant as provided 2825  
in sections 2945.38 to 2945.402 of the Revised Code. 2826

**Sec. 2945.401.** (A) A defendant found incompetent to stand 2827  
trial and committed pursuant to section 2945.39 of the Revised 2828  
Code or a person found not guilty by reason of insanity and 2829  
committed pursuant to section 2945.40 of the Revised Code shall 2830  
remain subject to the jurisdiction of the trial court pursuant 2831  
to that commitment, and to the provisions of this section, until 2832  
the final termination of the commitment as described in division 2833  
(J) (1) of this section. If the jurisdiction is terminated under 2834  
this division because of the final termination of the commitment 2835  
resulting from the expiration of the maximum prison term or term 2836  
of imprisonment described in division (J) (1) (b) of this section, 2837  
the court or prosecutor may file an affidavit for the civil 2838  
commitment of the defendant or person pursuant to Chapter 5122. 2839  
or 5123. of the Revised Code. 2840

(B) A hearing conducted under any provision of sections 2841  
2945.37 to 2945.402 of the Revised Code shall not be conducted 2842  
in accordance with Chapters 5122. and 5123. of the Revised Code. 2843  
Any person who is committed pursuant to section 2945.39 or 2844  
2945.40 of the Revised Code shall not voluntarily admit the 2845  
person or be voluntarily admitted to a hospital or institution 2846  
pursuant to section 5122.02, 5122.15, 5123.69, or 5123.76 of the 2847  
Revised Code. All other provisions of Chapters 5122. and 5123. 2848  
of the Revised Code regarding hospitalization or 2849  
institutionalization shall apply to the extent they are not in 2850  
conflict with this chapter. A commitment under section 2945.39 2851  
or 2945.40 of the Revised Code shall not be terminated and the 2852  
conditions of the commitment shall not be changed except as 2853  
otherwise provided in division (D) (2) of this section with 2854  
respect to a person with an intellectual disability subject to 2855  
institutionalization by court order or except by order of the 2856  
trial court. 2857



(C) The department of mental health and addiction services 2858  
or the institution, facility, or program to which a defendant or 2859  
person has been committed under section 2945.39 or 2945.40 of 2860  
the Revised Code shall report in writing to the trial court, at 2861  
the times specified in this division, as to whether the 2862  
defendant or person remains a mentally ill person subject to 2863  
court order or a person with an intellectual disability subject 2864  
to institutionalization by court order and, in the case of a 2865  
defendant committed under section 2945.39 of the Revised Code, 2866  
as to whether the defendant remains incompetent to stand trial. 2867  
The department, institution, facility, or program shall make the 2868  
reports after the initial six months of treatment and every two 2869  
years after the initial report is made. The trial court shall 2870  
provide copies of the reports to the prosecutor and to the 2871  
counsel for the defendant or person. Within thirty days after 2872  
its receipt pursuant to this division of a report from the 2873  
department, institution, facility, or program, the trial court 2874  
shall hold a hearing on the continued commitment of the 2875  
defendant or person or on any changes in the conditions of the 2876  
commitment of the defendant or person. The defendant or person 2877  
may request a change in the conditions of confinement, and the 2878  
trial court shall conduct a hearing on that request if six 2879  
months or more have elapsed since the most recent hearing was 2880  
conducted under this section. 2881

(D) (1) Except as otherwise provided in division (D) (2) of 2882  
this section, when a defendant or person has been committed 2883  
under section 2945.39 or 2945.40 of the Revised Code, at any 2884  
time after evaluating the risks to public safety and the welfare 2885  
of the defendant or person, the designee of the department of 2886  
mental health and addiction services or the managing officer of 2887  
the institution or director of the facility or program to which 2888

the defendant or person is committed may recommend a termination 2889  
of the defendant's or person's commitment or a change in the 2890  
conditions of the defendant's or person's commitment. 2891

Except as otherwise provided in division (D)(2) of this 2892  
section, if the designee of the department of mental health and 2893  
addiction services recommends on-grounds unsupervised movement, 2894  
off-grounds supervised movement, or nonsecured status for the 2895  
defendant or person or termination of the defendant's or 2896  
person's commitment, the following provisions apply: 2897

(a) If the department's designee recommends on-grounds 2898  
unsupervised movement or off-grounds supervised movement, the 2899  
department's designee shall file with the trial court an 2900  
application for approval of the movement and shall send a copy 2901  
of the application to the prosecutor. Within fifteen days after 2902  
receiving the application, the prosecutor may request a hearing 2903  
on the application and, if a hearing is requested, shall so 2904  
inform the department's designee. If the prosecutor does not 2905  
request a hearing within the fifteen-day period, the trial court 2906  
shall approve the application by entering its order approving 2907  
the requested movement or, within five days after the expiration 2908  
of the fifteen-day period, shall set a date for a hearing on the 2909  
application. If the prosecutor requests a hearing on the 2910  
application within the fifteen-day period, the trial court shall 2911  
hold a hearing on the application within thirty days after the 2912  
hearing is requested. If the trial court, within five days after 2913  
the expiration of the fifteen-day period, sets a date for a 2914  
hearing on the application, the trial court shall hold the 2915  
hearing within thirty days after setting the hearing date. At 2916  
least fifteen days before any hearing is held under this 2917  
division, the trial court shall give the prosecutor written 2918  
notice of the date, time, and place of the hearing. At the 2919

conclusion of each hearing conducted under this division, the 2920  
trial court either shall approve or disapprove the application 2921  
and shall enter its order accordingly. 2922

(b) If the department's designee recommends termination of 2923  
the defendant's or person's commitment at any time or if the 2924  
department's designee recommends the first of any nonsecured 2925  
status for the defendant or person, the department's designee 2926  
shall send written notice of this recommendation to the trial 2927  
court and to the local forensic center. The local forensic 2928  
center shall evaluate the committed defendant or person and, 2929  
within thirty days after its receipt of the written notice, 2930  
shall submit to the trial court and the department's designee a 2931  
written report of the evaluation. The trial court shall provide 2932  
a copy of the department's designee's written notice and of the 2933  
local forensic center's written report to the prosecutor and to 2934  
the counsel for the defendant or person. Upon the local forensic 2935  
center's submission of the report to the trial court and the 2936  
department's designee, all of the following apply: 2937

(i) If the forensic center disagrees with the 2938  
recommendation of the department's designee, it shall inform the 2939  
department's designee and the trial court of its decision and 2940  
the reasons for the decision. The department's designee, after 2941  
consideration of the forensic center's decision, shall either 2942  
withdraw, proceed with, or modify and proceed with the 2943  
recommendation. If the department's designee proceeds with, or 2944  
modifies and proceeds with, the recommendation, the department's 2945  
designee shall proceed in accordance with division (D) (1) (b) 2946  
(iii) of this section. 2947

(ii) If the forensic center agrees with the recommendation 2948  
of the department's designee, it shall inform the department's 2949

designee and the trial court of its decision and the reasons for 2950  
the decision, and the department's designee shall proceed in 2951  
accordance with division (D) (1) (b) (iii) of this section. 2952

(iii) If the forensic center disagrees with the 2953  
recommendation of the department's designee and the department's 2954  
designee proceeds with, or modifies and proceeds with, the 2955  
recommendation or if the forensic center agrees with the 2956  
recommendation of the department's designee, the department's 2957  
designee shall work with community mental health services 2958  
providers, programs, facilities, or boards of alcohol, drug 2959  
addiction, and mental health services or community mental health 2960  
boards to develop a plan to implement the recommendation. If the 2961  
defendant or person is on medication, the plan shall include, 2962  
but shall not be limited to, a system to monitor the defendant's 2963  
or person's compliance with the prescribed medication treatment 2964  
plan. The system shall include a schedule that clearly states 2965  
when the defendant or person shall report for a medication 2966  
compliance check. The medication compliance checks shall be 2967  
based upon the effective duration of the prescribed medication, 2968  
taking into account the route by which it is taken, and shall be 2969  
scheduled at intervals sufficiently close together to detect a 2970  
potential increase in mental illness symptoms that the 2971  
medication is intended to prevent. 2972

The department's designee, after consultation with the 2973  
board of alcohol, drug addiction, and mental health services or 2974  
the community mental health board serving the area, shall send 2975  
the recommendation and plan developed under division (D) (1) (b) 2976  
(iii) of this section, in writing, to the trial court, the 2977  
prosecutor, and the counsel for the committed defendant or 2978  
person. The trial court shall conduct a hearing on the 2979  
recommendation and plan developed under division (D) (1) (b) (iii) 2980

of this section. Divisions (D) (1) (c) and (d) and (E) to (J) of 2981  
this section apply regarding the hearing. 2982

(c) If the department's designee's recommendation is for 2983  
nonsecured status or termination of commitment, the prosecutor 2984  
may obtain an independent expert evaluation of the defendant's 2985  
or person's mental condition, and the trial court may continue 2986  
the hearing on the recommendation for a period of not more than 2987  
thirty days to permit time for the evaluation. 2988

The prosecutor may introduce the evaluation report or 2989  
present other evidence at the hearing in accordance with the 2990  
Rules of Evidence. 2991

(d) The trial court shall schedule the hearing on a 2992  
department's designee's recommendation for nonsecured status or 2993  
termination of commitment and shall give reasonable notice to 2994  
the prosecutor and the counsel for the defendant or person. 2995  
Unless continued for independent evaluation at the prosecutor's 2996  
request or for other good cause, the hearing shall be held 2997  
within thirty days after the trial court's receipt of the 2998  
recommendation and plan. 2999

(2) (a) Division (D) (1) of this section does not apply to 3000  
on-grounds unsupervised movement of a defendant or person who 3001  
has been committed under section 2945.39 or 2945.40 of the 3002  
Revised Code, who is a person with an intellectual disability 3003  
subject to institutionalization by court order, and who is being 3004  
provided residential habilitation, care, and treatment in a 3005  
facility operated by the department of developmental 3006  
disabilities. 3007

(b) If, pursuant to section 2945.39 of the Revised Code, 3008  
the trial court commits a defendant who is found incompetent to 3009

stand trial and who is a person with an intellectual disability 3010  
subject to institutionalization by court order, if the defendant 3011  
is being provided residential habilitation, care, and treatment 3012  
in a facility operated by the department of developmental 3013  
disabilities, if an individual who is conducting a survey for 3014  
the department of health to determine the facility's compliance 3015  
with the certification requirements of the medicaid program 3016  
cites the defendant's receipt of the residential habilitation, 3017  
care, and treatment in the facility as being inappropriate under 3018  
the certification requirements, if the defendant's receipt of 3019  
the residential habilitation, care, and treatment in the 3020  
facility potentially jeopardizes the facility's continued 3021  
receipt of federal medicaid moneys, and if as a result of the 3022  
citation the chief clinical officer of the facility determines 3023  
that the conditions of the defendant's commitment should be 3024  
changed, the department of developmental disabilities may cause 3025  
the defendant to be removed from the particular facility and, 3026  
after evaluating the risks to public safety and the welfare of 3027  
the defendant and after determining whether another type of 3028  
placement is consistent with the certification requirements, may 3029  
place the defendant in another facility that the department 3030  
selects as an appropriate facility for the defendant's continued 3031  
receipt of residential habilitation, care, and treatment and 3032  
that is a no less secure setting than the facility in which the 3033  
defendant had been placed at the time of the citation. Within 3034  
three days after the defendant's removal and alternative 3035  
placement under the circumstances described in division (D) (2) 3036  
(b) of this section, the department of developmental 3037  
disabilities shall notify the trial court and the prosecutor in 3038  
writing of the removal and alternative placement. 3039

The trial court shall set a date for a hearing on the 3040

removal and alternative placement, and the hearing shall be held 3041  
within twenty-one days after the trial court's receipt of the 3042  
notice from the department of developmental disabilities. At 3043  
least ten days before the hearing is held, the trial court shall 3044  
give the prosecutor, the department of developmental 3045  
disabilities, and the counsel for the defendant written notice 3046  
of the date, time, and place of the hearing. At the hearing, the 3047  
trial court shall consider the citation issued by the individual 3048  
who conducted the survey for the department of health to be 3049  
prima-facie evidence of the fact that the defendant's commitment 3050  
to the particular facility was inappropriate under the 3051  
certification requirements of the medicaid program and 3052  
potentially jeopardizes the particular facility's continued 3053  
receipt of federal medicaid moneys. At the conclusion of the 3054  
hearing, the trial court may approve or disapprove the 3055  
defendant's removal and alternative placement. If the trial 3056  
court approves the defendant's removal and alternative 3057  
placement, the department of developmental disabilities may 3058  
continue the defendant's alternative placement. If the trial 3059  
court disapproves the defendant's removal and alternative 3060  
placement, it shall enter an order modifying the defendant's 3061  
removal and alternative placement, but that order shall not 3062  
require the department of developmental disabilities to replace 3063  
the defendant for purposes of continued residential 3064  
habilitation, care, and treatment in the facility associated 3065  
with the citation issued by the individual who conducted the 3066  
survey for the department of health. 3067

(E) In making a determination under this section regarding 3068  
nonsecured status or termination of commitment, the trial court 3069  
shall consider all relevant factors, including, but not limited 3070  
to, all of the following: 3071

(1) Whether, in the trial court's view, the defendant or person currently represents a substantial risk of physical harm to the defendant or person or others;

(2) Psychiatric and medical testimony as to the current mental and physical condition of the defendant or person;

(3) Whether the defendant or person has insight into the defendant's or person's condition so that the defendant or person will continue treatment as prescribed or seek professional assistance as needed;

(4) The grounds upon which the state relies for the proposed commitment;

(5) Any past history that is relevant to establish the defendant's or person's degree of conformity to the laws, rules, regulations, and values of society;

(6) If there is evidence that the defendant's or person's mental illness is in a state of remission, the medically suggested cause and degree of the remission and the probability that the defendant or person will continue treatment to maintain the remissive state of the defendant's or person's illness should the defendant's or person's commitment conditions be altered.

(F) At any hearing held pursuant to division (C) or (D) (1) or (2) of this section, the defendant or the person shall have all the rights of a defendant or person at a commitment hearing as described in section 2945.40 of the Revised Code.

(G) In a hearing held pursuant to division (C) or (D) (1) of this section, the prosecutor has the burden of proof as follows:



(1) For a recommendation of termination of commitment, to show by clear and convincing evidence that the defendant or person remains a mentally ill person subject to court order or a person with an intellectual disability subject to institutionalization by court order;

(2) For a recommendation for a change in the conditions of the commitment to a less restrictive status, to show by clear and convincing evidence that the proposed change represents a threat to public safety or a threat to the safety of any person.

(H) In a hearing held pursuant to division (C) or (D) (1) or (2) of this section, the prosecutor shall represent the state or the public interest.

(I) At the conclusion of a hearing conducted under division (D) (1) of this section regarding a recommendation from the designee of the department of mental health and addiction services, managing officer of the institution, or director of a facility or program, the trial court may approve, disapprove, or modify the recommendation and shall enter an order accordingly.

(J) (1) A defendant or person who has been committed pursuant to section 2945.39 or 2945.40 of the Revised Code continues to be under the jurisdiction of the trial court until the final termination of the commitment. For purposes of division (J) of this section, the final termination of a commitment occurs upon the earlier of one of the following:

(a) The defendant or person no longer is a mentally ill person subject to court order or a person with an intellectual disability subject to institutionalization by court order, as determined by the trial court;

(b) The expiration of the ~~maximum~~ longest prison term or

term of imprisonment that the defendant or person could have 3129  
received if the defendant or person had been convicted of the 3130  
most serious offense with which the defendant or person is 3131  
charged or in relation to which the defendant or person was 3132  
found not guilty by reason of insanity, including, for an 3133  
offense that would be a felony of the first or second degree 3134  
that occurred on or after March 22, 2019, both the longest 3135  
minimum prison term that the defendant or person could have 3136  
received if convicted plus the corresponding maximum prison term 3137  
that would be required; 3138

(c) The trial court enters an order terminating the 3139  
commitment under the circumstances described in division (J) (2) 3140  
(a) (ii) of this section. 3141

(2) (a) If a defendant is found incompetent to stand trial 3142  
and committed pursuant to section 2945.39 of the Revised Code, 3143  
if neither of the circumstances described in divisions (J) (1) (a) 3144  
and (b) of this section applies to that defendant, and if a 3145  
report filed with the trial court pursuant to division (C) of 3146  
this section indicates that the defendant presently is competent 3147  
to stand trial or if, at any other time during the period of the 3148  
defendant's commitment, the prosecutor, the counsel for the 3149  
defendant, or the designee of the department of mental health 3150  
and addiction services or the managing officer of the 3151  
institution or director of the facility or program to which the 3152  
defendant is committed files an application with the trial court 3153  
alleging that the defendant presently is competent to stand 3154  
trial and requesting a hearing on the competency issue or the 3155  
trial court otherwise has reasonable cause to believe that the 3156  
defendant presently is competent to stand trial and determines 3157  
on its own motion to hold a hearing on the competency issue, the 3158  
trial court shall schedule a hearing on the competency of the 3159

defendant to stand trial, shall give the prosecutor, the counsel 3160  
for the defendant, and the department's designee or the managing 3161  
officer of the institution or the director of the facility to 3162  
which the defendant is committed notice of the date, time, and 3163  
place of the hearing at least fifteen days before the hearing, 3164  
and shall conduct the hearing within thirty days of the filing 3165  
of the application or of its own motion. If, at the conclusion 3166  
of the hearing, the trial court determines that the defendant 3167  
presently is capable of understanding the nature and objective 3168  
of the proceedings against the defendant and of assisting in the 3169  
defendant's defense, the trial court shall order that the 3170  
defendant is competent to stand trial and shall be proceeded 3171  
against as provided by law with respect to the applicable 3172  
offenses described in division (C) (1) of section 2945.38 of the 3173  
Revised Code and shall enter whichever of the following 3174  
additional orders is appropriate: 3175

(i) If the trial court determines that the defendant 3176  
remains a mentally ill person subject to court order or a person 3177  
with an intellectual disability subject to institutionalization 3178  
by court order, the trial court shall order that the defendant's 3179  
commitment to the department of mental health and addiction 3180  
services or to an institution, facility, or program for the 3181  
treatment of intellectual disabilities be continued during the 3182  
pendency of the trial on the applicable offenses described in 3183  
division (C) (1) of section 2945.38 of the Revised Code. 3184

(ii) If the trial court determines that the defendant no 3185  
longer is a mentally ill person subject to court order or a 3186  
person with an intellectual disability subject to 3187  
institutionalization by court order, the trial court shall order 3188  
that the defendant's commitment to the department of mental 3189  
health and addiction services or to an institution, facility, or 3190

program for the treatment of intellectual disabilities shall not 3191  
be continued during the pendency of the trial on the applicable 3192  
offenses described in division (C) (1) of section 2945.38 of the 3193  
Revised Code. This order shall be a final termination of the 3194  
commitment for purposes of division (J) (1) (c) of this section. 3195

(b) If, at the conclusion of the hearing described in 3196  
division (J) (2) (a) of this section, the trial court determines 3197  
that the defendant remains incapable of understanding the nature 3198  
and objective of the proceedings against the defendant or of 3199  
assisting in the defendant's defense, the trial court shall 3200  
order that the defendant continues to be incompetent to stand 3201  
trial, that the defendant's commitment to the department of 3202  
mental health and addiction services or to an institution, 3203  
facility, or program for the treatment of intellectual 3204  
disabilities shall be continued, and that the defendant remains 3205  
subject to the jurisdiction of the trial court pursuant to that 3206  
commitment, and to the provisions of this section, until the 3207  
final termination of the commitment as described in division (J) 3208  
(1) of this section. 3209

**Sec. 2949.08.** (A) When a person who is convicted of or 3210  
pleads guilty to a felony is sentenced to a community 3211  
residential sanction in a community-based correctional facility 3212  
pursuant to section 2929.16 of the Revised Code or when a person 3213  
who is convicted of or pleads guilty to a felony or a 3214  
misdemeanor is sentenced to a term of imprisonment in a jail, 3215  
the judge or magistrate shall order the person into the custody 3216  
of the sheriff or constable, and the sheriff or constable shall 3217  
deliver the person with the record of the person's conviction to 3218  
the jailer, administrator, or keeper, in whose custody the 3219  
person shall remain until the term of imprisonment expires or 3220  
the person is otherwise legally discharged. 3221

(B) The record of the person's conviction shall specify 3222  
the total number of days, if any, that the person was confined 3223  
for any reason arising out of the offense for which the person 3224  
was convicted and sentenced prior to delivery to the jailer, 3225  
administrator, or keeper under this section. The record shall be 3226  
used to determine any reduction of sentence under division (C) 3227  
of this section. 3228

(C) (1) If the person is sentenced to a jail for a felony 3229  
or a misdemeanor, the jailer in charge of a jail shall reduce 3230  
the sentence of a person delivered into the jailer's custody 3231  
pursuant to division (A) of this section by the total number of 3232  
days the person was confined for any reason arising out of the 3233  
offense for which the person was convicted and sentenced, 3234  
including confinement in lieu of bail while awaiting trial, 3235  
confinement for examination to determine the person's competence 3236  
to stand trial or to determine sanity, confinement while 3237  
awaiting transportation to the place where the person is to 3238  
serve the sentence, and confinement in a juvenile facility. 3239

(2) If the person is sentenced to a community-based 3240  
correctional facility for a felony, the total amount of time 3241  
that a person shall be confined in a community-based 3242  
correctional facility, in a jail, and for any reason arising out 3243  
of the offense for which the person was convicted and sentenced 3244  
prior to delivery to the jailer, administrator, or keeper shall 3245  
not exceed the ~~maximum~~ longest prison term available for that 3246  
offense including, for an offense that would be a felony of the 3247  
first or second degree that occurred on or after March 22, 2019, 3248  
both the longest minimum prison term that the defendant or 3249  
person could have received if convicted, plus the corresponding 3250  
maximum prison term that would be required. Any term in a jail 3251  
shall be reduced first pursuant to division (C) (1) of this 3252

section by the total number of days the person was confined 3253  
prior to delivery to the jailer, administrator, or keeper. Only 3254  
after the term in a jail has been entirely reduced may the term 3255  
in a community-based correctional facility be reduced pursuant 3256  
to this division. This division does not affect the limitations 3257  
placed on the duration of a term in a jail or a community-based 3258  
correctional facility under divisions (A) (1), (2), and (3) of 3259  
section 2929.16 of the Revised Code. 3260

(D) For purposes of divisions (B) and (C) of this section, 3261  
a person shall be considered to have been confined for a day if 3262  
the person was confined for any period or periods of time 3263  
totaling more than eight hours during that day. 3264

(E) As used in this section, "community-based correctional 3265  
facility" ~~and, " "minimum prison term," "maximum prison term,"~~ 3266  
and "jail" have the same meanings as in section 2929.01 of the 3267  
Revised Code. 3268

**Sec. 2951.03.** (A) (1) Unless the defendant and the 3269  
prosecutor who is handling the case against the defendant agree 3270  
to waive the presentence investigation report, no person who has 3271  
been convicted of or pleaded guilty to a felony shall be placed 3272  
under a community control sanction until a written presentence 3273  
investigation report has been considered by the court. The court 3274  
may order a presentence investigation report notwithstanding an 3275  
agreement to waive the report. If a court orders the preparation 3276  
of a presentence investigation report pursuant to this section, 3277  
section 2947.06 of the Revised Code, or Criminal Rule 32.2, the 3278  
officer making the report shall inquire into the circumstances 3279  
of the offense and the criminal record, social history, and 3280  
present condition of the defendant, all information available 3281  
regarding any prior adjudications of the defendant as a 3282

delinquent child and regarding the dispositions made relative to 3283  
those adjudications, and any other matters specified in Criminal 3284  
Rule 32.2. Whenever the officer considers it advisable, the 3285  
officer's investigation may include a physical and mental 3286  
examination of the defendant. A physical examination of the 3287  
defendant may include a drug test consisting of a chemical 3288  
analysis of a blood or urine specimen of the defendant to 3289  
determine whether the defendant ingested or was injected with a 3290  
drug of abuse. If, pursuant to section 2930.13 of the Revised 3291  
Code, the victim of the offense of which the defendant has been 3292  
convicted wishes to make a statement regarding the impact of the 3293  
offense for the officer's use in preparing the presentence 3294  
investigation report, the officer shall comply with the 3295  
requirements of that section. 3296

(2) If a defendant is committed to any institution, the 3297  
presentence investigation report shall be sent to the 3298  
institution with the entry of commitment. If a defendant is 3299  
committed to any institution and a presentence investigation 3300  
report is not prepared regarding that defendant pursuant to this 3301  
section, section 2947.06 of the Revised Code, or Criminal Rule 3302  
32.2, the director of the department of rehabilitation and 3303  
correction or the director's designee may order that an offender 3304  
background investigation and report be conducted and prepared 3305  
regarding the defendant pursuant to section 5120.16 of the 3306  
Revised Code. An offender background investigation report 3307  
prepared pursuant to this section shall be considered 3308  
confidential information and is not a public record under 3309  
section 149.43 of the Revised Code. 3310

(3) The department of rehabilitation and correction may 3311  
use any presentence investigation report and any offender 3312  
background investigation report prepared pursuant to this 3313

section for penological and rehabilitative purposes. The 3314  
department may disclose any presentence investigation report and 3315  
any offender background investigation report to courts, law 3316  
enforcement agencies, community-based correctional facilities, 3317  
halfway houses, and medical, mental health, and substance abuse 3318  
treatment providers. The department shall make the disclosure in 3319  
a manner calculated to maintain the report's confidentiality. 3320  
Any presentence investigation report or offender background 3321  
investigation report that the department discloses to a 3322  
community-based correctional facility, a halfway house, or a 3323  
medical, mental health, or substance abuse treatment provider 3324  
shall not include a victim impact section or information 3325  
identifying a witness. 3326

(B) (1) If a presentence investigation report is prepared 3327  
pursuant to this section, section 2947.06 of the Revised Code, 3328  
or Criminal Rule 32.2, the court, at a reasonable time before 3329  
imposing sentence, shall permit the defendant or the defendant's 3330  
counsel to read the report, except that the court shall not 3331  
permit the defendant or the defendant's counsel to read any of 3332  
the following: 3333

(a) Any recommendation as to sentence; 3334

(b) Any diagnostic opinions that, if disclosed, the court 3335  
believes might seriously disrupt a program of rehabilitation for 3336  
the defendant; 3337

(c) Any sources of information obtained upon a promise of 3338  
confidentiality; 3339

(d) Any other information that, if disclosed, the court 3340  
believes might result in physical harm or some other type of 3341  
harm to the defendant or to any other person. 3342



(2) Prior to sentencing, the court shall permit the defendant and the defendant's counsel to comment on the presentence investigation report and, in its discretion, may permit the defendant and the defendant's counsel to introduce testimony or other information that relates to any alleged factual inaccuracy contained in the report.

(3) If the court believes that any information in the presentence investigation report should not be disclosed pursuant to division (B)(1) of this section, the court, in lieu of making the report or any part of the report available, shall state orally or in writing a summary of the factual information contained in the report that will be relied upon in determining the defendant's sentence. The court shall permit the defendant and the defendant's counsel to comment upon the oral or written summary of the report.

(4) Any material that is disclosed to the defendant or the defendant's counsel pursuant to this section shall be disclosed to the prosecutor who is handling the prosecution of the case against the defendant.

(5) If the comments of the defendant or the defendant's counsel, the testimony they introduce, or any of the other information they introduce alleges any factual inaccuracy in the presentence investigation report or the summary of the report, the court shall do either of the following with respect to each alleged factual inaccuracy:

(a) Make a finding as to the allegation;

(b) Make a determination that no finding is necessary with respect to the allegation, because the factual matter will not be taken into account in the sentencing of the defendant.

(C) A court's decision as to the content of a summary 3372  
under division (B) (3) of this section or as to the withholding 3373  
of information under division (B) (1) (a), (b), (c), or (d) of 3374  
this section shall be considered to be within the discretion of 3375  
the court. No appeal can be taken from either of those 3376  
decisions, and neither of those decisions shall be the basis for 3377  
a reversal of the sentence imposed. 3378

(D) (1) The contents of a presentence investigation report 3379  
prepared pursuant to this section, section 2947.06 of the 3380  
Revised Code, or Criminal Rule 32.2 and the contents of any 3381  
written or oral summary of a presentence investigation report or 3382  
of a part of a presentence investigation report described in 3383  
division (B) (3) of this section are confidential information and 3384  
are not a public record. The court, an appellate court, 3385  
authorized probation officers, investigators, and court 3386  
personnel, the defendant, the defendant's counsel, the 3387  
prosecutor who is handling the prosecution of the case against 3388  
the defendant, and authorized personnel of an institution to 3389  
which the defendant is committed may inspect, receive copies of, 3390  
retain copies of, and use a presentence investigation report or 3391  
a written or oral summary of a presentence investigation only 3392  
for the purposes of or only as authorized by Criminal Rule 32.2 3393  
or this section, division ~~(F) (1)~~ (F) (1) (a) of section 2953.08, 3394  
section 2947.06, or another section of the Revised Code. 3395

(2) Immediately following the imposition of sentence upon 3396  
the defendant, the defendant or the defendant's counsel and the 3397  
prosecutor shall return to the court all copies of a presentence 3398  
investigation report and of any written summary of a presentence 3399  
investigation report or part of a presentence investigation 3400  
report that the court made available to the defendant or the 3401  
defendant's counsel and to the prosecutor pursuant to this 3402

section. The defendant or the defendant's counsel and the 3403  
prosecutor shall not make any copies of the presentence 3404  
investigation report or of any written summary of a presentence 3405  
investigation report or part of a presentence investigation 3406  
report that the court made available to them pursuant to this 3407  
section. 3408

(3) Except when a presentence investigation report or a 3409  
written or oral summary of a presentence investigation report is 3410  
being used for the purposes of or as authorized by Criminal Rule 3411  
32.2 or this section, division ~~(F) (1)~~ (F) (1) (a) of section 3412  
2953.08, section 2947.06, or another section of the Revised 3413  
Code, the court or other authorized holder of the report or 3414  
summary shall retain the report or summary under seal. 3415

(E) In inquiring into the information available regarding 3416  
any prior adjudications of the defendant as a delinquent child 3417  
and regarding the dispositions made relative to those 3418  
adjudications, the officer making the report shall consider all 3419  
information that is relevant, including, but not limited to, the 3420  
materials described in division (B) of section 2151.14, division 3421  
(C) (3) of section 2152.18, division (D) (3) of section 2152.19, 3422  
and division (E) of section 2152.71 of the Revised Code. 3423

(F) As used in this section: 3424

(1) "Prosecutor" has the same meaning as in section 3425  
2935.01 of the Revised Code. 3426

(2) "Community control sanction" has the same meaning as 3427  
in section 2929.01 of the Revised Code. 3428

(3) "Public record" has the same meaning as in section 3429  
149.43 of the Revised Code. 3430

**Sec. 2953.07.** (A) Upon the hearing of an appeal other than 3431

an appeal from a mayor's court, the appellate court may affirm 3432  
the judgment or reverse it, in whole or in part, or modify it, 3433  
and order the accused to be discharged or grant a new trial. ~~The~~ 3434  
~~appellate court may remand the accused for the sole purpose of~~ 3435  
~~correcting a sentence imposed contrary to law, provided that, on~~ 3436  
~~an appeal of a sentence imposed upon a person who is convicted~~ 3437  
~~of or pleads guilty to a felony that is brought under section~~ 3438  
~~2953.08 of the Revised Code, division (G) of that section~~ 3439  
~~applies to the court.~~ If the judgment is reversed, the appellant 3440  
shall recover from the appellee all court costs incurred to 3441  
secure the reversal, including the cost of transcripts. In 3442  
capital cases, when the judgment is affirmed and the day fixed 3443  
for the execution is passed, the appellate court shall appoint a 3444  
day for it, and the clerk of the appellate court shall issue a 3445  
warrant under the seal of the appellate court, to the sheriff of 3446  
the proper county, or the warden of the appropriate state 3447  
correctional institution, commanding the sheriff or warden to 3448  
carry the sentence into execution on the day so appointed. The 3449  
sheriff or warden shall execute and return the warrant as in 3450  
other cases, and the clerk shall record the warrant and return. 3451

(B) As used in this section, "appellate court" means, for 3452  
a case in which a sentence of death is imposed for an offense 3453  
committed before January 1, 1995, both the court of appeals and 3454  
the supreme court, and for a case in which a sentence of death 3455  
is imposed for an offense committed on or after January 1, 1995, 3456  
the supreme court. 3457

Sec. 2953.08. (A) As used in this section, "authorized by 3458  
law" means a sentence that complies with all of the following: 3459

(1) All mandatory sentencing provisions in the Revised 3460  
Code; 3461

<u>(2) All definite or indefinite sentencing provisions in</u>	3462
<u>the Revised Code;</u>	3463
<u>(3) The range of prison terms in division (A) of section</u>	3464
<u>2929.14 of the Revised Code;</u>	3465
<u>(4) Any other provision of the Revised Code.</u>	3466
<u>(B) This section applies to all appeals of sentences</u>	3467
<u>imposed upon a defendant who is convicted of or pleads guilty to</u>	3468
<u>a felony. Except for constitutional challenges, no appeal of a</u>	3469
<u>sentence imposed upon a defendant who is convicted of or pleads</u>	3470
<u>guilty to a felony may be filed unless authorized by this</u>	3471
<u>section.</u>	3472
<u>(C) In addition to any other right to appeal and except as</u>	3473
<u>provided in division (E) of this section, a defendant who is</u>	3474
<u>convicted of or pleads guilty to a felony may appeal as a matter</u>	3475
<u>of right the sentence imposed upon the defendant on one of the</u>	3476
<u>following grounds:</u>	3477
<u>(1) The sentence is not authorized by law.</u>	3478
<u>(2) The sentence was imposed for an offense and was not</u>	3479
<u>imposed concurrently or consecutively with another sentence.</u>	3480
<u>(3) The sentence was imposed for an offense and was not</u>	3481
<u>imposed concurrently or consecutively with another sentence, and</u>	3482
<u>there is a presumption against a prison term for the offense.</u>	3483
<u>(4) The sentence was imposed concurrently with another</u>	3484
<u>sentence for an offense.</u>	3485
<u>(5) The sentence was imposed concurrently with another</u>	3486
<u>sentence for an offense, and there is a presumption against a</u>	3487
<u>prison term for the offense.</u>	3488

(6) The sentence was imposed consecutively with another 3489  
sentence for an offense, and the sentencing court did not make 3490  
the findings required by division (C) (4) of section 2929.14 of 3491  
the Revised Code to overcome the presumption in division (A) of 3492  
section 2929.41 of the Revised Code. 3493

(7) The sentence was imposed consecutively with another 3494  
sentence, and the sentencing court made the findings required by 3495  
division (C) (4) of section 2929.14 of the Revised Code to 3496  
overcome the presumption in division (A) of section 2929.41 of 3497  
the Revised Code. 3498

(D) Except as provided in division (E) of this section, 3499  
the prosecuting attorney, city director of law, village 3500  
solicitor, chief municipal legal officer, or the attorney 3501  
general, if one of those persons prosecuted the case, may appeal 3502  
as a matter of right a sentence imposed upon a defendant who is 3503  
convicted of or pleads guilty to a felony on any of the 3504  
following grounds: 3505

(1) The sentence is not authorized by law. 3506

(2) The sentence is suspended, and the sentence was 3507  
imposed for a felony of the first or second degree. 3508

(3) The sentence did not include a prison term despite a 3509  
presumption favoring a prison term for the offense for which it 3510  
was imposed. 3511

(4) The sentence is a modification under section 2929.20 3512  
of the Revised Code, and the sentence was imposed for a felony 3513  
of the first or second degree. 3514

(E) A sentence imposed upon a defendant is not subject to 3515  
review under this section if the sentence is authorized by law, 3516  
and is consistent with the joint recommendation of the defendant 3517

and the prosecution in the case as to the sentence, sentencing 3518  
range, aggregate minimum prison term, or aggregate maximum 3519  
prison term, and is imposed by a sentencing judge. 3520

(F) (1) On appeal of a sentence under this section, the 3521  
record to be reviewed shall include all of the following, as 3522  
applicable: 3523

(a) Any presentence, psychiatric, or other investigative 3524  
report that was submitted to the court in writing before the 3525  
sentence was imposed. An appellate court that reviews a 3526  
presentence investigation report prepared pursuant to section 3527  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 3528  
connection with the appeal of a sentence under this section 3529  
shall comply with division (D) (3) of section 2951.03 of the 3530  
Revised Code when the appellate court is not using the 3531  
presentence investigation report. The appellate court's use of a 3532  
presentence investigation report of that nature in connection 3533  
with the appeal of a sentence under this section does not affect 3534  
the otherwise confidential character of the contents of that 3535  
report as described in division (D) (1) of section 2951.03 of the 3536  
Revised Code and does not cause that report to become a public 3537  
record, as defined in section 149.43 of the Revised Code, 3538  
following the appellate court's use of the report. 3539

(b) The trial record in the case in which the sentence was 3540  
imposed; 3541

(c) Any oral or written statements made to or by the court 3542  
at the sentencing hearing at which the sentence was imposed; 3543

(d) Any written findings that the court was required to 3544  
make in connection with the modification of the sentence 3545  
pursuant to a judicial release under division (I) of section 3546

2929.20 of the Revised Code; 3547

(e) An agreed statement of the record to be reviewed, as 3548  
applicable. 3549

(2) The record to be reviewed shall be made available to 3550  
all parties. 3551

(G) When filing an appeal, the appellant shall specify the 3552  
grounds for the appeal in division (C) or (D) of this section 3553  
and specifically reference the record in division (F) of this 3554  
section that is the basis of the appeal. 3555

(H) (1) The appellate court shall consider the record, 3556  
including the findings underlying the sentence or modification 3557  
given by the sentencing court and, when reviewing a sentence 3558  
that was imposed consecutively with another sentence, the 3559  
aggregate length of all imposed sentences. 3560

(2) For a sentence reviewed under divisions (C) (1) to (6) 3561  
or division (D) of this section, if the sentence is within the 3562  
range of prison terms in division (A) of section 2929.14 of the 3563  
Revised Code, there is a presumption that the sentence is 3564  
proportional and consistent, and the appellate court shall 3565  
vacate and remand for resentencing if the defendant or 3566  
prosecution establishes by clear and convincing evidence that 3567  
the sentencing court erroneously based its sentence on an error 3568  
of fact. 3569

(3) (a) Subject to division (H) (3) (c) of this section, for 3570  
a sentence reviewed under division (C) (7) of this section, if 3571  
the aggregate minimum prison term of the consecutive sentence, 3572  
not including any specification, is equal to or less than the 3573  
number of years in division (H) (3) (d) of this section, there is 3574  
a presumption that the findings made under division (C) (4) of 3575



section 2929.14 of the Revised Code are supported by the record, 3576  
and the appellate court shall vacate and remand for resentencing 3577  
if the findings made under division (C) (4) of section 2929.14 of 3578  
the Revised Code are not clearly and convincingly supported by 3579  
the record. 3580

(b) Subject to division (H) (3) (c) of this section, for a 3581  
sentence reviewed under division (C) (7) of this section, if the 3582  
aggregate minimum prison term of the consecutive sentence, not 3583  
including any specification, is greater than the number of years 3584  
in division (H) (3) (d) of this section, there is no presumption 3585  
that the findings made under division (C) (4) of section 2929.14 3586  
of the Revised Code are supported by the record, and the 3587  
appellate court shall vacate and remand for resentencing if the 3588  
findings made under division (C) (4) of section 2929.14 of the 3589  
Revised Code are not clearly and convincingly supported by the 3590  
record. 3591

(c) In making the determination described in division (H) 3592  
(3) (a) or (b) of this section, the court may also consider all 3593  
of the following: 3594

(i) The conduct of the defendant; 3595

(ii) The age of the defendant; 3596

(iii) The harm or lack of harm caused by the offense or 3597  
offenses; 3598

(iv) The defendant's criminal history or lack of criminal 3599  
history; 3600

(v) All relevant sentencing factors under sections 2929.11 3601  
and 2929.12 and division (C) (4) of section 2929.14 of the 3602  
Revised Code; 3603

<u>(vi) The consistency and proportionality of the sentence;</u>	3604
<u>(vii) Any mitigating factors presented at sentencing.</u>	3605
<u>(d) The court shall review the following aggregate minimum prison terms of a consecutive sentence:</u>	3606 3607
<u>(i) Fifteen years when the most serious offense is a felony of the first degree;</u>	3608 3609
<u>(ii) Twelve years when the most serious offense is a felony of the second degree;</u>	3610 3611
<u>(iii) Eight years when the most serious offense is a felony of the third degree;</u>	3612 3613
<u>(iv) Three years when the most serious offense is a felony of the fourth degree;</u>	3614 3615
<u>(v) Two years when the most serious offense is a felony of the fifth degree.</u>	3616 3617
<u>(I) A judgment or final order of a court of appeals under this section may be appealed, by leave of court, to the supreme court.</u>	3618 3619 3620
<b>Sec. 2967.14.</b> (A) The department of rehabilitation and correction or the adult parole authority may require or allow a parolee, a releasee, or a prisoner otherwise released from a state correctional institution to reside in a halfway house or other suitable community residential center that has been licensed by the division of parole and community services pursuant to division (C) of this section <u>or, in the</u> <u>circumstances described in division (E) of section 5120.113 of</u> <u>the Revised Code, in the reentry program and facility</u> <u>established under that division, during a part or for the entire</u> period of the offender's or parolee's conditional release or of	3621 3622 3623 3624 3625 3626 3627 3628 3629 3630 3631

the releasee's term of post-release control. The court of common 3632  
pleas that placed an offender under a sanction consisting of a 3633  
term in a halfway house or in an alternative residential 3634  
sanction may require the offender to reside in a halfway house 3635  
or other suitable community residential center that is 3636  
designated by the court and that has been licensed by the 3637  
division pursuant to division (C) of this section during a part 3638  
or for the entire period of the offender's residential sanction. 3639

(B) The division of parole and community services may 3640  
negotiate and enter into agreements with any public or private 3641  
agency or a department or political subdivision of the state 3642  
that operates a halfway house, reentry center, or community 3643  
residential center that has been licensed by the division 3644  
pursuant to division (C) of this section. An agreement under 3645  
this division shall provide for the purchase of beds, shall set 3646  
limits of supervision and levels of occupancy, and shall 3647  
determine the scope of services for all eligible offenders, 3648  
including those subject to a residential sanction, as defined in 3649  
rules adopted by the director of rehabilitation and correction 3650  
in accordance with Chapter 119. of the Revised Code, or those 3651  
released from prison without supervision. The payments for beds 3652  
and services shall not exceed the total operating costs of the 3653  
halfway house, reentry center, or community residential center 3654  
during the term of an agreement. The director of rehabilitation 3655  
and correction shall adopt rules in accordance with Chapter 119. 3656  
of the Revised Code for determining includable and excludable 3657  
costs and income to be used in computing the agency's average 3658  
daily per capita costs with its facility at full occupancy. 3659

The director of rehabilitation and correction shall adopt 3660  
rules providing for the use of no more than fifteen per cent of 3661  
the amount appropriated to the department each fiscal year for 3662

the halfway house, reentry center, and community residential 3663  
center program to pay for contracts with licensed halfway houses 3664  
for nonresidential services for offenders under the supervision 3665  
of the adult parole authority, including but not limited to, 3666  
offenders supervised pursuant to an agreement entered into by 3667  
the adult parole authority and a court of common pleas under 3668  
section 2301.32 of the Revised Code. The nonresidential services 3669  
may include, but are not limited to, treatment for substance 3670  
abuse, mental health counseling, counseling for sex offenders, 3671  
electronic monitoring services, aftercare, and other 3672  
nonresidential services that the director identifies by rule. 3673

(C) The division of parole and community services may 3674  
license a halfway house, reentry center, or community 3675  
residential center as a suitable facility for the care and 3676  
treatment of adult offenders, including offenders sentenced 3677  
under section 2929.16 or 2929.26 of the Revised Code, only if 3678  
the halfway house, reentry center, or community residential 3679  
center complies with the standards that the division adopts in 3680  
accordance with Chapter 119. of the Revised Code for the 3681  
licensure of halfway houses, reentry centers, and community 3682  
residential centers. The division shall annually inspect each 3683  
licensed halfway house, licensed reentry center, and licensed 3684  
community residential center to determine if it is in compliance 3685  
with the licensure standards. 3686

(D) The division of parole and community services may 3687  
expend up to one-half per cent of the annual appropriation made 3688  
for halfway house programs, for goods or services that benefit 3689  
those programs. 3690

**Sec. 2967.191.** (A) The department of rehabilitation and 3691  
correction shall reduce the prison term of a prisoner, as 3692

described in division (B) of this section, by the total number 3693  
of days that the prisoner was confined for any reason arising 3694  
out of the offense for which the prisoner was convicted and 3695  
sentenced, including confinement in lieu of bail while awaiting 3696  
trial, confinement for examination to determine the prisoner's 3697  
competence to stand trial or sanity, confinement while awaiting 3698  
transportation to the place where the prisoner is to serve the 3699  
prisoner's prison term, as determined by the sentencing court 3700  
under division (B) (2) (g) (i) of section 2929.19 of the Revised 3701  
Code, and confinement in a juvenile facility. The department of 3702  
rehabilitation and correction also shall reduce the stated 3703  
prison term of a prisoner or, if the prisoner is serving a term 3704  
for which there is parole eligibility, the minimum and maximum 3705  
term or the parole eligibility date of the prisoner by the total 3706  
number of days, if any, that the prisoner previously served in 3707  
the custody of the department of rehabilitation and correction 3708  
arising out of the offense for which the prisoner was convicted 3709  
and sentenced. 3710

(B) The reductions described in division (A) of this 3711  
section shall be made to the following prison terms, as 3712  
applicable: 3713

(1) The definite prison term of a prisoner serving a 3714  
definite prison term as a stated prison term; 3715

(2) The minimum ~~and maximum~~ term of a prisoner serving a 3716  
non-life felony indefinite prison term as a stated prison term; 3717

(3) The minimum and maximum term or the parole eligibility 3718  
date of a prisoner serving a term for which there is parole 3719  
eligibility. 3720

**Sec. 2967.193.** (A) (1) Except as provided in division (C) 3721

of this section and subject to the maximum aggregate total 3722  
specified in division (A) (3) of this section, a person confined 3723  
in a state correctional institution or placed in the substance 3724  
use disorder treatment program may provisionally earn one day or 3725  
five days of credit, based on the category set forth in division 3726  
(D) (1), (2), (3), (4), or (5) of this section in which the 3727  
person is included, toward satisfaction of the person's stated 3728  
prison term, as described in division (F) of this section, for 3729  
each completed month during which the person, if confined in a 3730  
state correctional institution, productively participates in an 3731  
education program, vocational training, employment in prison 3732  
industries, treatment for substance abuse, or any other 3733  
constructive program developed by the department with specific 3734  
standards for performance by prisoners or during which the 3735  
person, if placed in the substance use disorder treatment 3736  
program, productively participates in the program. Except as 3737  
provided in division (C) of this section and subject to the 3738  
maximum aggregate total specified in division (A) (3) of this 3739  
section, a person so confined in a state correctional 3740  
institution who successfully completes two programs or 3741  
activities of that type may, in addition, provisionally earn up 3742  
to five days of credit toward satisfaction of the person's 3743  
stated prison term, as described in division (F) of this 3744  
section, for the successful completion of the second program or 3745  
activity. The person shall not be awarded any provisional days 3746  
of credit for the successful completion of the first program or 3747  
activity or for the successful completion of any program or 3748  
activity that is completed after the second program or activity. 3749  
At the end of each calendar month in which a person productively 3750  
participates in a program or activity listed in this division or 3751  
successfully completes a program or activity listed in this 3752  
division, the department of rehabilitation and correction shall 3753

determine and record the total number of days credit that the 3754  
person provisionally earned in that calendar month. If the 3755  
person in a state correctional institution violates prison rules 3756  
or the person in the substance use disorder treatment program 3757  
violates program or department rules, the department may deny 3758  
the person a credit that otherwise could have been provisionally 3759  
awarded to the person or may withdraw one or more credits 3760  
previously provisionally earned by the person. Days of credit 3761  
provisionally earned by a person shall be finalized and awarded 3762  
by the department subject to administrative review by the 3763  
department of the person's conduct. 3764

(2) Unless a person is serving a mandatory prison term or 3765  
a prison term for an offense of violence or a sexually oriented 3766  
offense, and notwithstanding the maximum aggregate total 3767  
specified in division (A) (3) of this section, a person who 3768  
successfully completes any of the following shall earn ninety 3769  
days of credit toward satisfaction of the person's stated prison 3770  
term or a ten per cent reduction of the person's stated prison 3771  
term, whichever is less: 3772

(a) An Ohio high school diploma or Ohio certificate of 3773  
high school equivalence certified by the Ohio central school 3774  
system; 3775

(b) A therapeutic drug community program; 3776

(c) All three phases of the department of rehabilitation 3777  
and correction's intensive outpatient drug treatment program; 3778

(d) A career technical vocational school program; 3779

(e) A college certification program; 3780

(f) The criteria for a certificate of achievement and 3781  
employability as specified in division (A) (1) of section 2961.22 3782

of the Revised Code. 3783

(3) Except for persons described in division (A)(2) of 3784  
this section, the aggregate days of credit provisionally earned 3785  
by a person for program or activity participation and program 3786  
and activity completion under this section and the aggregate 3787  
days of credit finally credited to a person under this section 3788  
shall not exceed eight per cent of the total number of days in 3789  
the person's stated prison term. 3790

(B) The department of rehabilitation and correction shall 3791  
adopt rules that specify the programs or activities for which 3792  
credit may be earned under this section, the criteria for 3793  
determining productive participation in, or completion of, the 3794  
programs or activities and the criteria for awarding credit, 3795  
including criteria for awarding additional credit for successful 3796  
program or activity completion, and the criteria for denying or 3797  
withdrawing previously provisionally earned credit as a result 3798  
of a violation of prison rules, or program or department rules, 3799  
whichever is applicable. 3800

(C) No person confined in a state correctional institution 3801  
or placed in a substance use disorder treatment program to whom 3802  
any of the following applies shall be awarded any days of credit 3803  
under division (A) of this section: 3804

(1) The person is serving a prison term that section 3805  
2929.13 or section 2929.14 of the Revised Code specifies cannot 3806  
be reduced pursuant to this section or this chapter or is 3807  
serving a sentence for which section 2967.13 or division (B) of 3808  
section 2929.143 of the Revised Code specifies that the person 3809  
is not entitled to any earned credit under this section. 3810

(2) The person is sentenced to death or is serving a 3811



prison term or a term of life imprisonment for aggravated 3812  
murder, murder, or a conspiracy or attempt to commit, or 3813  
complicity in committing, aggravated murder or murder. 3814

(3) The person is serving a sentence of life imprisonment 3815  
without parole imposed pursuant to section 2929.03 or 2929.06 of 3816  
the Revised Code, a prison term or a term of life imprisonment 3817  
without parole imposed pursuant to section 2971.03 of the 3818  
Revised Code, or a sentence for a sexually oriented offense that 3819  
was committed on or after September 30, 2011. 3820

(D) This division does not apply to a determination of 3821  
whether a person confined in a state correctional institution or 3822  
placed in a substance use disorder treatment program may earn 3823  
any days of credit under division (A) of this section for 3824  
successful completion of a second program or activity. The 3825  
determination of whether a person confined in a state 3826  
correctional institution may earn one day of credit or five days 3827  
of credit under division (A) of this section for each completed 3828  
month during which the person productively participates in a 3829  
program or activity specified under that division shall be made 3830  
in accordance with the following: 3831

(1) The offender may earn one day of credit under division 3832  
(A) of this section, except as provided in division (C) of this 3833  
section, if the most serious offense for which the offender is 3834  
confined is any of the following that is a felony of the first 3835  
or second degree: 3836

(a) A violation of division (A) of section 2903.04 or of 3837  
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 3838  
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 3839  
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.15, 2919.151, 3840  
2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, 3841

or 2927.24 of the Revised Code; 3842

(b) A conspiracy or attempt to commit, or complicity in 3843  
committing, any other offense for which the maximum penalty is 3844  
imprisonment for life or any offense listed in division (D)(1) 3845  
(a) of this section. 3846

(2) The offender may earn one day of credit under division 3847  
(A) of this section, except as provided in division (C) of this 3848  
section, if the offender is serving a stated prison term that 3849  
includes a prison term imposed for a sexually oriented offense 3850  
that the offender committed prior to September 30, 2011. 3851

(3) The offender may earn one day of credit under division 3852  
(A) of this section, except as provided in division (C) of this 3853  
section, if the offender is serving a stated prison term that 3854  
includes a prison term imposed for a felony other than carrying 3855  
a concealed weapon an essential element of which is any conduct 3856  
or failure to act expressly involving any deadly weapon or 3857  
dangerous ordnance. 3858

(4) Except as provided in division (C) of this section, if 3859  
the most serious offense for which the offender is confined is a 3860  
felony of the first or second degree and divisions (D)(1), (2), 3861  
and (3) of this section do not apply to the offender, the 3862  
offender may earn one day of credit under division (A) of this 3863  
section if the offender committed that offense prior to 3864  
September 30, 2011, and the offender may earn five days of 3865  
credit under division (A) of this section if the offender 3866  
committed that offense on or after September 30, 2011. 3867

(5) Except as provided in division (C) of this section, if 3868  
the most serious offense for which the offender is confined is a 3869  
felony of the third, fourth, or fifth degree or an unclassified 3870

felony and neither division (D) (2) nor (3) of this section 3871  
applies to the offender, the offender may earn one day of credit 3872  
under division (A) of this section if the offender committed 3873  
that offense prior to September 30, 2011, and the offender may 3874  
earn five days of credit under division (A) of this section if 3875  
the offender committed that offense on or after September 30, 3876  
2011. 3877

(E) The department annually shall seek and consider the 3878  
written feedback of the Ohio prosecuting attorneys association, 3879  
the Ohio judicial conference, the Ohio public defender, the Ohio 3880  
association of criminal defense lawyers, and other organizations 3881  
and associations that have an interest in the operation of the 3882  
corrections system and the earned credits program under this 3883  
section as part of its evaluation of the program and in 3884  
determining whether to modify the program. 3885

(F) Days of credit awarded under this section shall be 3886  
applied toward satisfaction of a person's stated prison term as 3887  
follows: 3888

(1) Toward the definite prison term of a prisoner serving 3889  
a definite prison term as a stated prison term; 3890

(2) Toward the minimum and maximum terms of a prisoner 3891  
serving ~~an a non-life felony~~ indefinite prison term imposed 3892  
under division (A) (1) (a) or (2) (a) of section 2929.14 of the 3893  
Revised Code for a felony of the first or second degree 3894  
committed on or after ~~the effective date of this amendment~~ March 3895  
22, 2019. 3896

(G) As used in this section: 3897

(1) "Sexually oriented offense" has the same meaning as in 3898  
section 2950.01 of the Revised Code. 3899

(2) "Substance use disorder treatment program" means the  
substance use disorder treatment program established by the  
department of rehabilitation and correction under section  
5120.035 of the Revised Code.

**Sec. 2967.271.** (A) As used in this section:

(1) "Offender's minimum prison term" means the minimum  
prison term imposed on an offender under a non-life felony  
indefinite prison term, diminished as provided in section  
2967.191 or 2967.193 of the Revised Code or in any other  
provision of the Revised Code, other than division (F) of this  
section, that provides for diminution or reduction of an  
offender's sentence.

(2) "Offender's aggregate minimum prison term" means the  
sum of all minimum prison terms imposed on an offender under a  
non-life felony indefinite prison term and all definite terms  
imposed on the offender, and that are sentenced to be served  
consecutively to one another or combined under division (C)(10)  
of section 2929.14 of the Revised Code as part of a non-life  
felony indefinite prison term diminished as provided in section  
2967.191 or 2967.193 of the Revised Code or in any other  
provision of the Revised Code, other than division (F) of this  
section, that provides for diminution or reduction of an  
offender's sentence.

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

(4) "Offender's aggregate maximum prison term" means the  
sum of all maximum prison terms imposed on an offender and  
sentenced to be served consecutively to one another or combined  
under division (C)(10) of section 2929.14 of the Revised Code as

part of a non-life felony indefinite sentence. 3929

(5) "Offender's presumptive earned early release date" 3930  
means the date that is determined under the procedures described 3931  
in division (F) of this section by the reduction, if any, of an 3932  
offender's minimum prison term or an offender's aggregate 3933  
minimum prison term by the sentencing court and the crediting of 3934  
that reduction toward the satisfaction of the minimum term or 3935  
aggregate minimum term. 3936

~~(3)~~ (6) "Rehabilitative programs and activities" means 3937  
education programs, vocational training, employment in prison 3938  
industries, treatment for substance abuse, or other constructive 3939  
programs developed by the department of rehabilitation and 3940  
correction with specific standards for performance by prisoners. 3941

~~(4)~~ (7) "Security level" means the security level in which 3942  
an offender is classified under the inmate classification level 3943  
system of the department of rehabilitation and correction that 3944  
then is in effect. 3945

~~(5)~~ (8) "Sexually oriented offense" has the same meaning 3946  
as in section 2950.01 of the Revised Code. 3947

(B) When an offender is sentenced to a non-life felony 3948  
indefinite prison term, there shall be a presumption that the 3949  
person shall be released from service of the sentence on the 3950  
earlier of the following: 3951

(1) The expiration of the offender's minimum prison term 3952  
or on the offender's aggregate minimum prison term if the 3953  
offender is subject to an aggregate minimum prison term; 3954

(2) The offender's presumptive earned early release date, 3955  
~~whichever is earlier.~~ 3956

(C) The presumption established under division (B) of this section is a rebuttable presumption that the department of rehabilitation and correction may rebut as provided in this division. Unless the department rebuts the presumption, the offender shall be released from service of the sentence on the ~~expiration of the offender's minimum prison term or on the offender's presumptive earned early release date, whichever is earlier~~ established in division (B) of this section. The department may rebut the presumption only if the department determines, at a hearing, that one or more of the following applies:

(1) Regardless of the security level in which the offender is classified at the time of the hearing, both of the following apply:

(a) During the offender's incarceration, the offender committed institutional rule infractions that involved compromising the security of a state correctional institution, compromising the safety of the staff of a state correctional institution or its inmates, or physical harm or the threat of physical harm to the staff of a state correctional institution or its inmates, or committed a violation of law that was not prosecuted, and the infractions or violations demonstrate that the offender has not been rehabilitated.

(b) The offender's behavior while incarcerated, including, but not limited to the infractions and violations specified in division (C)(1)(a) of this section, demonstrate that the offender continues to pose a threat to society.

(2) Regardless of the security level in which the offender is classified at the time of the hearing, the offender has been placed by the department in extended restrictive housing at any

time within the year preceding the date of the hearing. 3987

(3) At the time of the hearing, the offender is classified 3988  
by the department as a security level three, four, or five, or 3989  
at a higher security level. 3990

(D) (1) If the department of rehabilitation and correction, 3991  
pursuant to division (C) of this section, rebuts the presumption 3992  
established under division (B) of this section, the department 3993  
may maintain the offender's incarceration in a state 3994  
correctional institution under the sentence after the ~~expiration~~ 3995  
~~of the offender's minimum prison term or, for offenders who have~~ 3996  
~~a presumptive earned early release date, after the offender's~~ 3997  
~~presumptive earned early release date~~ established in division 3998  
(B) of this section. The department may maintain the offender's 3999  
incarceration under this division for an additional period of 4000  
incarceration determined by the department. The additional 4001  
period of incarceration shall be a reasonable period determined 4002  
by the department, shall be specified by the department, and 4003  
shall not exceed the ~~offender's maximum prison term or aggregate~~ 4004  
maximum prison term to which the offender is subject and that 4005  
was imposed by the sentencing court. 4006

(2) If the department maintains an offender's 4007  
incarceration for an additional period under division (D) (1) of 4008  
this section, there shall be a presumption that the offender 4009  
shall be released on the expiration of the ~~offender's minimum~~ 4010  
~~prison term plus the additional period of incarceration~~ 4011  
specified by the department as provided under that division ~~or,~~ 4012  
~~for offenders who have a presumptive earned early release date,~~ 4013  
~~on the expiration of the additional period of incarceration to~~ 4014  
~~be served after the offender's presumptive earned early release~~ 4015  
~~date that is specified by the department as provided under that~~ 4016

~~division. The presumption is a rebuttable presumption that the department may rebut, but only if it conducts a hearing and makes the determinations specified in division (C) of this section, and if the department rebuts the presumption, it may maintain the offender's incarceration in a state correctional institution for an additional period determined as specified in division (D)(1) of this section. Unless the department rebuts the presumption at the hearing, the offender shall be released from service of the sentence on the expiration of the offender's minimum prison term plus the additional period of incarceration specified by the department or, for offenders who have a presumptive earned early release date, on the expiration of the additional period of incarceration to be served after the offender's presumptive earned early release date as specified by the department.~~

(3) The provisions of this division regarding the establishment of a rebuttable presumption, the department's rebuttal of the presumption, and the department's maintenance of an offender's incarceration for an additional period of incarceration apply, and may be utilized more than one time, during the remainder of the offender's incarceration. If the offender has not been released under division (C) or (D)(2) of this section or this division prior to the expiration of the offender's maximum prison term imposed as part of the offender's non-life felony indefinite prison term or aggregate maximum prison term to which the offender is subject, the offender shall be released upon the expiration of that maximum term or aggregate maximum term. If the offender is subject to an aggregate maximum prison term, the department shall rebut the presumption as provided in division (C) of this section at least once before commencing each portion of the aggregate maximum



prison term that is attributable to an individual maximum prison 4048  
term that was aggregated under division (C) (10) (b) of section 4049  
2929.14 of the Revised Code. For purposes of this section, the 4050  
individual maximum prison term portions of an aggregate maximum 4051  
prison term shall be served in the same order as the 4052  
corresponding minimum prison term portions were served as part 4053  
of the aggregate minimum prison term. 4054

(E) The department shall provide notices of hearings to be 4055  
conducted under division (C) or (D) of this section in the same 4056  
manner, and to the same persons, as specified in section 2967.12 4057  
and Chapter 2930. of the Revised Code with respect to hearings 4058  
to be conducted regarding the possible release on parole of an 4059  
inmate. 4060

(F) (1) The director of the department of rehabilitation 4061  
and correction may notify the sentencing court in writing that 4062  
the director is recommending that the court grant a reduction in 4063  
the minimum prison term imposed on a specified offender who is 4064  
serving a non-life felony indefinite prison term and who is 4065  
eligible under division (F) (8) of this section for such a 4066  
reduction, due to the offender's exceptional conduct while 4067  
incarcerated or the offender's adjustment to incarceration. If 4068  
the director wishes to recommend such a reduction for an 4069  
offender, the director shall send the notice to the court not 4070  
earlier than ninety days prior to the date on which the director 4071  
wishes to credit the reduction toward the satisfaction of the 4072  
offender's minimum prison term. If the director recommends such 4073  
a reduction for an offender, there shall be a presumption that 4074  
the court shall grant the recommended reduction to the offender. 4075  
The presumption established under this division is a rebuttable 4076  
presumption that may be rebutted as provided in division (F) (4) 4077  
of this section. 4078

The director shall include with the notice sent to a court 4079  
under this division an institutional summary report that covers 4080  
the offender's participation while confined in a state 4081  
correctional institution in rehabilitative programs and 4082  
activities and any disciplinary action taken against the 4083  
offender while so confined, and any other documentation 4084  
requested by the court, if available. 4085

The notice the director sends to a court under this 4086  
division shall do all of the following: 4087

(a) Identify the offender; 4088

(b) Specify the length of the recommended reduction, which 4089  
shall be for five to fifteen per cent of the offender's minimum 4090  
term determined in accordance with rules adopted by the 4091  
department under division (F)(7) of this section; 4092

(c) Specify the reason or reasons that qualify the 4093  
offender for the recommended reduction; 4094

(d) Inform the court of the rebuttable presumption and 4095  
that the court must either approve or, if the court finds that 4096  
the presumption has been rebutted, disapprove of the recommended 4097  
reduction, and that if it approves of the recommended reduction, 4098  
it must grant the reduction; 4099

(e) Inform the court that it must notify the department of 4100  
its decision as to approval or disapproval not later than sixty 4101  
days after receipt of the notice from the director. 4102

(2) When the director, under division (F)(1) of this 4103  
section, submits a notice to a sentencing court that the 4104  
director is recommending that the court grant a reduction in the 4105  
minimum prison term imposed on an offender serving a non-life 4106  
felony indefinite prison term, the department promptly shall 4107

provide to the prosecuting attorney of the county in which the 4108  
offender was indicted a copy of the written notice, a copy of 4109  
the institutional summary report described in that division, and 4110  
any other information provided to the court. 4111

(3) Upon receipt of a notice submitted by the director 4112  
under division (F)(1) of this section, the court shall schedule 4113  
a hearing to consider whether to grant the reduction in the 4114  
minimum prison term imposed on the specified offender that was 4115  
recommended by the director or to find that the presumption has 4116  
been rebutted and disapprove the recommended reduction. Upon 4117  
scheduling the hearing, the court promptly shall give notice of 4118  
the hearing to the prosecuting attorney of the county in which 4119  
the offender was indicted and to the department. The notice 4120  
shall inform the prosecuting attorney that the prosecuting 4121  
attorney may submit to the court, prior to the date of the 4122  
hearing, written information relevant to the recommendation and 4123  
may present at the hearing written information and oral 4124  
information relevant to the recommendation. 4125

Upon receipt of the notice from the court, the prosecuting 4126  
attorney shall notify the victim of the offender or the victim's 4127  
representative of the recommendation by the director, the date, 4128  
time, and place of the hearing, the fact that the victim may 4129  
submit to the court, prior to the date of the hearing, written 4130  
information relevant to the recommendation, and the address and 4131  
procedure for submitting the information. 4132

(4) At the hearing scheduled under division (F)(3) of this 4133  
section, the court shall afford the prosecuting attorney an 4134  
opportunity to present written information and oral information 4135  
relevant to the director's recommendation. In making its 4136  
determination as to whether to grant or disapprove the reduction 4137

in the minimum prison term imposed on the specified offender 4138  
that was recommended by the director, the court shall consider 4139  
any report and other documentation submitted by the director, 4140  
any information submitted by a victim, any information submitted 4141  
or presented at the hearing by the prosecuting attorney, and all 4142  
of the factors set forth in divisions (B) to (D) of section 4143  
2929.12 of the Revised Code that are relevant to the offender's 4144  
offense and to the offender. 4145

Unless the court, after considering at the hearing the 4146  
specified reports, documentation, information, and relevant 4147  
factors, finds that the presumption that the recommended 4148  
reduction shall be granted has been rebutted and disapproves the 4149  
recommended reduction, the court shall grant the recommended 4150  
reduction. The court may disapprove the recommended reduction 4151  
only if, after considering at the hearing the specified reports, 4152  
documentation, information, and relevant factors, it finds that 4153  
the presumption that the reduction shall be granted has been 4154  
rebutted. The court may find that the presumption has been 4155  
rebutted and disapprove the recommended reduction only if it 4156  
determines at the hearing that one or more of the following 4157  
applies: 4158

(a) Regardless of the security level in which the offender 4159  
is classified at the time of the hearing, during the offender's 4160  
incarceration, the offender committed institutional rule 4161  
infractions that involved compromising the security of a state 4162  
correctional institution, compromising the safety of the staff 4163  
of a state correctional institution or its inmates, or physical 4164  
harm or the threat of physical harm to the staff of a state 4165  
correctional institution or its inmates, or committed a 4166  
violation of law that was not prosecuted, and the infractions or 4167  
violations demonstrate that the offender has not been 4168

rehabilitated. 4169

(b) The offender's behavior while incarcerated, including, 4170  
but not limited to, the infractions and violations specified in 4171  
division (F) (4) (a) of this section, demonstrates that the 4172  
offender continues to pose a threat to society. 4173

(c) At the time of the hearing, the offender is classified 4174  
by the department as a security level three, four, or five, or 4175  
at a higher security level. 4176

(d) During the offender's incarceration, the offender did 4177  
not productively participate in a majority of the rehabilitative 4178  
programs and activities recommended by the department for the 4179  
offender, or the offender participated in a majority of such 4180  
recommended programs or activities but did not successfully 4181  
complete a reasonable number of the programs or activities in 4182  
which the offender participated. 4183

(e) After release, the offender will not be residing in a 4184  
halfway house, reentry center, or community residential center 4185  
licensed under division (C) of section 2967.14 of the Revised 4186  
Code and, after release, does not have any other place to reside 4187  
at a fixed residence address. 4188

(5) If the court pursuant to division (F) (4) of this 4189  
section finds that the presumption that the recommended 4190  
reduction in the offender's minimum prison term has been 4191  
rebutted and disapproves the recommended reduction, the court 4192  
shall notify the department of the disapproval not later than 4193  
sixty days after receipt of the notice from the director. The 4194  
court shall specify in the notification the reason or reasons 4195  
for which it found that the presumption was rebutted and 4196  
disapproved the recommended reduction. The court shall not 4197

reduce the offender's minimum prison term, and the department 4198  
shall not credit the amount of the disapproved reduction toward 4199  
satisfaction of the offender's minimum prison term. 4200

If the court pursuant to division (F)(4) of this section 4201  
grants the recommended reduction of the offender's minimum 4202  
prison term, the court shall notify the department of the grant 4203  
of the reduction not later than sixty days after receipt of the 4204  
notice from the director, the court shall reduce the offender's 4205  
minimum prison term in accordance with the recommendation 4206  
submitted by the director, and the department shall credit the 4207  
amount of the reduction toward satisfaction of the offender's 4208  
minimum prison term. 4209

Upon deciding whether to disapprove or grant the 4210  
recommended reduction of the offender's minimum prison term, the 4211  
court shall notify the prosecuting attorney of the decision and 4212  
the prosecuting attorney shall notify the victim or victim's 4213  
representative of the court's decision. 4214

(6) If the court under division (F)(5) of this section 4215  
grants the reduction in the minimum prison term imposed on an 4216  
offender that was recommended by the director and reduces the 4217  
offender's minimum prison term, the date determined by the 4218  
department's crediting of the reduction toward satisfaction of 4219  
the offender's minimum prison term is the offender's presumptive 4220  
earned early release date. 4221

(7) The department of rehabilitation and correction by 4222  
rule shall specify both of the following for offenders serving a 4223  
non-life felony indefinite prison term: 4224

(a) The type of exceptional conduct while incarcerated and 4225  
the type of adjustment to incarceration that will qualify an 4226

offender serving such a prison term for a reduction under 4227  
divisions (F) (1) to (6) of this section of the minimum prison 4228  
term imposed on the offender under the non-life felony 4229  
indefinite prison term. 4230

(b) The per cent of reduction that it may recommend for, 4231  
and that may be granted to, an offender serving such a prison 4232  
term under divisions (F) (1) to (6) of this section, based on the 4233  
offense level of the offense for which the prison term was 4234  
imposed, with the department specifying the offense levels used 4235  
for purposes of this division and assigning a specific 4236  
percentage reduction within the range of five to fifteen per 4237  
cent for each such offense level. 4238

(8) Divisions (F) (1) to (6) of this section do not apply 4239  
with respect to an offender serving a non-life felony indefinite 4240  
prison term for a sexually oriented offense, and no offender 4241  
serving such a prison term for a sexually oriented offense is 4242  
eligible to be recommended for or granted, or may be recommended 4243  
for or granted, a reduction under those divisions in the 4244  
offender's minimum prison term imposed under that non-life 4245  
felony indefinite prison term. 4246

(G) If an offender is sentenced to a non-life felony 4247  
indefinite prison term, any reference in a section of the 4248  
Revised Code to a definite prison term shall be construed as 4249  
referring to the offender's minimum term under that sentence 4250  
plus any additional period of time of incarceration specified by 4251  
the department under division (D) (1) or (2) of this section, 4252  
except to the extent otherwise specified in the section or to 4253  
the extent that that construction clearly would be 4254  
inappropriate. 4255

**Sec. 5120.021.** (A) The provisions of Chapter 5120. of the 4256

Revised Code, as they existed prior to July 1, 1996, and that 4257  
address the duration or potential duration of incarceration or 4258  
parole or other forms of supervised release, apply to all 4259  
persons upon whom a court imposed a term of imprisonment prior 4260  
to July 1, 1996, and all persons upon whom a court, on or after 4261  
July 1, 1996, and in accordance with law existing prior to July 4262  
1, 1996, imposed a term of imprisonment for an offense that was 4263  
committed prior to July 1, 1996. 4264

(B) (1) The provisions of Chapter 5120. of the Revised 4265  
Code, as they exist on or after July 1, 1996, and that address 4266  
the duration or potential duration of incarceration or 4267  
supervised release, apply to all persons upon whom a court 4268  
imposed a stated prison term for an offense committed on or 4269  
after July 1, 1996. 4270

(2) The provisions of Chapter 5120. of the Revised Code, 4271  
as they exist on or after ~~the effective date of this amendment~~ 4272  
March 22, 2019, and prior to the effective date of this 4273  
amendment, apply to an offender who is released from confinement 4274  
in a state correctional institution on or after ~~that date~~ March 4275  
22, 2019, and prior to the effective date of this amendment. 4276

(3) The provisions of Chapter 5120. of the Revised Code, 4277  
as they exist on or after the effective date of this amendment, 4278  
apply to an offender who is released from confinement in a state 4279  
correctional institution on or after that date. 4280

(C) Nothing in this section limits or affects the 4281  
applicability of any provision in Chapter 5120. of the Revised 4282  
Code, as amended or enacted on or after July 1, 1996, that 4283  
pertains to an issue other than the duration or potential 4284  
duration of incarceration or supervised release, to persons in 4285  
custody or under the supervision of the department of 4286



rehabilitation and correction. 4287

**Sec. 5120.038.** (A) As used in this section~~7~~: 4288

(1) "GPS-monitored offender" means an offender who, on or 4289  
after the effective date of ~~divisions (C) to (E) of this~~ 4290  
section, is released from confinement in a state correctional 4291  
institution under a conditional pardon, parole, other form of 4292  
authorized release, or transitional control that includes global 4293  
positioning system monitoring as a condition of the person's 4294  
release, or who, on or after that date, is placed under post- 4295  
release control that includes global positioning system 4296  
monitoring as a condition under the post-release control. 4297

(2) "Law enforcement automated data system" means the law 4298  
enforcement automated data system, also known as LEADS, 4299  
established under section 5503.10 of the Revised Code. 4300

(3) "Secondary entity" means an entity under contract with 4301  
a third-party contract administrator with which the department 4302  
of rehabilitation and correction has entered into a contract for 4303  
global positioning system monitoring of GPS-monitored offenders. 4304

(B) Not later than ~~June 30, 2019~~December 31, 2022, the 4305  
department of rehabilitation and correction shall ~~study the~~ 4306  
~~feasibility of contracting with a third party contract~~ 4307  
~~administrator for global position system monitoring that would~~ 4308  
~~include a crime scene correlation program that could interface~~ 4309  
~~by link with a statewide database for GPS-monitored offenders.~~ 4310  
~~The study also shall analyze~~ conduct a study that analyzes the 4311  
use of GPS monitoring as a supervision tool. In ~~conducting the~~ 4312  
~~study, the department shall consider all of the following~~ 4313  
~~factors:~~ 4314

~~(1) The ability of the department or another state entity~~ 4315

~~to establish and operate a statewide internet database of GPS-monitored offenders and the specific information that such a database could include.~~ 4316  
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~~(2) The capability for a GPS monitoring system run by a third-party contract administrator to include a crime scene-correlation program that interfaces by link with a statewide database of GPS-monitored offenders.~~ 4319  
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~~(3) The ability of local law enforcement representatives to remotely search a statewide internet database of GPS-monitored offenders that is linked with a crime scene-correlation program.~~ 4323  
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~~(4) The capability for a GPS monitoring system with crime-scene correlation features to allow local law enforcement representatives without a subpoena or warrant to access information contained in the crime scene correlation program about a GPS-monitored offender, including the offender's current location, the offender's location at previous points in time, the location of recent criminal activity in or near the offender's inclusionary or exclusionary zones included as restrictions under the offender's supervision, and any possible connection between the offender's location and that recent criminal activity.~~ 4327  
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~~(5) The ability of law enforcement representatives to obtain, without a warrant or subpoena, information about a GPS-monitored offender from either an employee of the department or a third-party contract administrator who is monitoring the offender, including information of the types listed in division (B)(4) of this section.~~ 4338  
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~~(6) The types of offenders for whom GPS monitoring would~~ 4344

~~be beneficial, the appropriate length for monitoring, and the~~ 4345  
~~costs related to GPS monitoring.~~ 4346

~~(C)~~ Upon completion of the study specified in this 4347  
~~division (B) of this section,~~ the department shall submit copies 4348  
of the study to the president and minority leader of the senate, 4349  
the speaker and minority leader of the house of representatives, 4350  
and the governor. 4351

(C) (1) On and after the effective date of this amendment, 4352  
each global positioning system monitor that is used to monitor a 4353  
GPS-monitored offender shall specify and monitor restrictions 4354  
for the offender. The restrictions shall include for the 4355  
offender inclusionary zones and, to the extent necessary, 4356  
exclusionary zones, and may include for the offender a curfew 4357  
specifying times of required presence in the inclusionary zone 4358  
and any other reasonable restrictions. 4359

(2) Each contract that the department of rehabilitation 4360  
and correction enters into on or after the effective date of 4361  
this amendment with a third-party contract administrator for 4362  
global positioning system monitoring of GPS-monitored offenders 4363  
shall require all of the following: 4364

(a) That the global positioning system used by the 4365  
administrator, or by any secondary entity under contract with 4366  
the administrator to perform the actual monitoring of the 4367  
offender, include a crime scene correlation program to which 4368  
access can be obtained as described in division (E) (2) of this 4369  
section; 4370

(b) That the crime scene correlation program included in 4371  
the administrator's system, or in the system of a secondary 4372  
entity under contract with the administrator to perform the 4373

actual monitoring of the offender, will allow local law 4374  
enforcement representatives or their designees to obtain, 4375  
without need for a subpoena or warrant, real-time access or 4376  
active global positioning system access to information contained 4377  
in the program about a GPS-monitored offender's location at that 4378  
time and, to the extent that it is available, at other previous 4379  
points in time identified by the representative or designee, 4380  
about the location of recent criminal activity in or near the 4381  
offender's inclusionary or exclusionary zones, and about any 4382  
possible connection between the offender's location and that 4383  
recent criminal activity; 4384

(c) That the administrator, or the secondary entity under 4385  
contract with the administrator to perform the actual monitoring 4386  
of the offender, allow access to the crime scene correlation 4387  
program included in the administrator's or secondary entity's 4388  
system to law enforcement representatives as described in 4389  
division (E) (2) of this section; 4390

(d) That the global positioning system used by the 4391  
administrator, or by any secondary entity under contract with 4392  
the administrator to perform the actual monitoring of the 4393  
offender, be monitored continuously and that the access 4394  
described in divisions (C) (2) (b) and (c) of this section be 4395  
afforded twenty-four hours a day and seven days a week. 4396

(D) (1) On and after the effective date of this amendment, 4397  
any third-party contract administrator used for global 4398  
positioning system monitoring of a GPS-monitored offender, and 4399  
any secondary entity under contract with such a third-party 4400  
contract administrator to perform the actual monitoring of a 4401  
GPS-monitored offender, shall comply in the monitoring of the 4402  
offender with system requirements of the department of 4403

rehabilitation and correction that exist on that date for global 4404  
positioning system monitoring of such offenders. 4405

(2) If, on the effective date of this amendment, the 4406  
department of rehabilitation and correction has not established 4407  
system requirements of the type described in division (D)(1) of 4408  
this section, within a reasonable period of time after that 4409  
effective date, the department shall establish system 4410  
requirements for global positioning system monitoring of GPS- 4411  
monitored offenders. After establishment of the requirements, 4412  
the department, any third-party contract administrator used for 4413  
global positioning system monitoring, and any secondary entity 4414  
under contract with such a third-party contract administrator to 4415  
perform the actual monitoring of a GPS-monitored offender, shall 4416  
comply with the established system requirements in the 4417  
monitoring of a GPS-monitored offender. 4418

(E)(1)(a) As soon as possible after, but not later than 4419  
twelve months after, the effective date of this amendment, the 4420  
department of rehabilitation and correction shall adopt 4421  
procedures that the department and third-party contract 4422  
administrators that are being used for global positioning system 4423  
monitoring of a GPS-monitored offender shall use to provide to 4424  
the bureau of criminal identification and investigation the 4425  
information specified in division (E)(3) of this section for 4426  
each GPS-monitored offender being monitored by the department or 4427  
administrator. 4428

(b) On and after the date on which the department of 4429  
rehabilitation and correction adopts the procedures specified in 4430  
division (E)(1)(a) of this section, the department shall provide 4431  
to the bureau of criminal identification and investigation the 4432  
information specified in division (E)(3) of this section for 4433

each GPS-monitored offender that is being monitored by the 4434  
department, and each third-party contract administrator that is 4435  
being used for global positioning system monitoring of a GPS- 4436  
monitored offender shall provide to the bureau the information 4437  
specified in division (E) (3) of this section for each GPS- 4438  
monitored offender that is being monitored by the administrator. 4439  
If the third-party contract administrator has contracted with a 4440  
secondary entity to perform the actual monitoring of a GPS- 4441  
monitored offender, the information the administrator provides 4442  
to the bureau also shall include the information specified in 4443  
division (E) (3) of this section for each GPS-monitored offender 4444  
that is being monitored by the secondary entity. The department 4445  
and each third-party administrator shall provide the information 4446  
in accordance with the procedures adopted by the department 4447  
under division (E) (1) (a) of this section. Upon receipt of such 4448  
information, the bureau immediately shall enter the information 4449  
into the law enforcement automated data system. The 4450  
superintendent of the state highway patrol shall ensure that the 4451  
law enforcement automated data system is so configured as to 4452  
permit the entry into, and transmission through, the system of 4453  
that information. 4454

(c) If any information the department of rehabilitation 4455  
and correction provides under divisions (E) (1) (a) and (b) of 4456  
this section to the bureau of criminal identification and 4457  
investigation becomes inaccurate, the department immediately 4458  
shall update the information so that it is current and accurate 4459  
and immediately provide the updated information to the bureau. 4460  
If any information a third-party contract administrator provides 4461  
under divisions (E) (1) (a) and (b) of this section to the bureau 4462  
of criminal identification and investigation, including any 4463  
information with respect to a secondary entity under contract 4464

with the administrator, becomes inaccurate, the administrator 4465  
immediately shall update the information so that it is current 4466  
and accurate and immediately provide the updated information to 4467  
the bureau. Upon receipt of such updated information, the bureau 4468  
immediately shall enter the updated information into the law 4469  
enforcement automated data system. 4470

(2) If a local law enforcement representative, through use 4471  
of the law enforcement automated data system or in any other 4472  
manner, learns the identity of, and contact information for, an 4473  
employee of the department who is monitoring a GPS-monitored 4474  
offender, the identity of, and contact information for, a third- 4475  
party contract administrator that is being used for global 4476  
positioning system monitoring of a GPS-monitored offender, or 4477  
the identity of, and contact information for, a secondary entity 4478  
under contract with such a third-party contract administrator to 4479  
perform the actual monitoring of a GPS-monitored offender, the 4480  
representative or another law enforcement officer designated by 4481  
the representative may contact the employee, the administrator, 4482  
or the secondary entity and, without need for a subpoena or 4483  
warrant, request real-time access or active global positioning 4484  
system access to information about the offender's location at 4485  
that time and at other previous points in time identified by the 4486  
representative or designee. Upon receipt of a request as 4487  
described in this division, the employee of the department, the 4488  
third-party contract administrator, or the secondary entity, 4489  
without need for a subpoena or warrant, shall provide the 4490  
representative or designee with the requested information 4491  
regarding the offender's location at that time and, to the 4492  
extent that it is available, at the other identified previous 4493  
points in time. A request under this division also may request 4494  
information that the employee, administrator, or secondary 4495

entity has obtained about the location of recent criminal 4496  
activity in or near the GPS-monitored offender's inclusionary or 4497  
exclusionary zones, and about any possible connection between 4498  
the offender's location and that recent criminal activity, and, 4499  
upon receipt of such a request, the employee, administrator, or 4500  
secondary entity, without need for a subpoena or warrant, shall 4501  
provide the representative or designee with that information to 4502  
the extent that it is available. 4503

(3) The information to be entered into the law enforcement 4504  
automated data system as required under division (E)(1) of this 4505  
section shall include, for each GPS-monitored offender for whom 4506  
the information is required, all of the following: 4507

(a) The offender's name; 4508

(b) The offense or offenses for which the offender is 4509  
subject to global positioning system monitoring and the 4510  
offender's other criminal history; 4511

(c) The offender's residence address; 4512

(d) The monitoring parameters and restrictions for the 4513  
offender, including all inclusionary zones, exclusionary zones, 4514  
and inclusionary zone curfews for the offender and all other 4515  
restrictions placed on the offender; 4516

(e) The identity of, and contact information for, 4517  
whichever of the following is applicable: 4518

(i) If an employee of the department is monitoring the 4519  
offender, the employee; 4520

(ii) If a third-party contract administrator is being used 4521  
for global positioning system monitoring of the offender, the 4522  
third-party contract administrator; 4523



(iii) If a secondary entity under contract with a third-party contract administrator is performing the actual monitoring of a GPS-monitored offender, the secondary entity. 4524  
4525  
4526

(f) All previous violations of the monitoring parameters and restrictions applicable to the offender under the global positioning system monitoring that then is in effect for the offender. 4527  
4528  
4529  
4530

**Sec. 5120.113.** (A) For each inmate committed to the 4531  
department of rehabilitation and correction, except as provided 4532  
in division (B) of this section, the department shall prepare a 4533  
written reentry plan for the inmate to help guide the inmate's 4534  
rehabilitation program during imprisonment, to assist in the 4535  
inmate's reentry into the community, and to assess the inmate's 4536  
needs upon release. 4537

(B) Division (A) of this section does not apply to an 4538  
inmate who has been sentenced to life imprisonment without 4539  
parole or who has been sentenced to death. Division (A) of this 4540  
section does not apply to any inmate who is expected to be 4541  
imprisoned for thirty days or less, but the department may 4542  
prepare a written reentry plan of the type described in that 4543  
division if the department determines that the plan is needed. 4544

(C) The department may collect, if available, any social 4545  
and other information that will aid in the preparation of 4546  
reentry plans under this section. 4547

(D) In the event the department does not prepare a written 4548  
reentry plan as specified in division (A) of this section, or 4549  
makes a decision to not prepare a written reentry plan under 4550  
division (B) of this section or to not collect information under 4551  
division (C) of this section, that fact does not give rise to a 4552

claim for damages against the state, the department, the 4553  
director of the department, or any employee of the department. 4554

(E) (1) As used in this division, "target offender" means a 4555  
parolee, a releasee, or a prisoner otherwise released from a 4556  
state correctional institution with respect to whom both of the 4557  
following apply: 4558

(a) The department of rehabilitation and correction or the 4559  
adult parole authority intends to require the parolee, releasee, 4560  
or prisoner to reside in a halfway house, reentry center, or 4561  
community residential center that has been licensed by the 4562  
division of parole and community services pursuant to division 4563  
(C) of section 2967.14 of the Revised Code during a part or for 4564  
the entire period of the prisoner's or parolee's conditional 4565  
release or of the releasee's term of post-release control. 4566

(b) No halfway house, reentry center, or community 4567  
residential center that has been licensed as described in 4568  
division (E) (1) of this section will accept the prisoner, 4569  
parolee, or releasee to reside in the facility. 4570

(2) Not later than twenty-four months after the effective 4571  
date of this amendment, the department, through the adult parole 4572  
authority, shall establish and implement a reentry program for 4573  
all target offenders. The program shall include a facility. The 4574  
program and facility shall satisfy all of the standards that the 4575  
division of parole and community services adopts in accordance 4576  
with Chapter 119. of the Revised Code for the licensure of 4577  
halfway houses, reentry centers, and community residential 4578  
centers. Upon the establishment and implementation of the 4579  
program and facility, the department or authority shall require 4580  
that all target offenders reside in the program's facility 4581  
during a part or for the entire period of the target offender's 4582

conditional release or term of post-release control. 4583

**Sec. 5120.66.** (A) Within ninety days after November 23, 4584  
2005, but not before January 1, 2006, the department of 4585  
rehabilitation and correction shall establish and operate on the 4586  
internet a database that contains all of the following: 4587

(1) For each inmate in the custody of the department under 4588  
a sentence imposed for a conviction of or plea of guilty to any 4589  
offense, all of the following information: 4590

(a) The inmate's name; 4591

(b) For each offense for which the inmate was sentenced to 4592  
a prison term or term of imprisonment and is in the department's 4593  
custody, the name of the offense, the Revised Code section of 4594  
which the offense is a violation, the gender of each victim of 4595  
the offense if those facts are known, whether each victim of the 4596  
offense was an adult or child if those facts are known, whether 4597  
any victim of the offense was a law enforcement officer if that 4598  
fact is known, the range of the possible prison terms or term of 4599  
imprisonment that could have been imposed for the offense, the 4600  
actual prison term or term of imprisonment imposed for the 4601  
offense, the county in which the offense was committed, the date 4602  
on which the inmate began serving the prison term or term of 4603  
imprisonment imposed for the offense, and whichever of the 4604  
following is applicable: 4605

(i) The date on which the inmate will be eligible for 4606  
parole relative to the offense if the prison term or term of 4607  
imprisonment is an indefinite term or life term with parole 4608  
eligibility; 4609

(ii) The date on which the term ends if the prison term is 4610  
a definite term; 4611

(iii) The date on which the inmate will be eligible for 4612  
presumptive release under section 2967.271 of the Revised Code, 4613  
if the inmate is serving a non-life felony indefinite prison 4614  
term. 4615

(c) All of the following information that is applicable 4616  
regarding the inmate: 4617

(i) If known to the department prior to the conduct of any 4618  
hearing for judicial release of the defendant pursuant to 4619  
section 2929.20 of the Revised Code in relation to any prison 4620  
term or term of imprisonment the inmate is serving for any 4621  
offense or any hearing for release of the defendant pursuant to 4622  
section 2967.19 of the Revised Code in relation to any such 4623  
term, notice of the fact that the inmate will be having a 4624  
hearing regarding a possible grant of judicial release or 4625  
release, the date of the hearing, and the right of any person 4626  
pursuant to division (J) of section 2929.20 or division (H) of 4627  
section 2967.19 of the Revised Code, whichever is applicable, to 4628  
submit to the court a written statement regarding the possible 4629  
judicial release or release. The department also shall post 4630  
notice of the submission to a sentencing court of any 4631  
recommendation for early release of the inmate pursuant to 4632  
section 2967.19 of the Revised Code, as required by division (E) 4633  
of that section. 4634

(ii) If the inmate is serving a prison term pursuant to 4635  
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 4636  
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 4637  
Code, prior to the conduct of any hearing pursuant to section 4638  
2971.05 of the Revised Code to determine whether to modify the 4639  
requirement that the inmate serve the entire prison term in a 4640  
state correctional facility in accordance with division (C) of 4641

that section, whether to continue, revise, or revoke any 4642  
existing modification of that requirement, or whether to 4643  
terminate the prison term in accordance with division (D) of 4644  
that section, notice of the fact that the inmate will be having 4645  
a hearing regarding those determinations and the date of the 4646  
hearing; 4647

(iii) At least sixty days before the adult parole 4648  
authority recommends a pardon or commutation of sentence for the 4649  
inmate, at least sixty days prior to a hearing before the adult 4650  
parole authority regarding a grant of parole to the inmate in 4651  
relation to any prison term or term of imprisonment the inmate 4652  
is serving for any offense, or at least sixty days prior to a 4653  
hearing before the department regarding a determination of 4654  
whether the inmate must be released under division (C) or (D) ~~(2)~~ 4655  
of section 2967.271 of the Revised Code if the inmate is serving 4656  
a non-life felony indefinite prison term, notice of the fact 4657  
that the inmate might be under consideration for a pardon or 4658  
commutation of sentence or will be having a hearing regarding a 4659  
possible grant of parole or release, the date of any hearing 4660  
regarding a possible grant of parole or release, and the right 4661  
of any person to submit a written statement regarding the 4662  
pending action; 4663

(iv) At least sixty days before the inmate is transferred 4664  
to transitional control under section 2967.26 of the Revised 4665  
Code in relation to any prison term or term of imprisonment the 4666  
inmate is serving for any offense, notice of the pendency of the 4667  
transfer, the date of the possible transfer, and the right of 4668  
any person to submit a statement regarding the possible 4669  
transfer; 4670

(v) Prompt notice of the inmate's escape from any facility 4671

in which the inmate was incarcerated and of the capture of the 4672  
inmate after an escape; 4673

(vi) Notice of the inmate's death while in confinement; 4674

(vii) Prior to the release of the inmate from confinement, 4675  
notice of the fact that the inmate will be released, of the date 4676  
of the release, and, if applicable, of the standard terms and 4677  
conditions of the release; 4678

(viii) Notice of the inmate's judicial release pursuant to 4679  
section 2929.20 of the Revised Code or release pursuant to 4680  
section 2967.19 of the Revised Code. 4681

(2) Information as to where a person can send written 4682  
statements of the types referred to in divisions (A) (1) (c) (i), 4683  
(iii), and (iv) of this section. 4684

(B) (1) The department shall update the database required 4685  
under division (A) of this section every twenty-four hours to 4686  
ensure that the information it contains is accurate and current. 4687

(2) The database required under division (A) of this 4688  
section is a public record open for inspection under section 4689  
149.43 of the Revised Code. The department shall make the 4690  
database searchable by inmate name and by the county and zip 4691  
code where the offender intends to reside after release from a 4692  
state correctional institution if this information is known to 4693  
the department. 4694

(3) The database required under division (A) of this 4695  
section may contain information regarding inmates who are listed 4696  
in the database in addition to the information described in that 4697  
division. 4698

(4) No information included on the database required under 4699

division (A) of this section shall identify or enable the 4700  
identification of any victim of any offense committed by an 4701  
inmate. 4702

(C) The failure of the department to comply with the 4703  
requirements of division (A) or (B) of this section does not 4704  
give any rights or any grounds for appeal or post-conviction 4705  
relief to any inmate. 4706

(D) This section, and the related provisions of sections 4707  
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code 4708  
enacted in the act in which this section was enacted, shall be 4709  
known as "Laura's Law." 4710

(E) As used in this section, "non-life felony indefinite 4711  
prison term" has the same meaning as in section 2929.01 of the 4712  
Revised Code. 4713

**Sec. 5149.04.** (A) Persons paroled, conditionally pardoned, 4714  
or released to community supervision shall be under jurisdiction 4715  
of the adult parole authority and shall be supervised by the 4716  
field services section through its staff of parole and field 4717  
officers in such manner as to insure as nearly as possible the 4718  
offender's rehabilitation while at the same time providing 4719  
maximum protection to the general public. All state and local 4720  
officials shall furnish such information to officers of the 4721  
section as they may request in the performance of their duties. 4722

(B) The superintendent, or superintendents, of the field 4723  
services section shall be a person, or persons, especially 4724  
qualified by training and experience in the field of 4725  
corrections. The superintendent, or superintendents, shall 4726  
supervise the work of the section and shall formulate and 4727  
execute an effective program of offender supervision. The 4728

superintendent, or superintendents, shall collect and preserve 4729  
any records and statistics with respect to offenders that are 4730  
required by the chief of the authority. The section also shall 4731  
include other personnel who are necessary for the performance of 4732  
the section's duties. 4733

No person shall be appointed as a superintendent who is 4734  
not qualified by education or experience in correctional work 4735  
including law enforcement, probation, or parole work, in law, in 4736  
social work, or in a combination of the three categories. 4737

(C) The superintendent, or superintendents, of the field 4738  
services section, with the approval of the chief of the 4739  
authority, may establish district offices for the section and 4740  
may assign necessary parole and field officers and clerical 4741  
staff to the district offices. 4742

(D) The field services section in the exercise of its 4743  
supervision over offenders and persons conditionally pardoned 4744  
shall carry out all lawful orders, terms, and conditions 4745  
prescribed by the authority, the chief of the division of parole 4746  
and community services, or the governor. 4747

(E) (1) As used in division (E) of this section: 4748

(a) "Caseload" means the maximum number of persons 4749  
paroled, conditionally pardoned, or released to community 4750  
supervision who should be under the supervision of any parole or 4751  
field officer, based on the aggregate of the workload of the 4752  
officer for each of those persons. 4753

(b) "Parole or field officer" means a parole or field 4754  
officer of the field services section. 4755

(c) "Workload" means the minimum number of hours that a 4756  
parole or field officer is expected to dedicate to each person 4757



paroled, conditionally pardoned, or released to community 4758  
supervision who is under the officer's supervision, based on the 4759  
person's risk classification. 4760

(2) Not later than one year after the effective date of 4761  
this amendment, the adult parole authority shall establish 4762  
supervision standards for parole and field officers. The 4763  
standards shall include a specification of a caseload and a 4764  
workload for parole and field officers. The caseload and 4765  
workload specified in the standards shall comport with industry 4766  
standards set forth by the American probation and parole 4767  
association. 4768

(3) Not later than two years after establishing the 4769  
standards required under division (E)(2) of this section, the 4770  
department of rehabilitation and correction shall ensure that 4771  
the field services section has enough parole and field officers 4772  
to comply with the standards and that the officers have been 4773  
trained to the extent required to comply with the standards. 4774

**Section 2.** That existing sections 181.21, 2152.13, 4775  
2152.14, 2901.011, 2929.01, 2929.14, 2929.144, 2929.19, 2930.16, 4776  
2945.37, 2945.401, 2949.08, 2951.03, 2953.07, 2967.14, 2967.191, 4777  
2967.193, 2967.271, 5120.021, 5120.038, 5120.113, 5120.66, and 4778  
5149.04 of the Revised Code are hereby repealed. 4779

**Section 3.** That section 2953.08 of the Revised Code is 4780  
hereby repealed. 4781

**Section 4.** The General Assembly, applying the principle 4782  
stated in division (B) of section 1.52 of the Revised Code that 4783  
amendments are to be harmonized if reasonably capable of 4784  
simultaneous operation, finds that the following sections, 4785  
presented in this act as composites of the sections as amended 4786

by the acts indicated, are the resulting versions of the 4787  
sections in effect prior to the effective date of the sections 4788  
as presented in this act: 4789

Section 2929.01 of the Revised Code as amended by H.B. 66 4790  
and H.B. 431, both of the 133rd General Assembly. 4791

Section 2929.14 of the Revised Code as amended by both 4792  
H.B. 136 and S.B. 256 of the 133rd General Assembly. 4793

Section 2953.07 of the Revised Code as amended by both 4794  
S.B. 2 and S.B. 4 of the 121st General Assembly. 4795

Section 2967.191 of the Revised Code as amended by both 4796  
S.B. 66 and S.B. 201 of the 132nd General Assembly. 4797

Section 2967.193 of the Revised Code as amended by both 4798  
S.B. 145 and S.B. 201 of the 132nd General Assembly. 4799