

I\_135\_1722-1

135th General Assembly  
Regular Session  
2023-2024

Sub. H. B. No. 196

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**A BILL**

To amend sections 2929.15, 2929.20, 2929.25, 1  
2951.02, and 2951.07 of the Revised Code to 2  
change the maximum periods of community control 3  
sanctions authorized for felonies and 4  
misdemeanors, to modify the confinement 5  
sanctions authorized for a violation of 6  
community control sanction conditions, and to 7  
create a procedure for early termination of 8  
community control sanction conditions. 9

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

**Section 1.** That sections 2929.15, 2929.20, 2929.25, 10  
2951.02, and 2951.07 of the Revised Code be amended to read as 11  
follows: 12

**Sec. 2929.15.** (A) (1) If in sentencing an offender for a 13  
felony the court is not required to impose a prison term, a 14  
mandatory prison term, or a term of life imprisonment upon the 15  
offender, the court may directly impose a sentence that consists 16  
of one or more community control sanctions authorized pursuant 17  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 18



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the court is sentencing an offender for a fourth degree felony 19  
OVI offense under division (G) (1) of section 2929.13 of the 20  
Revised Code, in addition to the mandatory term of local 21  
incarceration imposed under that division and the mandatory fine 22  
required by division (B) (3) of section 2929.18 of the Revised 23  
Code, the court may impose upon the offender a community control 24  
sanction or combination of community control sanctions in 25  
accordance with sections 2929.16 and 2929.17 of the Revised 26  
Code. If the court is sentencing an offender for a third or 27  
fourth degree felony OVI offense under division (G) (2) of 28  
section 2929.13 of the Revised Code, in addition to the 29  
mandatory prison term or mandatory prison term and additional 30  
prison term imposed under that division, the court also may 31  
impose upon the offender a community control sanction or 32  
combination of community control sanctions under section 2929.16 33  
or 2929.17 of the Revised Code, but the offender shall serve all 34  
of the prison terms so imposed prior to serving the community 35  
control sanction. 36

The Except as provided in divisions (B) (1) (c) to (e) of 37  
this section, the duration of all community control sanctions 38  
imposed on an offender under this division shall not exceed five 39  
years for any felony of the first or second degree or three 40  
years for any felony of the third, fourth, or fifth degree. If 41  
the offender absconds or otherwise leaves the jurisdiction of 42  
the court in which the offender resides without obtaining 43  
permission from the court or the offender's probation officer to 44  
leave the jurisdiction of the court, or if the offender is 45  
confined in any institution for the commission of any offense 46  
while under a community control sanction, the period of the 47  
community control sanction ceases to run until the offender is 48  
brought before the court for its further action. If the court 49

sentences the offender to one or more nonresidential sanctions 50  
under section 2929.17 of the Revised Code, the court shall 51  
impose as a condition of the nonresidential sanctions that, 52  
during the period of the sanctions, the offender must abide by 53  
the law and must not leave the state without the permission of 54  
the court or the offender's probation officer. The court may 55  
impose any other conditions of release under a community control 56  
sanction that the court considers appropriate, including, but 57  
not limited to, requiring that the offender not ingest or be 58  
injected with a drug of abuse and submit to random drug testing 59  
as provided in division ~~(D)~~ (E) of this section to determine 60  
whether the offender ingested or was injected with a drug of 61  
abuse and requiring that the results of the drug test indicate 62  
that the offender did not ingest or was not injected with a drug 63  
of abuse. 64

(2) (a) If a court sentences an offender to any community 65  
control sanction or combination of community control sanctions 66  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 67  
the Revised Code, the court shall place the offender under the 68  
general control and supervision of a department of probation in 69  
the county that serves the court for purposes of reporting to 70  
the court a violation of any condition of the sanctions, any 71  
condition of release under a community control sanction imposed 72  
by the court, a violation of law, or the departure of the 73  
offender from this state without the permission of the court or 74  
the offender's probation officer. Alternatively, if the offender 75  
resides in another county and a county department of probation 76  
has been established in that county or that county is served by 77  
a multicounty probation department established under section 78  
2301.27 of the Revised Code, the court may request the court of 79  
common pleas of that county to receive the offender into the 80

general control and supervision of that county or multicounty 81  
department of probation for purposes of reporting to the court a 82  
violation of any condition of the sanctions, any condition of 83  
release under a community control sanction imposed by the court, 84  
a violation of law, or the departure of the offender from this 85  
state without the permission of the court or the offender's 86  
probation officer, subject to the jurisdiction of the trial 87  
judge over and with respect to the person of the offender, and 88  
to the rules governing that department of probation. 89

If there is no department of probation in the county that 90  
serves the court, the court shall place the offender, regardless 91  
of the offender's county of residence, under the general control 92  
and supervision of the adult parole authority, unless the court 93  
has entered into an agreement with the authority as described in 94  
division (B) or (C) of section 2301.32 of the Revised Code, or 95  
under an entity authorized under division (B) of section 2301.27 96  
of the Revised Code to provide probation and supervisory 97  
services to counties for purposes of reporting to the court a 98  
violation of any of the sanctions, any condition of release 99  
under a community control sanction imposed by the court, a 100  
violation of law, or the departure of the offender from this 101  
state without the permission of the court or the offender's 102  
probation officer. 103

(b) If the court imposing sentence on an offender 104  
sentences the offender to any community control sanction or 105  
combination of community control sanctions authorized pursuant 106  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 107  
if the offender violates any condition of the sanctions, 108  
violates any condition of release under a community control 109  
sanction imposed by the court, violates any law, or departs the 110  
state without the permission of the court or the offender's 111

probation officer, the public or private person or entity that 112  
operates or administers the sanction or the program or activity 113  
that comprises the sanction shall report the violation or 114  
departure directly to the sentencing court, or shall report the 115  
violation or departure to the county or multicounty department 116  
of probation with general control and supervision over the 117  
offender under division (A)(2)(a) of this section or the officer 118  
of that department who supervises the offender, or, if there is 119  
no such department with general control and supervision over the 120  
offender under that division, to the adult parole authority 121  
unless the court has entered into an agreement with the 122  
authority as described in division (B) or (C) of section 2301.32 123  
of the Revised Code, or to an entity authorized under division 124  
(B) of section 2301.27 of the Revised Code to provide probation 125  
and supervisory services to the county. If the public or private 126  
person or entity that operates or administers the sanction or 127  
the program or activity that comprises the sanction reports the 128  
violation or departure to the county or multicounty department 129  
of probation, the adult parole authority, or any other entity 130  
providing probation and supervisory services to the county, the 131  
department's, authority's, or other entity's officers may treat 132  
the offender as if the offender were on probation and in 133  
violation of the probation, and shall report the violation of 134  
the condition of the sanction, any condition of release under a 135  
community control sanction imposed by the court, the violation 136  
of law, or the departure from the state without the required 137  
permission to the sentencing court. 138

(3) If an offender who is eligible for community control 139  
sanctions under this section admits to having a drug addiction 140  
or the court has reason to believe that the offender has a drug 141  
addiction, and if the offense for which the offender is being 142

sentenced was related to the addiction, the court may require 143  
that the offender be assessed by a properly credentialed 144  
professional within a specified period of time and shall require 145  
the professional to file a written assessment of the offender 146  
with the court. If a court imposes treatment and recovery 147  
support services as a community control sanction, the court 148  
shall direct the level and type of treatment and recovery 149  
support services after consideration of the written assessment, 150  
if available at the time of sentencing, and recommendations of 151  
the professional and other treatment and recovery support 152  
services providers. 153

(4) If an assessment completed pursuant to division (A) (3) 154  
of this section indicates that the offender has an addiction to 155  
drugs or alcohol, the court may include in any community control 156  
sanction imposed for a violation of section 2925.02, 2925.03, 157  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 158  
2925.36, or 2925.37 of the Revised Code a requirement that the 159  
offender participate in alcohol and drug addiction services and 160  
recovery supports certified under section 5119.36 of the Revised 161  
Code or offered by a properly credentialed community addiction 162  
services provider. 163

(B) (1) Except as provided in division (B) (2) of this 164  
section, if the conditions of a community control sanction 165  
imposed for a felony are violated ~~or~~, if the offender violates 166  
a law or leaves the state without the permission of the court or 167  
the offender's probation officer, or if the offender 168  
consistently demonstrates a willful refusal to pay restitution, 169  
the sentencing court may impose on the violator one or more of 170  
the following penalties: 171

(a) ~~A~~ Subject to division (B) (1) (g) of this section, a 172

longer time under the same sanction if the total time under the 173  
sanctions does not exceed the ~~five-year-applicable limit for the~~ 174  
offense specified in division (A) of this section; 175

(b) ~~A-Subject to division (B)(1)(g) of this section, a~~ 176  
more restrictive sanction under section 2929.16, 2929.17, or 177  
2929.18 of the Revised Code, including but not limited to, a new 178  
term in a community-based correctional facility, halfway house, 179  
or jail pursuant to division (A)(6) of section 2929.16 of the 180  
Revised Code; 181

~~(c) (i) Subject to divisions (B)(1)(c)(ii) and (g) of~~ 182  
this section, a term of not more than one year under the same 183  
sanction if the total time under the sanction does not exceed 184  
five years, and if the court finds all of the following: 185

(I) The offender is serving the community control sanction 186  
for any felony of the third, fourth, or fifth degree. 187

(II) The offender, while serving the projected last six 188  
months of the offender's community control sanction, violates 189  
the conditions of the sanction, other than a technical 190  
violation. 191

(III) The imposition of the term is necessary so that the 192  
offender may participate in a specialized docket program, 193  
counseling, or programming in a community-based correctional 194  
facility or halfway house. 195

(IV) The duration of the specialized docket program, 196  
counseling, or programming described in division (B)(1)(c)(i) 197  
(III) of this section exceeds the remaining period of community 198  
control at the time of the violation, and the duration of the 199  
specialized docket program, counseling, or programming cannot be 200  
reduced so that it can be completed within the remaining period 201

<u>of community control.</u>	202
<u>(V) The imposition of the term will reduce the risk of the offender reoffending.</u>	203 204
<u>(ii) A court is not limited in the number of times it may sentence an offender to a term described in division (B)(1)(c)(i) of this section, if the total time under the sanction does not exceed five years and if the court makes the findings required in division (B)(1)(c)(i) of this section.</u>	205 206 207 208 209
<u>(d)(i) Subject to divisions (B)(1)(d)(ii), (iii), and (g) of this section, a term of not more than one year under the same sanction if the total time under the sanction does not exceed five years and the court conducts a hearing and finds all of the following:</u>	210 211 212 213 214
<u>(I) The offender is serving the community control sanction for any felony of the third, fourth, or fifth degree.</u>	215 216
<u>(II) The offender is required to comply with mental or behavioral health treatment imposed as a condition of the community control sanction.</u>	217 218 219
<u>(III) In the six months prior to the hearing, the offender has consistently demonstrated a willful refusal to comply with mental or behavioral health treatment imposed as a condition of the community control sanction.</u>	220 221 222 223
<u>(IV) The court cannot appropriately respond to the offender's willful refusal to comply with mental or behavioral health treatment imposed as a condition of the community control sanction in the remaining period of the community control sanction.</u>	224 225 226 227 228
<u>(ii) A court is not limited in the number of times it may</u>	229



sentence an offender to a term described in division (B) (1) (d) 230  
(i) of this section, if the total time under the sanction does 231  
not exceed five years and if the court makes the findings 232  
required in division (B) (1) (d) (i) of this section. 233

(iii) If the court imposes a term described in division 234  
(B) (1) (d) (i) of this section, the offender shall not be subject 235  
to any conditions of supervision under the community control 236  
sanction except for complying with mental or behavioral health 237  
treatment during the extended term. 238

(e) (i) Subject to divisions (B) (1) (e) (ii), (iii), and (g) 239  
of this section, a longer time under the same sanction if the 240  
total time under the sanction does not exceed the time required 241  
for the offender to complete the restitution payments or five 242  
years, whichever is less, if the court conducts a hearing and 243  
finds all of the following: 244

(I) The offender is serving the community control sanction 245  
for any felony of the third, fourth, or fifth degree. 246

(II) The offender is required to pay restitution pursuant 247  
to section 2929.18 or 2929.281 of the Revised Code. 248

(III) The offender has consistently demonstrated a willful 249  
refusal to pay restitution imposed as a condition of the 250  
community control sanction. 251

(IV) The offender has the ability to pay restitution 252  
without suffering an undue financial burden. 253

(V) The civil remedies and procedures described in 254  
division (D) of section 2929.18 of the Revised Code are 255  
insufficient to allow the victim of the offender's criminal 256  
offense or the victim's estate to recover restitution after the 257  
period of the community control sanction has terminated. 258

(ii) A court is not limited in the number of times it may sentence an offender to a term described in division (B) (1) (e) (i) of this section, if the total time under the sanction does not exceed five years and if the court makes the findings required in division (B) (1) (e) (i) of this section. 259  
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(iii) If the court imposes a term described in division (B) (1) (e) (i) of this section, the offender shall not be subject to any conditions of supervision under the community control sanction except for payment of restitution during the extended term. 264  
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(f) Subject to division (B) (1) (g) of this section, a 269  
prison term ~~on the offender~~ pursuant to section 2929.14 of the 270  
Revised Code and division (B) (3) of this section, provided that 271  
a prison term imposed under this division is subject to the 272  
following limitations and rules, as applicable: 273

(i) If the prison term is imposed under authority of 274  
division (B) (1) (g) (i) (II) of this section for any a fourth or 275  
subsequent technical violation of the conditions of a community 276  
control sanction imposed for a felony of the fifth degree, the 277  
prison term shall not exceed ninety days, provided that if the 278  
remaining period of community control at the time of the 279  
violation or the remaining period of the reserved prison 280  
sentence at that time is less than ninety days, the prison term 281  
shall not exceed the length of the remaining period of community 282  
control or the remaining period of the reserved prison sentence. 283  
If the court imposes a prison term as described in this 284  
division, division (B) (2) (b) of this section applies. 285

(ii) If the prison term is imposed under authority of 286  
division (B) (1) (g) (i) (II) of this section for any a fourth or 287  
subsequent technical violation of the conditions of a community 288

control sanction imposed for a felony of the fourth degree that 289  
is not an offense of violence and is not a sexually oriented 290  
offense, the prison term shall not exceed one hundred eighty 291  
days, provided that if the remaining period of the community 292  
control at the time of the violation or the remaining period of 293  
the reserved prison sentence at that time is less than one 294  
hundred eighty days, the prison term shall not exceed the length 295  
of the remaining period of community control or the remaining 296  
period of the reserved prison sentence. If the court imposes a 297  
prison term as described in this division, division (B) (2) (b) of 298  
this section applies. 299

(iii) A court is not limited in the number of times it may 300  
sentence an offender to a prison term under division ~~(B) (1) (e)~~ 301  
(B) (1) (f) of this section for a violation of the conditions of a 302  
community control sanction or for a violation of a law or 303  
leaving the state without the permission of the court or the 304  
offender's probation officer. If an offender who is under a 305  
community control sanction violates the conditions of the 306  
sanction or violates a law or leaves the state without the 307  
permission of the court or the offender's probation officer, is 308  
sentenced to a prison term for the violation or conduct, is 309  
released from the term after serving it, and subsequently 310  
violates the conditions of the sanction or violates a law or 311  
leaves the state without the permission of the court or the 312  
offender's probation officer, the court may impose a new prison 313  
term sanction on the offender under division ~~(B) (1) (e)~~ (B) (1) (f) 314  
of this section for the subsequent violation or conduct. 315

(g) (i) Subject to divisions (B) (1) (g) (ii) and (iii) of 316  
this section, if the conditions of the community control 317  
sanction imposed for a felony are violated by a technical 318  
violation, one or more of the following penalties: 319

(I) A more restrictive sanction under section 2929.17 of 320  
the Revised Code; 321

(II) A temporary incarceration sanction consisting of 322  
whichever of the following is applicable: 323

For a first technical violation during the period of 324  
community control that includes the violated sanction, a 325  
sanction of jail incarceration of not more than fifteen days or 326  
a sanction of a term in a community-based correctional facility, 327  
halfway house, or alternative residential facility of not more 328  
than thirty days; 329

For a second technical violation during the period of 330  
community control that includes the violated sanction, a 331  
sanction of jail incarceration of not more than thirty days or a 332  
sanction of a term in a community-based correctional facility, 333  
halfway house, or alternative residential facility of not more 334  
than forty-five days; 335

For a third technical violation during the period of 336  
community control that includes the violated sanction, a 337  
sanction of jail incarceration of not more than forty-five days 338  
or a sanction of a term in a community-based correctional 339  
facility, halfway house, or alternative residential facility of 340  
sixty days; 341

For a fourth or subsequent technical violation during the 342  
period of community control that includes the violated sanction, 343  
any sanction of temporary incarceration described in divisions 344  
(B)(1)(a) to (g) of this section. 345

(ii) If the court imposes a sanction of jail incarceration 346  
described in division (B)(1)(g)(i) of this section, the sanction 347  
may be served in intermittent confinement, overnight, on 348

weekends, or at any other time that will allow the offender to 349  
continue at the offender's occupation or care for the offender's 350  
family. 351

(iii) If the court imposes a sanction of jail 352  
incarceration described in division (B)(1)(g)(i) of this 353  
section, the court may suspend the sanction if the offender 354  
knowingly and voluntarily agrees to comply with inpatient or 355  
outpatient mental or behavioral treatment, including substance 356  
abuse treatment, for a period of thirty to one hundred eighty 357  
days as determined by the court. If the offender successfully 358  
completes the inpatient or outpatient mental or behavioral 359  
health treatment, the sanction shall be terminated. If the 360  
offender does not successfully complete the mental or behavioral 361  
health treatment, the sanction shall be reimposed. 362

(2) (a) If an offender was acting pursuant to division (B) 363  
(2) (b) of section 2925.11 or a related provision of section 364  
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 365  
doing violated the conditions of a community control sanction 366  
based on a minor drug possession offense, as defined in section 367  
2925.11 of the Revised Code, or violated section 2925.12, 368  
division (C) (1) of section 2925.14, or section 2925.141 of the 369  
Revised Code, the sentencing court shall not impose any of the 370  
penalties described in division (B) (1) of this section based on 371  
the violation. 372

(b) If a court imposes a prison term on an offender under 373  
division ~~(B) (1) (e) (i)~~ (B) (1) (f) (i) or (ii) of this section for a 374  
technical violation of the conditions of a community control 375  
sanction, one of the following is applicable with respect to the 376  
time that the offender spends in prison under the term: 377

(i) Subject to division (B) (2) (b) (ii) of this section, it 378

shall be credited against the offender's community control 379  
sanction that was being served at the time of the violation, and 380  
the remaining time under that community control sanction shall 381  
be reduced by the time that the offender spends in prison under 382  
the prison term. By determination of the court, the offender 383  
upon release from the prison term either shall continue serving 384  
the remaining time under the community control sanction, as 385  
reduced under this division, or shall have the community control 386  
sanction terminated. 387

(ii) If, at the time a prison term is imposed for a 388  
technical violation, the offender was serving a residential 389  
community control sanction imposed under section 2929.16 of the 390  
Revised Code, the time spent serving the residential community 391  
control sanction shall be credited against the offender's 392  
reserved prison sentence, and the remaining time under that 393  
residential community control sanction and under the reserved 394  
prison sentence shall be reduced by the time that the offender 395  
spends in prison under the prison term. By determination of the 396  
court, the offender upon release from the prison term either 397  
shall continue serving the remaining time under the residential 398  
community control sanction, as reduced under this division, or 399  
shall have the residential community control sanction 400  
terminated. 401

(3) The prison term, if any, imposed on a violator 402  
pursuant to this division and division (B)(1) of this section 403  
shall be within the range of prison terms described in this 404  
division and shall not exceed a prison term from the range of 405  
terms specified in the notice provided to the offender at the 406  
sentencing hearing pursuant to division (B)(4) of section 407  
2929.19 of the Revised Code. The court may reduce the longer 408  
period of time that the offender is required to spend under the 409

longer sanction, ~~the~~ more restrictive sanction, term of not more 410  
than one year, temporary incarceration, or a prison term imposed 411  
pursuant to division (B) (1) of this section by the time the 412  
offender successfully spent under the sanction that was 413  
initially imposed. Except as otherwise specified in this 414  
division, the prison term imposed under this division and 415  
division (B) (1) of this section shall be within the range of 416  
prison terms available as a definite term for the offense for 417  
which the sanction that was violated was imposed. If the offense 418  
for which the sanction that was violated was imposed is a felony 419  
of the first or second degree committed on or after March 22, 420  
2019, the prison term so imposed under this division shall be 421  
within the range of prison terms available as a minimum term for 422  
the offense under division (A) (1) (a) or (2) (a) of section 423  
2929.14 of the Revised Code. 424

(C) If an offender, for a significant period of time, 425  
fulfills the conditions of a sanction imposed pursuant to 426  
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 427  
exemplary manner, the court may reduce the period of time under 428  
the sanction or impose a less restrictive sanction, but the 429  
court shall not permit the offender to violate any law or permit 430  
the offender to leave the state without the permission of the 431  
court or the offender's probation officer. 432

(D) (1) Within sixty days after an offender completes two 433  
years of the conditions of a sanction imposed pursuant to 434  
section 2929.16, 2929.17, or 2929.18 of the Revised Code or an 435  
offender earns a qualifying diploma, degree, or license during 436  
the period of a sanction imposed pursuant to section 2929.16, 437  
2929.17, or 2929.18 of the Revised Code, the court shall 438  
determine whether the following apply: 439

(a) The offender is serving the community control sanction 440  
for any felony of the third, fourth, or fifth degree. 441

(b) The offender has not violated the conditions of the 442  
community control sanction in the six months prior to the 443  
court's determination. 444

(c) The offender has completed all programs required as a 445  
condition of the community control sanction or, if applicable, 446  
the offender has successfully earned a qualifying diploma, 447  
degree, or license. 448

(2) If the court determines that all of the conditions 449  
listed in division (D)(1) of this section apply, the court shall 450  
terminate the community control sanction, unless the court 451  
determines by clear and convincing evidence that termination 452  
will present a risk of serious physical harm to persons. If the 453  
court terminates the community control sanction, the court is 454  
not required to conduct a hearing. If the court does not 455  
terminate the community control sanction, the court shall 456  
conduct a hearing and shall notify the offender and prosecutor 457  
for the case of the hearing. The prosecutor shall provide timely 458  
notice of the hearing to the victim and victim's representative, 459  
if applicable. The court shall hold the hearing not less than 460  
thirty days after the date the court makes the determinations 461  
described in division (D)(1) of this section. 462

(E)(1) If a court under division (A)(1) of this section 463  
imposes a condition of release under a community control 464  
sanction that requires the offender to submit to random drug 465  
testing, the department of probation, the adult parole 466  
authority, or any other entity that has general control and 467  
supervision of the offender under division (A)(2)(a) of this 468  
section may cause the offender to submit to random drug testing 469



performed by a laboratory or entity that has entered into a 470  
contract with any of the governmental entities or officers 471  
authorized to enter into a contract with that laboratory or 472  
entity under section 341.26, 753.33, or 5120.63 of the Revised 473  
Code. 474

(2) If no laboratory or entity described in division ~~(D)~~ 475  
~~(1)~~ (E) (1) of this section has entered into a contract as 476  
specified in that division, the department of probation, the 477  
adult parole authority, or any other entity that has general 478  
control and supervision of the offender under division (A) (2) (a) 479  
of this section shall cause the offender to submit to random 480  
drug testing performed by a reputable public laboratory to 481  
determine whether the individual who is the subject of the drug 482  
test ingested or was injected with a drug of abuse. 483

(3) A laboratory or entity that has entered into a 484  
contract pursuant to section 341.26, 753.33, or 5120.63 of the 485  
Revised Code shall perform the random drug tests under division 486  
~~(D) (1)~~ (E) (1) of this section in accordance with the applicable 487  
standards that are included in the terms of that contract. A 488  
public laboratory shall perform the random drug tests under 489  
division ~~(D) (2)~~ (E) (2) of this section in accordance with the 490  
standards set forth in the policies and procedures established 491  
by the department of rehabilitation and correction pursuant to 492  
section 5120.63 of the Revised Code. An offender who is required 493  
under division (A) (1) of this section to submit to random drug 494  
testing as a condition of release under a community control 495  
sanction and whose test results indicate that the offender 496  
ingested or was injected with a drug of abuse shall pay the fee 497  
for the drug test if the department of probation, the adult 498  
parole authority, or any other entity that has general control 499  
and supervision of the offender requires payment of a fee. A 500

laboratory or entity that performs the random drug testing on an 501  
offender under division ~~(D) (1)~~ (E) (1) or (2) of this section 502  
shall transmit the results of the drug test to the appropriate 503  
department of probation, the adult parole authority, or any 504  
other entity that has general control and supervision of the 505  
offender under division (A) (2) (a) of this section. 506

~~(E)~~ (F) As used in this section, ~~"technical":~~ 507

(1) "Qualifying diploma, degree, or license" means a high 508  
school diploma, certificate of high school equivalence, license 509  
issued by a state agency or board for practice in a vocation 510  
that requires an examination for issuance of that license, 511  
associate's degree, bachelor's degree, or master's degree. 512

(2) "Technical violation" means a violation of the 513  
conditions of a community control sanction imposed for a felony- 514  
of the fifth degree, or for a felony of the fourth degree that- 515  
is not an offense of violence and is not a sexually oriented- 516  
offense, and to which neither of the following applies: 517

~~(1)~~ (a) The violation consists of a new criminal offense 518  
that is a felony or that is a misdemeanor other than a minor 519  
misdemeanor, and the violation is committed while under the 520  
community control sanction. 521

~~(2)~~ (b) The violation consists of or includes the 522  
offender's articulated or demonstrated refusal to participate in 523  
the community control sanction imposed on the offender or any of 524  
its conditions, and the refusal demonstrates to the court that 525  
the offender has abandoned the objects of the community control 526  
sanction or condition. 527

**Sec. 2929.20.** (A) As used in this section: 528

(1) (a) Except as provided in division (A) (1) (b) of this 529

section, "eligible offender" means any person who, on or after 530  
April 7, 2009, is serving a stated prison term that includes one 531  
or more nonmandatory prison terms. A person may be an eligible 532  
offender and also may be an eighty per cent-qualifying offender 533  
or, during a declared state of emergency, a state of emergency- 534  
qualifying offender. 535

(b) "Eligible offender" does not include any person who, 536  
on or after April 7, 2009, is serving a stated prison term for 537  
any of the following criminal offenses that was a felony and was 538  
committed while the person held a public office in this state: 539

(i) A violation of section 2921.02, 2921.03, 2921.05, 540  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 541  
Code; 542

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 543  
2921.12 of the Revised Code, when the conduct constituting the 544  
violation was related to the duties of the offender's public 545  
office or to the offender's actions as a public official holding 546  
that public office; 547

(iii) A violation of an existing or former municipal 548  
ordinance or law of this or any other state or the United States 549  
that is substantially equivalent to any violation listed in 550  
division (A) (1) (b) (i) of this section; 551

(iv) A violation of an existing or former municipal 552  
ordinance or law of this or any other state or the United States 553  
that is substantially equivalent to any violation listed in 554  
division (A) (1) (b) (ii) of this section, when the conduct 555  
constituting the violation was related to the duties of the 556  
offender's public office or to the offender's actions as a 557  
public official holding that public office; 558

(v) A conspiracy to commit, attempt to commit, or 559  
complicity in committing any offense listed in division (A) (1) 560  
(b) (i) or described in division (A) (1) (b) (iii) of this section; 561

(vi) A conspiracy to commit, attempt to commit, or 562  
complicity in committing any offense listed in division (A) (1) 563  
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 564  
if the conduct constituting the offense that was the subject of 565  
the conspiracy, that would have constituted the offense 566  
attempted, or constituting the offense in which the offender was 567  
complicit was or would have been related to the duties of the 568  
offender's public office or to the offender's actions as a 569  
public official holding that public office. 570

(2) "State of emergency-qualifying offender" means any 571  
inmate to whom all of the following apply: 572

(a) The inmate is serving a stated prison term during a 573  
state of emergency that is declared by the governor as a direct 574  
response to a pandemic or public health emergency. 575

(b) The geographical area covered by the declared state of 576  
emergency includes the location at which the inmate is serving 577  
the stated prison term described in division (A) (2) (a) of this 578  
section. 579

(c) There is a direct nexus between the emergency that is 580  
the basis of the governor's declaration of the state of 581  
emergency and the circumstances of, and need for release of, the 582  
inmate. 583

(3) (a) "Eighty per cent-qualifying offender" means an 584  
offender who is serving a stated prison term of one year or 585  
more, who has commenced service of that stated prison term, who 586  
is not serving a stated prison term that includes a 587

disqualifying prison term or a stated prison term that consists 588  
solely of one or more restricting prison terms, and to whom 589  
either of the following applies: 590

(i) If the offender is serving a stated prison term of one 591  
year or more that includes one or more restricting prison terms 592  
and one or more eligible prison terms, the offender has fully 593  
served all restricting prison terms and has served eighty per 594  
cent of that stated prison term that remains to be served after 595  
all restricting prison terms have been fully served. 596

(ii) If the offender is serving a stated prison term of 597  
one year or more that consists solely of one or more eligible 598  
prison terms, the offender has served eighty per cent of that 599  
stated prison term. 600

(b) For purposes of determining whether an offender is an 601  
eighty per cent-qualifying offender under division (A) (3) (a) of 602  
this section: 603

(i) If the offender's stated prison term includes 604  
consecutive prison terms, any restricting prison terms shall be 605  
deemed served prior to any eligible prison terms that run 606  
consecutively to the restricting prison terms, and the eligible 607  
prison terms are deemed to commence after all of the restricting 608  
prison terms have been fully served. 609

(ii) An offender serving a stated prison term of one year 610  
or more that includes a mandatory prison term that is not a 611  
disqualifying prison term and is not a restricting prison term 612  
is not automatically disqualified from being an eighty per cent- 613  
qualifying offender as a result of the offender's service of 614  
that mandatory term for release from prison under this section, 615  
and the offender may be eligible for release from prison in 616

accordance with this division and division (O) of this section. 617

(4) "Nonmandatory prison term" means a prison term that is 618  
not a mandatory prison term. 619

(5) "Public office" means any elected federal, state, or 620  
local government office in this state. 621

(6) "Victim's representative" has the same meaning as in 622  
section 2930.01 of the Revised Code. 623

(7) "Imminent danger of death," "medically incapacitated," 624  
and "terminal illness" have the same meanings as in section 625  
2967.05 of the Revised Code. 626

(8) "Aggregated nonmandatory prison term or terms" means 627  
the aggregate of the following: 628

(a) All nonmandatory definite prison terms; 629

(b) With respect to any non-life felony indefinite prison 630  
term, all nonmandatory minimum prison terms imposed as part of 631  
the non-life felony indefinite prison term or terms. 632

(9) "Deadly weapon" and "dangerous ordnance" have the same 633  
meanings as in section 2923.11 of the Revised Code. 634

(10) "Disqualifying prison term" means any of the 635  
following: 636

(a) A prison term imposed for aggravated murder, murder, 637  
voluntary manslaughter, involuntary manslaughter, felonious 638  
assault, kidnapping, rape, aggravated arson, aggravated 639  
burglary, or aggravated robbery; 640

(b) A prison term imposed for complicity in, an attempt to 641  
commit, or conspiracy to commit any offense listed in division 642  
(A) (10) (a) of this section; 643

(c) A prison term of life imprisonment, including any term of life imprisonment that has parole eligibility; 644  
645

(d) A prison term imposed for any felony other than carrying a concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance; 646  
647  
648  
649

(e) A prison term imposed for any violation of section 2925.03 of the Revised Code that is a felony of the first or second degree; 650  
651  
652

(f) A prison term imposed for engaging in a pattern of corrupt activity in violation of section 2923.32 of the Revised Code; 653  
654  
655

(g) A prison term imposed pursuant to section 2971.03 of the Revised Code; 656  
657

(h) A prison term imposed for any sexually oriented offense. 658  
659

(11) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term. 660  
661  
662

(12) "Restricting prison term" means any of the following: 663

(a) A mandatory prison term imposed under division (B)(1)(a), (B)(1)(c), (B)(1)(f), (B)(1)(g), (B)(2), or (B)(7) of section 2929.14 of the Revised Code for a specification of the type described in that division; 664  
665  
666  
667

(b) In the case of an offender who has been sentenced to a mandatory prison term for a specification of the type described in division (A)(12)(a) of this section, the prison term imposed for the felony offense for which the specification was stated at 668  
669  
670  
671

the end of the body of the indictment, count in the indictment, 672  
or information charging the offense; 673

(c) A prison term imposed for trafficking in persons; 674

(d) A prison term imposed for any offense that is 675  
described in division (A) (12) (d) (i) of this section if division 676  
(A) (12) (d) (ii) of this section applies to the offender: 677

(i) The offense is a felony of the first or second degree 678  
that is an offense of violence and that is not described in 679  
division (A) (10) (a) or (b) of this section, an attempt to commit 680  
a felony of the first or second degree that is an offense of 681  
violence and that is not described in division (A) (10) (a) or (b) 682  
of this section if the attempt is a felony of the first or 683  
second degree, or an offense under an existing or former law of 684  
this state, another state, or the United States that is or was 685  
substantially equivalent to any other offense described in this 686  
division. 687

(ii) The offender previously was convicted of or pleaded 688  
guilty to any offense listed in division (A) (10) or (A) (12) (d) 689  
(i) of this section. 690

(13) "Sexually oriented offense" has the same meaning as 691  
in section 2950.01 of the Revised Code. 692

(14) "Stated prison term of one year or more" means a 693  
definite prison term of one year or more imposed as a stated 694  
prison term, or a minimum prison term of one year or more 695  
imposed as part of a stated prison term that is a non-life 696  
felony indefinite prison term. 697

(B) On the motion of an eligible offender, on the motion 698  
of a state of emergency-qualifying offender made during the 699  
declared state of emergency, or on its own motion with respect 700



to an eligible offender or with respect to a state of emergency- 701  
qualifying offender during the declared state of emergency, the 702  
sentencing court may reduce the offender's aggregated 703  
nonmandatory prison term or terms through a judicial release 704  
under this section. 705

(C) (1) Subject to division (C) (2) of this section, an 706  
eligible offender may file a motion for judicial release with 707  
the sentencing court, or a state of emergency-qualifying 708  
offender may file a motion for judicial release with the 709  
sentencing court during the declared state of emergency, within 710  
the following applicable periods: 711

(a) If the aggregated nonmandatory prison term or terms is 712  
less than two years, the eligible offender or state of 713  
emergency-qualifying offender may file the motion at any time 714  
after the offender is delivered to a state correctional 715  
institution or, if the prison term includes a mandatory prison 716  
term or terms, at any time after the expiration of all mandatory 717  
prison terms. 718

(b) If the aggregated nonmandatory prison term or terms is 719  
at least two years but less than five years, the eligible 720  
offender or state of emergency-qualifying offender may file the 721  
motion not earlier than one hundred eighty days after the 722  
offender is delivered to a state correctional institution or, if 723  
the prison term includes a mandatory prison term or terms, not 724  
earlier than one hundred eighty days after the expiration of all 725  
mandatory prison terms. 726

(c) If the aggregated nonmandatory prison term or terms is 727  
five years, the eligible offender or state of emergency- 728  
qualifying offender may file the motion not earlier than the 729  
date on which the offender has served four years of the 730

offender's stated prison term or, if the prison term includes a 731  
mandatory prison term or terms, not earlier than four years 732  
after the expiration of all mandatory prison terms. 733

(d) If the aggregated nonmandatory prison term or terms is 734  
more than five years but not more than ten years, the eligible 735  
offender or state of emergency-qualifying offender may file the 736  
motion not earlier than the date on which the offender has 737  
served five years of the offender's stated prison term or, if 738  
the prison term includes a mandatory prison term or terms, not 739  
earlier than five years after the expiration of all mandatory 740  
prison terms. 741

(e) If the aggregated nonmandatory prison term or terms is 742  
more than ten years, the eligible offender or state of 743  
emergency-qualifying offender may file the motion not earlier 744  
than the later of the date on which the offender has served one- 745  
half of the offender's stated prison term or the date specified 746  
in division (C) (1) (d) of this section. 747

(f) With respect to a state of emergency-qualifying 748  
offender, if the offender's prison term does not include a 749  
mandatory prison term or terms, or if the offender's prison term 750  
includes one or more mandatory prison terms and the offender has 751  
completed the mandatory prison term or terms, the state of 752  
emergency-qualifying offender may file the motion at any time 753  
during the offender's aggregated nonmandatory prison term or 754  
terms, provided that time also is during the declared state of 755  
emergency. 756

(2) During any single declared state of emergency, a state 757  
of emergency-qualifying offender may only file a motion for 758  
judicial release as a state of emergency-qualifying offender 759  
with the sentencing court during that declared state of 760

emergency once every six months. 761

(D) (1) (a) Upon receipt of a timely motion for judicial 762  
release filed by an eligible offender or a state of emergency- 763  
qualifying offender under division (C) of this section, or upon 764  
the sentencing court's own motion made within the appropriate 765  
time specified in that division, the court may deny the motion 766  
without a hearing or schedule a hearing on the motion. The court 767  
may grant the motion without a hearing for an offender under 768  
consideration for judicial release as a state of emergency- 769  
qualifying offender, but the court shall not grant the motion 770  
without a hearing for an offender under consideration as an 771  
eligible offender. If a court denies a motion without a hearing, 772  
the court later may consider judicial release for that eligible 773  
offender or that state of emergency-qualifying offender on a 774  
subsequent motion. For an offender under consideration for 775  
judicial release as an eligible offender, but not for one under 776  
consideration as a state of emergency-qualifying offender, the 777  
court may deny the motion with prejudice. If a court denies a 778  
motion with prejudice, the court may later consider judicial 779  
release on its own motion. For an offender under consideration 780  
for judicial release as a state of emergency-qualifying 781  
offender, the court shall not deny a motion with prejudice. For 782  
an offender under consideration for judicial release as an 783  
eligible offender, but not for one under consideration as a 784  
state of emergency-qualifying offender, if a court denies a 785  
motion after a hearing, the court shall not consider a 786  
subsequent motion for that offender based on the offender's 787  
classification as an eligible offender. The court may hold 788  
multiple hearings for any offender under consideration for 789  
judicial release as a state of emergency-qualifying offender, 790  
but shall hold only one hearing for any offender under 791

consideration as an eligible offender. 792

(b) If an offender is under consideration for judicial 793  
release as an eligible offender and the motion is denied, and if 794  
the offender at that time also is or subsequently becomes a 795  
state of emergency-qualifying offender, the denial does not 796  
limit or affect any right of the offender to file a motion under 797  
this section for consideration for judicial release as a state 798  
of emergency-qualifying offender or for the court on its own 799  
motion to consider the offender for judicial release as a state 800  
of emergency-qualifying offender. 801

If an offender is under consideration for judicial release 802  
as a state of emergency-qualifying offender and the motion is 803  
denied, and if the offender at that time also is or subsequently 804  
becomes an eligible offender, the denial does not limit or 805  
affect any right of the offender to file a motion under this 806  
section for consideration for judicial release as an eligible 807  
offender or for the court on its own motion to consider the 808  
offender for judicial release as an eligible offender. 809

(2) (a) With respect to a motion for judicial release filed 810  
by an offender as an eligible offender or made by the court on 811  
its own motion for an offender as an eligible offender, a 812  
hearing under this section shall be conducted in open court not 813  
less than thirty or more than sixty days after the motion is 814  
filed, provided that the court may delay the hearing for one 815  
hundred eighty additional days. If the court holds a hearing, 816  
the court shall enter a ruling on the motion within ten days 817  
after the hearing. If the court denies the motion without a 818  
hearing, the court shall enter its ruling on the motion within 819  
sixty days after the motion is filed. 820

(b) With respect to a motion for judicial release filed by 821

an offender as a state of emergency-qualifying offender or made 822  
by the court on its own motion for an offender as a state of 823  
emergency-qualifying offender, the court shall notify the 824  
prosecuting attorney of the county in which the offender was 825  
indicted and may order the prosecuting attorney to respond to 826  
the motion in writing within ten days. The prosecuting attorney 827  
shall notify the victim pursuant to the Ohio Constitution. The 828  
prosecuting attorney shall include in the response any statement 829  
that the victim wants to be represented to the court. The court 830  
shall consider any response from the prosecuting attorney and 831  
any statement from the victim in its ruling on the motion. After 832  
receiving the response from the prosecuting attorney, the court 833  
either shall order a hearing consistent with divisions (E) to 834  
(I) of this section as soon as possible, or shall enter its 835  
ruling on the motion for judicial release as soon as possible. 836  
If the court conducts a hearing, the hearing shall be conducted 837  
in open court or by a virtual, telephonic, or other form of 838  
remote hearing. If the court holds a hearing, the court shall 839  
enter a ruling on the motion within ten days after the hearing. 840  
If the court denies the motion without a hearing, the court 841  
shall enter its ruling on the motion within ten days after the 842  
motion is filed or after it receives the response from the 843  
prosecuting attorney. 844

(E) If a court schedules a hearing under divisions (D) (1) 845  
and (2) (a) of this section or under divisions (D) (1) and (2) (b) 846  
of this section, the court shall notify the subject eligible 847  
offender or state of emergency-qualifying offender and the head 848  
of the state correctional institution in which that subject 849  
offender is confined prior to the hearing. The head of the state 850  
correctional institution immediately shall notify the 851  
appropriate person at the department of rehabilitation and 852

correction of the hearing, and the department within twenty-four 853  
hours after receipt of the notice, shall post on the database it 854  
maintains pursuant to section 5120.66 of the Revised Code the 855  
subject offender's name and all of the information specified in 856  
division (A)(1)(c)(i) of that section. If the court schedules a 857  
hearing for judicial release, the court promptly shall give 858  
notice of the hearing to the prosecuting attorney of the county 859  
in which the subject eligible offender or state of emergency- 860  
qualifying offender was indicted. Upon receipt of the notice 861  
from the court, the prosecuting attorney shall do whichever of 862  
the following is applicable: 863

(1) Subject to division (E)(2) of this section, notify the 864  
victim of the offense and the victim's representative, if 865  
applicable, pursuant to the Ohio Constitution and division (B) 866  
of section 2930.16 of the Revised Code; 867

(2) If the offense was an offense of violence that is a 868  
felony of the first, second, or third degree, except as 869  
otherwise provided in this division, pursuant to the Ohio 870  
Constitution, notify the victim and the victim's representative, 871  
if applicable, of the hearing regardless of whether the victim 872  
or victim's representative has requested the notification. 873  
Except when notice to the victim is required under the Ohio 874  
Constitution, the notice of the hearing shall not be given under 875  
this division to a victim or victim's representative if the 876  
victim or victim's representative has requested pursuant to 877  
division (B)(2) of section 2930.03 of the Revised Code that the 878  
victim or the victim's representative not be provided the 879  
notice. If notice is to be provided to a victim or victim's 880  
representative under this division, the prosecuting attorney may 881  
give the notice by any reasonable means, including regular mail, 882  
telephone, and electronic mail, in accordance with division (D) 883

(1) of section 2930.16 of the Revised Code. If the notice is 884  
based on an offense committed prior to March 22, 2013, the 885  
notice also shall include the opt-out information described in 886  
division (D) (1) of section 2930.16 of the Revised Code. The 887  
prosecuting attorney, in accordance with division (D) (2) of 888  
section 2930.16 of the Revised Code, shall keep a record of all 889  
attempts to provide the notice, and of all notices provided, 890  
under this division. Division (E) (2) of this section, and the 891  
notice-related provisions of division (K) of this section, 892  
division (D) (1) of section 2930.16, division (H) of section 893  
2967.12, division (E) (1) (b) of section 2967.19 as it existed 894  
prior to April 4, 2023, division (A) (3) (b) of section 2967.26, 895  
division (D) (1) of section 2967.28, and division (A) (2) of 896  
section 5149.101 of the Revised Code enacted in the act in which 897  
division (E) (2) of this section was enacted, shall be known as 898  
"Roberta's Law." 899

(F) Upon an offender's successful completion of 900  
rehabilitative activities, the head of the state correctional 901  
institution may notify the sentencing court of the successful 902  
completion of the activities. 903

(G) Prior to the date of the hearing on a motion for 904  
judicial release made by an eligible offender, by a state of 905  
emergency-qualifying offender, or by a court on its own under 906  
this section, the head of the state correctional institution in 907  
which the subject offender is confined shall send to the court 908  
an institutional summary report on the offender's conduct in the 909  
institution and in any institution from which the offender may 910  
have been transferred. Upon the request of the prosecuting 911  
attorney of the county in which the subject offender was 912  
indicted or of any law enforcement agency, the head of the state 913  
correctional institution, at the same time the person sends the 914

institutional summary report to the court, also shall send a 915  
copy of the report to the requesting prosecuting attorney and 916  
law enforcement agencies. The institutional summary report shall 917  
cover the subject offender's participation in school, vocational 918  
training, work, treatment, and other rehabilitative activities 919  
and any disciplinary action taken against the subject offender. 920  
The report shall be made part of the record of the hearing. A 921  
presentence investigation report is not required for judicial 922  
release. 923

(H) If the court grants a hearing on a motion for judicial 924  
release made by an eligible offender, by a state of emergency- 925  
qualifying offender, or by a court on its own under this 926  
section, the subject offender shall attend the hearing if 927  
ordered to do so by the court. Upon receipt of a copy of the 928  
journal entry containing the order, the head of the state 929  
correctional institution in which the subject offender is 930  
incarcerated shall deliver the subject offender to the sheriff 931  
of the county in which the hearing is to be held. The sheriff 932  
shall convey the subject offender to and from the hearing. 933

(I) At the hearing on a motion for judicial release under 934  
this section made by an eligible offender, by a state of 935  
emergency-qualifying offender, or by a court on its own, the 936  
court shall afford the subject offender and the offender's 937  
attorney an opportunity to present written and, if present, oral 938  
information relevant to the motion. The court shall afford a 939  
similar opportunity to the prosecuting attorney, the victim, the 940  
victim's representative, the victim's attorney, if applicable, 941  
and any other person the court determines is likely to present 942  
additional relevant information. The court shall consider any 943  
oral or written statement of a victim, victim's representative, 944  
and victim's attorney, if applicable, made pursuant to section 945



2930.14 or 2930.17 of the Revised Code, any victim impact 946  
statement prepared pursuant to section 2947.051 of the Revised 947  
Code, and any report made under division (G) of this section. 948  
The court may consider any written statement of any person 949  
submitted to the court pursuant to division (L) of this section. 950

If the motion alleges that the offender who is the subject 951  
of the motion is an eligible offender and the court makes an 952  
initial determination that the offender satisfies the criteria 953  
for being an eligible offender, or if the motion alleges that 954  
the offender who is the subject of the motion is a state of 955  
emergency-qualifying offender and the court makes an initial 956  
determination that the offender satisfies the criteria for being 957  
a state of emergency-qualifying offender, the court shall 958  
determine whether to grant the motion. After ruling on the 959  
motion, the court shall notify the prosecuting attorney of the 960  
county in which the eligible offender or state of emergency- 961  
qualifying offender was indicted of the ruling, and the 962  
prosecuting attorney shall notify the victim and the victim's 963  
representative of the ruling in accordance with sections 2930.03 964  
and 2930.16 of the Revised Code or, if the court granted the 965  
motion, in accordance with division (K) of this section. 966

(J) (1) A court shall not grant a judicial release under 967  
this section to an offender who is imprisoned for a felony of 968  
the first or second degree and who is under consideration as an 969  
eligible offender, or to an offender who committed an offense 970  
under Chapter 2925. or 3719. of the Revised Code, who is under 971  
consideration as an eligible offender, and for whom there was a 972  
presumption under section 2929.13 of the Revised Code in favor 973  
of a prison term, unless the court, with reference to factors 974  
under section 2929.12 of the Revised Code, finds both of the 975  
following: 976

(a) That a sanction other than a prison term would 977  
adequately punish the offender and protect the public from 978  
future criminal violations by the offender because the 979  
applicable factors indicating a lesser likelihood of recidivism 980  
outweigh the applicable factors indicating a greater likelihood 981  
of recidivism; 982

(b) That a sanction other than a prison term would not 983  
demean the seriousness of the offense because factors indicating 984  
that the offender's conduct in committing the offense was less 985  
serious than conduct normally constituting the offense outweigh 986  
factors indicating that the eligible offender's conduct was more 987  
serious than conduct normally constituting the offense. 988

(2) A court that grants a judicial release under division 989  
(J) (1) of this section to an offender who is under consideration 990  
as an eligible offender shall specify on the record both 991  
findings required in that division and also shall list all the 992  
factors described in that division that were presented at the 993  
hearing. 994

(3) (a) Subject to division (J) (3) (b) of this section, a 995  
court shall grant a judicial release under this section to an 996  
offender who is under consideration as a state of emergency- 997  
qualifying offender if the court determines that the risks posed 998  
by incarceration to the health and safety of the offender, 999  
because of the nature of the declared state of emergency, 1000  
outweigh the risk to public safety if the offender were to be 1001  
released from incarceration. 1002

(b) A court shall not grant a judicial release under this 1003  
section to an offender who is imprisoned for a felony of the 1004  
first or second degree and is under consideration for judicial 1005  
release as a state of emergency-qualifying offender unless the 1006

court, with reference to the factors specified under section 1007  
2929.12 of the Revised Code, finds both of the criteria set 1008  
forth in divisions (J) (1) (a) and (b) of this section. 1009

(K) If the court grants a motion for judicial release 1010  
under this section, the court shall order the release of the 1011  
eligible offender or state of emergency-qualifying offender, 1012  
shall place the offender under an appropriate community control 1013  
sanction, under appropriate conditions, and under the 1014  
supervision of the department of probation serving the court and 1015  
shall reserve the right to reimpose the sentence that it reduced 1016  
if the offender violates the sanction. If the court reimposes 1017  
the reduced sentence, it may do so either concurrently with, or 1018  
consecutive to, any new sentence imposed on the eligible 1019  
offender or state of emergency-qualifying offender as a result 1020  
of the violation that is a new offense. Except as provided in 1021  
division (N) (5) (b) of this section and divisions (B) (1) (c) to 1022  
(e) of section 2929.15 of the Revised Code, the period of 1023  
community control shall be no longer than five years if the most 1024  
serious offense from which the judicial release is granted is a 1025  
felony of the first or second degree and no longer than three 1026  
years if the most serious offense from which the judicial 1027  
release is granted is a felony of the third, fourth, or fifth 1028  
degree. The court, in its discretion, may reduce the period of 1029  
community control by the amount of time the offender spent in 1030  
jail or prison for the offense and in prison. If the court made 1031  
any findings pursuant to division (J) (1) of this section, the 1032  
court shall serve a copy of the findings upon counsel for the 1033  
parties within fifteen days after the date on which the court 1034  
grants the motion for judicial release. 1035

If the court grants a motion for judicial release, the 1036  
court shall notify the appropriate person at the department of 1037

rehabilitation and correction, and the department shall post 1038  
notice of the release on the database it maintains pursuant to 1039  
section 5120.66 of the Revised Code. The court also shall notify 1040  
the prosecuting attorney of the county in which the eligible 1041  
offender or state of emergency-qualifying offender was indicted 1042  
that the motion has been granted. When notice to the victim is 1043  
required under the Ohio Constitution, the prosecuting attorney 1044  
shall notify the victim and the victim's representative, if 1045  
applicable, of the judicial release. In all other cases, unless 1046  
the victim or the victim's representative has requested pursuant 1047  
to division (B) (2) of section 2930.03 of the Revised Code that 1048  
the victim or victim's representative not be provided the 1049  
notice, the prosecuting attorney shall notify the victim and the 1050  
victim's representative, if applicable, of the judicial release 1051  
in any manner, and in accordance with the same procedures, 1052  
pursuant to which the prosecuting attorney is authorized to 1053  
provide notice of the hearing pursuant to division (E) (2) of 1054  
this section. If the notice is based on an offense committed 1055  
prior to March 22, 2013, the notice to the victim or victim's 1056  
representative also shall include the opt-out information 1057  
described in division (D) (1) of section 2930.16 of the Revised 1058  
Code. 1059

(L) In addition to and independent of the right of a 1060  
victim to make a statement pursuant to section 2930.14, 2930.17, 1061  
or 2946.051 of the Revised Code and any right of a person to 1062  
present written information or make a statement pursuant to 1063  
division (I) of this section, any person may submit to the 1064  
court, at any time prior to the hearing on the motion for 1065  
judicial release of the eligible offender or state of emergency- 1066  
qualifying offender, a written statement concerning the effects 1067  
of the offender's criminal offense, the circumstances 1068

surrounding the criminal offense, the manner in which the 1069  
criminal offense was perpetrated, and the person's opinion as to 1070  
whether the offender should be released. 1071

(M) (1) The changes to this section that are made on 1072  
September 30, 2011, apply to any judicial release decision made 1073  
on or after September 30, 2011, for any eligible offender, 1074  
subject to division (M) (2) of this section. 1075

(2) The changes to this section that are made on April 4, 1076  
2023, apply to any judicial release application, and any 1077  
judicial release decision, made on or after April 4, 2023, for 1078  
any eligible offender or state of emergency-qualifying offender. 1079

(N) (1) Notwithstanding the eligibility requirements 1080  
specified in divisions (A) (1) and (2) of this section and the 1081  
filing time frames specified in division (C) of this section and 1082  
notwithstanding the findings required under division (J) (1) and 1083  
the eligibility criteria specified in division (J) (3) of this 1084  
section, the sentencing court, upon the court's own motion and 1085  
after considering whether the release of the offender into 1086  
society would create undue risk to public safety, may grant a 1087  
judicial release to an offender who is not serving a life 1088  
sentence at any time during the offender's imposed sentence when 1089  
the director of rehabilitation and correction certifies to the 1090  
sentencing court through the chief medical officer for the 1091  
department of rehabilitation and correction that the offender is 1092  
in imminent danger of death, is medically incapacitated, or has 1093  
a terminal illness. 1094

(2) The director of rehabilitation and correction shall 1095  
not certify any offender under division (N) (1) of this section 1096  
who is serving a death sentence. 1097

(3) A motion made by the court under division (N) (1) of 1098  
this section is subject to the notice, hearing, and other 1099  
procedural requirements specified in divisions (D), (E), (G), 1100  
(H), (I), (K), and (L) of this section with respect to motions 1101  
for a grant of judicial release to eligible offenders, including 1102  
notice to the victim, except for the following: 1103

(a) The court may waive the offender's appearance at any 1104  
hearing scheduled by the court if the offender's condition makes 1105  
it impossible for the offender to participate meaningfully in 1106  
the proceeding. 1107

(b) The court may grant the motion without a hearing, 1108  
provided that the prosecuting attorney, victim, and victim's 1109  
representative, if applicable, to whom notice of the hearing was 1110  
provided under division (E) of this section indicate that they 1111  
do not wish to participate in the hearing or present information 1112  
relevant to the motion. 1113

(4) The court may request health care records from the 1114  
department of rehabilitation and correction to verify the 1115  
certification made under division (N) (1) of this section. 1116

(5) (a) If the court grants judicial release under division 1117  
(N) (1) of this section, the court shall do all of the following: 1118

(i) Order the release of the offender; 1119

(ii) Place the offender under an appropriate community 1120  
control sanction, under appropriate conditions; 1121

(iii) Place the offender under the supervision of the 1122  
department of probation serving the court or under the 1123  
supervision of the adult parole authority. 1124

(b) The court, in its discretion, may revoke the judicial 1125

release if the offender violates the community control sanction 1126  
described in division (N) (5) (a) of this section. The period of 1127  
that community control is not subject to the ~~five-year~~ 1128  
~~limitation~~ limitations on duration described in division (K) of 1129  
this section and shall not expire earlier than the date on which 1130  
all of the offender's mandatory prison terms expire. 1131

(6) If the health of an offender who is released under 1132  
division (N) (1) of this section improves so that the offender is 1133  
no longer terminally ill, medically incapacitated, or in 1134  
imminent danger of death, the court shall, upon the court's own 1135  
motion, revoke the judicial release. The court shall not grant 1136  
the motion without a hearing unless the offender waives a 1137  
hearing. If a hearing is held, the court shall afford the 1138  
offender and the offender's attorney an opportunity to present 1139  
written and, if the offender or the offender's attorney is 1140  
present, oral information relevant to the motion. The court 1141  
shall afford a similar opportunity to the prosecuting attorney, 1142  
the victim, the victim's representative, the victim's attorney, 1143  
if applicable, and any other person the court determines is 1144  
likely to present additional relevant information. If a hearing 1145  
is held, the prosecuting attorney shall notify the victim and 1146  
the victim's representative, if applicable, pursuant to the Ohio 1147  
Constitution. A court that grants a motion under this division 1148  
shall specify its findings on the record. 1149

(O) (1) Separate from and independent of the provisions of 1150  
divisions (A) to (N) of this section, the director of the 1151  
department of rehabilitation and correction may recommend in 1152  
writing to the sentencing court that the court consider 1153  
releasing from prison, through a judicial release, any offender 1154  
who is confined in a state correctional institution and who is 1155  
an eighty per cent-qualifying offender. The director may file 1156

such a recommendation for judicial release by submitting to the 1157  
sentencing court a notice, in writing, of the recommendation 1158  
within the applicable period specified in division (A)(3) of 1159  
this section for qualifying as an eighty per cent-qualifying 1160  
offender. 1161

The director shall include with any notice submitted to 1162  
the sentencing court under this division an institutional 1163  
summary report that covers the offender's participation while 1164  
confined in a state correctional institution in school, 1165  
training, work, treatment, and other rehabilitative activities 1166  
and any disciplinary action taken against the offender while so 1167  
confined. The director shall include with the notice any other 1168  
documentation requested by the court, if available. 1169

If the director submits a notice under this division 1170  
recommending judicial release, the department promptly shall 1171  
provide to the prosecuting attorney of the county in which the 1172  
offender was indicted a copy of the written notice and 1173  
recommendation, a copy of the institutional summary report, and 1174  
any other information provided to the court, and shall provide a 1175  
copy of the institutional summary report to any law enforcement 1176  
agency that requests the report. The department also shall 1177  
provide written notice of the submission of the director's 1178  
notice to any victim of the offender or victim's representative, 1179  
if applicable, in the same manner as is specified in divisions 1180  
(E)(1) and (2) of this section with respect to notices of 1181  
hearings. 1182

(2) A recommendation for judicial release in a notice 1183  
submitted by the director under division (O)(1) of this section 1184  
is subject to the notice, hearing, and other procedural 1185  
requirements specified in divisions (E), (H), (I), and (L) of 1186



this section, including notice to the victim pursuant to the 1187  
Ohio Constitution, except as otherwise specified in divisions 1188  
(O) (3) to (5) of this section, provided that references in 1189  
divisions (E), (H), (I), (K), and (L) of this section to "the 1190  
motion" shall be construed for purposes of division (O) of this 1191  
section as being references to the notice and recommendation 1192  
specified in division (O) (1) of this section. 1193

(3) The director's submission of a notice under division 1194  
(O) (1) of this section constitutes a recommendation by the 1195  
director that the court strongly consider a judicial release of 1196  
the offender consistent with the purposes and principles of 1197  
sentencing set forth in sections 2929.11 and 2929.13 of the 1198  
Revised Code and establishes a rebuttable presumption that the 1199  
offender shall be released through a judicial release in 1200  
accordance with the recommendation. The presumption of release 1201  
may be rebutted only as described in division (O) (6) of this 1202  
section. Only an offender recommended by the director under 1203  
division (O) (1) of this section may be considered for a judicial 1204  
release under division (O) of this section. 1205

(4) Upon receipt of a notice recommending judicial release 1206  
submitted by the director under division (O) (1) of this section, 1207  
the court shall schedule a hearing to consider the 1208  
recommendation for the judicial release of the offender who is 1209  
the subject of the notice. The hearing shall be conducted in 1210  
open court not less than thirty or more than sixty days after 1211  
the notice is submitted. The court shall inform the department 1212  
and the prosecuting attorney of the county in which the offender 1213  
who is the subject of the notice was indicted of the date, time, 1214  
and location of the hearing. Upon receipt of the notice from the 1215  
court, the prosecuting attorney shall comply with division (E) 1216  
of this section, including providing notice to the victim and 1217

the victim's representative, if applicable, pursuant to the Ohio 1218  
Constitution, and the department shall post the information 1219  
specified in that division. 1220

(5) When a court schedules a hearing under division (O) (4) 1221  
of this section, at the hearing, the court shall consider all of 1222  
the following in determining whether to grant the offender 1223  
judicial release under division (O) of this section: 1224

(a) The institutional summary report submitted under 1225  
division (O) (1) of this section; 1226

(b) The inmate's academic, vocational education programs, 1227  
or alcohol or drug treatment programs; or involvement in 1228  
meaningful activity; 1229

(c) The inmate's assignments and whether the inmate 1230  
consistently performed each work assignment to the satisfaction 1231  
of the department staff responsible for supervising the inmate's 1232  
work; 1233

(d) The inmate transferred to and actively participated in 1234  
core curriculum programming at a reintegration center prison; 1235

(e) The inmate's disciplinary history; 1236

(f) The inmate's security level; 1237

(g) All other information, statements, reports, and 1238  
documentation described in division (I) of this section. 1239

(6) If the court that receives a notice recommending 1240  
judicial release submitted by the director under division (O) (1) 1241  
of this section makes an initial determination that the offender 1242  
satisfies the criteria for being an eighty per cent-qualifying 1243  
offender, the court then shall determine whether to grant the 1244  
offender judicial release. In making the second determination, 1245

the court shall grant the offender judicial release unless the 1246  
prosecuting attorney proves to the court, by a preponderance of 1247  
the evidence, that the legitimate interests of the government in 1248  
maintaining the offender's confinement outweigh the interests of 1249  
the offender in being released from that confinement. If the 1250  
court grants a judicial release under this division, division 1251  
(K) of this section applies regarding the judicial release, 1252  
including the maximums specified in that division for the 1253  
duration of the period of all community control sanctions 1254  
imposed on the offender under that division and the notice to 1255  
the victim and the victim's representative, if applicable, 1256  
pursuant to the Ohio Constitution, provided that references in 1257  
division (K) of this section to "the motion" shall be construed 1258  
for purposes of the judicial release granted under this division 1259  
as being references to the notice and recommendation specified 1260  
in division (O) (1) of this section. 1261

The court shall enter its ruling on the notice 1262  
recommending judicial release submitted by the director under 1263  
division (O) (1) of this section within ten days after the 1264  
hearing is conducted. After ruling on whether to grant the 1265  
offender judicial release under division (O) of this section, 1266  
the court shall notify the offender, the prosecuting attorney, 1267  
and the department of rehabilitation and correction of its 1268  
decision, and shall notify the victim of its decision in 1269  
accordance with the Ohio Constitution and sections 2930.03 and 1270  
2930.16 of the Revised Code. If the court does not enter a 1271  
ruling on the notice within ten days after the hearing is 1272  
conducted as required under this division, the division of 1273  
parole and community services of the department of 1274  
rehabilitation and correction may release the offender. 1275

(P) All notices to a victim of an offense provided under 1276

division (D), (E), (K), (N), or (O) of this section shall be 1277  
provided in accordance with the Ohio Constitution. 1278

**Sec. 2929.25.** (A) (1) Except as provided in sections 1279  
2929.22 and 2929.23 of the Revised Code or when a jail term is 1280  
required by law, in sentencing an offender for a misdemeanor, 1281  
other than a minor misdemeanor, the sentencing court may do 1282  
either of the following: 1283

(a) Directly impose a sentence that consists of one or 1284  
more community control sanctions authorized by section 2929.26, 1285  
2929.27, or 2929.28 of the Revised Code. The court may impose 1286  
any other conditions of release under a community control 1287  
sanction that the court considers appropriate. If the court 1288  
imposes a jail term upon the offender, the court may impose any 1289  
community control sanction or combination of community control 1290  
sanctions in addition to the jail term. 1291

(b) Impose a jail term under section 2929.24 of the 1292  
Revised Code from the range of jail terms authorized under that 1293  
section for the offense, suspend all or a portion of the jail 1294  
term imposed, and place the offender under a community control 1295  
sanction or combination of community control sanctions 1296  
authorized under section 2929.26, 2929.27, or 2929.28 of the 1297  
Revised Code. 1298

(2) ~~The~~ Except as provided in divisions (A) (3) (d) and (e) 1299  
of this section, the duration of all community control sanctions 1300  
imposed upon an offender and in effect for an offender at any 1301  
time shall not exceed ~~five~~ two years. 1302

(3) At sentencing, if a court directly imposes a community 1303  
control sanction or combination of community control sanctions 1304  
pursuant to division (A) (1) (a) or (B) of this section, the court 1305

shall state the duration of the community control sanctions 1306  
imposed and shall notify the offender that if any of the 1307  
conditions of the community control sanctions are violated the 1308  
court may do any of the following: 1309

(a) Impose a longer time under the same community control 1310  
sanction if the total time under all of the offender's community 1311  
control sanctions does not exceed the ~~five-year~~ limit specified 1312  
in division (A) (2) of this section; 1313

(b) Impose a more restrictive community control sanction 1314  
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 1315  
but the court is not required to impose any particular sanction 1316  
or sanctions; 1317

(c) Impose a definite jail term from the range of jail 1318  
terms authorized for the offense under section 2929.24 of the 1319  
Revised Code. 1320

(d) (i) Subject to division (A) (3) (d) (ii) of this section, 1321  
a term of not more than one year under the same sanction if the 1322  
total time under the sanction does not exceed two years, if the 1323  
court conducts a hearing and finds all of the following: 1324

(I) The offender is serving the community control sanction 1325  
for any misdemeanor. 1326

(II) The offender is required to comply with mental or 1327  
behavioral health treatment imposed as a condition of the 1328  
community control sanction. 1329

(III) In the six months prior to the hearing, the offender 1330  
has consistently demonstrated a willful refusal to comply with 1331  
mental or behavioral health treatment imposed as a condition of 1332  
the community control sanction. 1333

(IV) The court cannot appropriately respond to the offender's willful refusal to comply with mental or behavioral health treatment imposed as a condition of the community control sanction in the remaining period of the community control sanction. 1334  
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1336  
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(ii) A court is not limited in the number of times it may sentence an offender to a term described in division (A) (3) (d) (i) of this section, if the total time under the sanction does not exceed two years and if the court makes the findings required in division (A) (3) (d) (i) of this section. 1339  
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1341  
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(iii) If the court imposes a term described in division (A) (3) (d) (i) of this section, the offender shall not be subject to any conditions of supervision under the community control sanction except for complying with mental or behavioral health treatment during the extended term. 1344  
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1346  
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(e) (i) Subject to division (A) (3) (e) (ii) of this section, a longer time under the same sanction if the total time under the sanction does not exceed the time required for the offender to complete the restitution payments or two years, whichever is less, if the court conducts a hearing and finds all of the following: 1349  
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1351  
1352  
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(I) The offender is serving the community control sanction for any misdemeanor. 1355  
1356

(II) The offender is required to pay restitution pursuant to section 2929.18 or 2929.281 of the Revised Code. 1357  
1358

(III) The offender has consistently demonstrated a willful refusal to pay restitution imposed as a condition of the community control sanction. 1359  
1360  
1361

(IV) The offender has the ability to pay restitution 1362

without suffering an undue financial burden. 1363

(V) The civil remedies and procedures described in 1364  
division (D) of section 2929.18 of the Revised Code are 1365  
insufficient to allow the victim of the offender's criminal 1366  
offense or the victim's estate to recover restitution after the 1367  
period of the community control sanction has terminated. 1368

(ii) A court is not limited in the number of times it may 1369  
sentence an offender to a term described in division (A) (3) (e) 1370  
(i) of this section, if the total time under the sanction does 1371  
not exceed two years and if the court makes the findings 1372  
required in division (A) (3) (e) (i) of this section. 1373

(iii) If the court imposes a term described in division 1374  
(A) (3) (e) (i) of this section, the offender shall not be subject 1375  
to any conditions of supervision under the community control 1376  
sanction except for payment of restitution during the extended 1377  
term. 1378

(B) If a court sentences an offender to any community 1379  
control sanction or combination of community control sanctions 1380  
pursuant to division (A) (1) (a) of this section, the sentencing 1381  
court retains jurisdiction over the offender and the period of 1382  
community control for the duration of the period of community 1383  
control. Upon the motion of either party or on the court's own 1384  
motion, the court, in the court's sole discretion and as the 1385  
circumstances warrant, may modify the community control 1386  
sanctions or conditions of release previously imposed, 1387  
substitute a community control sanction or condition of release 1388  
for another community control sanction or condition of release 1389  
previously imposed, or impose an additional community control 1390  
sanction or condition of release. 1391

(C) (1) If a court sentences an offender to any community control sanction or combination of community control sanctions authorized under section 2929.26, 2929.27, or 2929.28 of the Revised Code, the court shall place the offender under the general control and supervision of the court or of a department of probation in the jurisdiction that serves the court for purposes of reporting to the court a violation of any of the conditions of the sanctions imposed. If the offender resides in another jurisdiction and a department of probation has been established to serve the municipal court or county court in that jurisdiction, the sentencing court may request the municipal court or the county court to receive the offender into the general control and supervision of that department of probation for purposes of reporting to the sentencing court a violation of any of the conditions of the sanctions imposed. The sentencing court retains jurisdiction over any offender whom it sentences for the duration of the sanction or sanctions imposed.

(2) The sentencing court shall require as a condition of any community control sanction that the offender abide by the law and not leave the state without the permission of the court or the offender's probation officer. In the interests of doing justice, rehabilitating the offender, and ensuring the offender's good behavior, the court may impose additional requirements on the offender. The offender's compliance with the additional requirements also shall be a condition of the community control sanction imposed upon the offender.

(D) (1) If the court imposing sentence upon an offender sentences the offender to any community control sanction or combination of community control sanctions authorized under section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if the offender violates any of the conditions of the sanctions,



the public or private person or entity that supervises or 1423  
administers the program or activity that comprises the sanction 1424  
shall report the violation directly to the sentencing court or 1425  
to the department of probation or probation officer with general 1426  
control and supervision over the offender. If the public or 1427  
private person or entity reports the violation to the department 1428  
of probation or probation officer, the department or officer 1429  
shall report the violation to the sentencing court. 1430

(2) Except as provided in division (D) (3) of this section, 1431  
if an offender violates any condition of a community control 1432  
sanction, the sentencing court may impose upon the violator one 1433  
or more of the following penalties: 1434

(a) A longer time under the same community control 1435  
sanction if the total time under all of the community control 1436  
sanctions imposed on the violator does not exceed the ~~five-year~~ 1437  
limit specified in division (A) (2) of this section; 1438

(b) A more restrictive community control sanction; 1439

(c) A combination of community control sanctions, 1440  
including a jail term. 1441

(d) A term of not more than one year under the same 1442  
community control sanction if the total time under all of the 1443  
community control sanctions imposed on the violator does not 1444  
exceed the limit specified in division (A) (2) of this section 1445  
and if the court makes the findings required in division (A) (3) 1446  
(d) of this section. 1447

(e) A longer time under the same community control 1448  
sanction if the total time under all of the community control 1449  
sanctions imposed on the violator does not exceed the time 1450  
required for the offender to complete the restitution payments 1451

or the limit specified in division (A) (2) of this section, 1452  
whichever is less, and if the court makes the findings required 1453  
in division (A) (3) (e) of this section. 1454

(3) If an offender was acting pursuant to division (B) (2) 1455  
(b) of section 2925.11 or a related provision under section 1456  
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 1457  
doing violated the conditions of a community control sanction 1458  
based on a minor drug possession offense, as defined in section 1459  
2925.11 of the Revised Code, or violated section 2925.12, 1460  
division (C) (1) of section 2925.14, or section 2925.141 of the 1461  
Revised Code, the sentencing court shall not impose any of the 1462  
penalties described in division (D) (2) of this section based on 1463  
the violation. 1464

(4) If the court imposes a jail term upon a violator 1465  
pursuant to division (D) (2) of this section, the total time 1466  
spent in jail for the misdemeanor offense and the violation of a 1467  
condition of the community control sanction shall not exceed the 1468  
maximum jail term available for the offense for which the 1469  
sanction that was violated was imposed. The court may reduce the 1470  
longer period of time that the violator is required to spend 1471  
under the longer sanction or the more restrictive sanction 1472  
imposed under division (D) (2) of this section by all or part of 1473  
the time the violator successfully spent under the sanction that 1474  
was initially imposed. 1475

(E) Except as otherwise provided in this division, if an 1476  
offender, for a significant period of time, fulfills the 1477  
conditions of a community control sanction imposed pursuant to 1478  
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 1479  
exemplary manner, the court may reduce the period of time under 1480  
the community control sanction or impose a less restrictive 1481

community control sanction. Fulfilling the conditions of a 1482  
community control sanction does not relieve the offender of a 1483  
duty to make restitution under section 2929.28 of the Revised 1484  
Code. 1485

**Sec. 2951.02.** (A) (1) During the period of a misdemeanor 1486  
offender's community control sanction or during the period of a 1487  
felony offender's nonresidential sanction, authorized probation 1488  
officers who are engaged within the scope of their supervisory 1489  
duties or responsibilities may search, with or without a 1490  
warrant, the person of the offender, the place of residence of 1491  
the offender, and a motor vehicle, another item of tangible or 1492  
intangible personal property, or other real property in which 1493  
the offender has a right, title, or interest or for which the 1494  
offender has the express or implied permission of a person with 1495  
a right, title, or interest to use, occupy, or possess if any of 1496  
the following apply: 1497

(a) The probation officers have reasonable grounds to 1498  
believe that the offender is not abiding by the law or otherwise 1499  
is not complying with the conditions of the misdemeanor 1500  
offender's community control sanction or the conditions of the 1501  
felony offender's nonresidential sanction. 1502

(b) If the offender is a felony offender, the court 1503  
requires the offender's consent to searches as part of the terms 1504  
and conditions of community control, and the offender agreed to 1505  
those terms and conditions. 1506

(c) If the offender is a felony offender, the offender 1507  
otherwise provides consent for the search. 1508

(2) If a felony offender who is sentenced to a 1509  
nonresidential sanction is under the general control and 1510

supervision of the adult parole authority, as described in 1511  
division (A) (2) (a) of section 2929.15 of the Revised Code, adult 1512  
parole authority field officers with supervisory 1513  
responsibilities over the felony offender shall have the same 1514  
search authority relative to the felony offender during the 1515  
period of the sanction that is described under division (A) (1) 1516  
of this section for probation officers. 1517

(3) If a misdemeanor offender is placed under a community 1518  
control sanction pursuant to section 2929.25 of the Revised Code 1519  
or if a felony offender is sentenced to a nonresidential 1520  
sanction pursuant to section 2929.17 of the Revised Code, the 1521  
court that places the misdemeanor offender under the sanction or 1522  
sentences the felony offender to the sanction shall provide the 1523  
offender with a written notice that informs the offender that 1524  
authorized probation officers or adult parole authority field 1525  
officers with supervisory responsibilities over the offender who 1526  
are engaged within the scope of their supervisory duties or 1527  
responsibilities may conduct the types of searches described in 1528  
divisions (A) (1) and (2) of this section during the period of 1529  
community control sanction or the nonresidential sanction if any 1530  
of the following apply: 1531

(a) The officers have reasonable grounds to believe that 1532  
the offender is not abiding by the law or otherwise is not 1533  
complying with the conditions of the offender's community 1534  
control sanction or nonresidential sanction. 1535

(b) If the offender is a felony offender, the court 1536  
requires the offender's consent to searches as part of the terms 1537  
and conditions of community control, and the offender agreed to 1538  
those terms and conditions. 1539

(c) If the offender is a felony offender, the offender 1540

otherwise provides consent for the search. 1541

(B) If an offender is convicted of or pleads guilty to a 1542  
misdemeanor, the court may require the offender, as a condition 1543  
of the offender's sentence of a community control sanction, to 1544  
perform supervised community service work in accordance with 1545  
this division. If an offender is convicted of or pleads guilty 1546  
to a felony, the court, pursuant to sections 2929.15 and 2929.17 1547  
of the Revised Code, may impose a sanction that requires the 1548  
offender to perform supervised community service work in 1549  
accordance with this division. The supervised community service 1550  
work shall be under the authority of health districts, park 1551  
districts, counties, municipal corporations, townships, other 1552  
political subdivisions of the state, or agencies of the state or 1553  
any of its political subdivisions, or under the authority of 1554  
charitable organizations that render services to the community 1555  
or its citizens, in accordance with this division. The court may 1556  
require an offender who is ordered to perform the work to pay to 1557  
it a reasonable fee to cover the costs of the offender's 1558  
participation in the work, including, but not limited to, the 1559  
costs of procuring a policy or policies of liability insurance 1560  
to cover the period during which the offender will perform the 1561  
work. 1562

A court may permit any offender convicted of a felony or a 1563  
misdemeanor to satisfy the payment of a fine imposed for the 1564  
offense pursuant to section 2929.18 or 2929.28 of the Revised 1565  
Code by performing supervised community service work as 1566  
described in this division if the offender requests an 1567  
opportunity to satisfy the payment by this means and if the 1568  
court determines that the offender is financially unable to pay 1569  
the fine. 1570

After imposing a term of community service, the court may 1571  
modify the sentence to authorize a reasonable contribution to 1572  
the appropriate general fund as provided in division (B) of 1573  
section 2929.27 of the Revised Code. 1574

The supervised community service work that may be imposed 1575  
under this division shall be subject to the following 1576  
limitations: 1577

(1) The court shall fix the period of the work and, if 1578  
necessary, shall distribute it over weekends or over other 1579  
appropriate times that will allow the offender to continue at 1580  
the offender's occupation or to care for the offender's family. 1581  
The period of the work as fixed by the court shall not exceed in 1582  
the aggregate the number of hours of community service imposed 1583  
by the court pursuant to section 2929.17 or 2929.27 of the 1584  
Revised Code. 1585

(2) An agency, political subdivision, or charitable 1586  
organization must agree to accept the offender for the work 1587  
before the court requires the offender to perform the work for 1588  
the entity. A court shall not require an offender to perform 1589  
supervised community service work for an agency, political 1590  
subdivision, or charitable organization at a location that is an 1591  
unreasonable distance from the offender's residence or domicile, 1592  
unless the offender is provided with transportation to the 1593  
location where the work is to be performed. 1594

(3) A court may enter into an agreement with a county 1595  
department of job and family services for the management, 1596  
placement, and supervision of offenders eligible for community 1597  
service work in work activities, developmental activities, and 1598  
alternative work activities under sections 5107.40 to 5107.69 of 1599  
the Revised Code. If a court and a county department of job and 1600

family services have entered into an agreement of that nature, 1601  
the clerk of that court is authorized to pay directly to the 1602  
county department all or a portion of the fees collected by the 1603  
court pursuant to this division in accordance with the terms of 1604  
its agreement. 1605

(4) Community service work that a court requires under 1606  
this division shall be supervised by an official of the agency, 1607  
political subdivision, or charitable organization for which the 1608  
work is performed or by a person designated by the agency, 1609  
political subdivision, or charitable organization. The official 1610  
or designated person shall be qualified for the supervision by 1611  
education, training, or experience, and periodically shall 1612  
report, in writing, to the court and to the offender's probation 1613  
officer concerning the conduct of the offender in performing the 1614  
work. 1615

(5) The total of any period of supervised community 1616  
service work imposed on an offender under division (B) of this 1617  
section plus the period of all other sanctions imposed pursuant 1618  
to sections 2929.15, 2929.16, 2929.17, and 2929.18 of the 1619  
Revised Code for a felony, or pursuant to sections 2929.25, 1620  
2929.26, 2929.27, and 2929.28 of the Revised Code for a 1621  
misdemeanor, shall not exceed ~~five years~~ the five-year or three- 1622  
year community control maximum specified in section 2929.15 of 1623  
the Revised Code, except as provided in divisions (B)(1)(c) to 1624  
(e) of that section, that is applicable to the offense if it is 1625  
a felony or the two-year community control maximum specified in 1626  
section 2929.25 of the Revised Code, except as provided in 1627  
divisions (A)(3)(d) and (e) of that section, if the offense is a 1628  
misdemeanor. 1629

(C) (1) If an offender is convicted of a violation of 1630

section 4511.19 of the Revised Code or a substantially similar 1631  
municipal ordinance, the court may require, as a condition of a 1632  
community control sanction, that the offender operate only a 1633  
motor vehicle equipped with an ignition interlock device that is 1634  
certified pursuant to section 4510.43 of the Revised Code. 1635

(2) If a court requires an offender, as a condition of a 1636  
community control sanction pursuant to division (C)(1) of this 1637  
section, to operate only a motor vehicle equipped with an 1638  
ignition interlock device that is certified pursuant to section 1639  
4510.43 of the Revised Code, the offender immediately shall 1640  
surrender the offender's driver's or commercial driver's license 1641  
or permit to the court. Upon the receipt of the offender's 1642  
license or permit, the court shall issue an order authorizing 1643  
the offender to operate a motor vehicle equipped with a 1644  
certified ignition interlock device and deliver the offender's 1645  
license or permit to the registrar of motor vehicles. The court 1646  
also shall give the offender a copy of its order for purposes of 1647  
obtaining a restricted license. 1648

(3) An offender shall present to the registrar or to a 1649  
deputy registrar the copy of the order issued under division (C) 1650  
of this section and a certificate affirming the installation of 1651  
an ignition interlock device that is in a form established by 1652  
the director of public safety and that is signed by the person 1653  
who installed the device. Upon presentation of the order and 1654  
certificate, the registrar or deputy registrar shall issue a 1655  
restricted license to the offender, unless the offender's 1656  
driver's license or commercial driver's license or permit is 1657  
suspended under any other provision of law and limited driving 1658  
privileges have not been granted with regard to that suspension. 1659  
The restricted license shall be identical to the surrendered 1660  
license, except that it shall have printed on its face a 1661



statement that the offender is prohibited from operating a motor 1662  
vehicle that is not equipped with an ignition interlock device 1663  
that is certified pursuant to section 4510.43 of the Revised 1664  
Code. The registrar shall deliver the offender's surrendered 1665  
license or permit to the court upon receipt of a court order 1666  
requiring it to do so, or reissue the offender's license or 1667  
permit under section 4510.52 of the Revised Code if the 1668  
registrar destroyed the offender's license or permit under that 1669  
section. The offender shall surrender the restricted license to 1670  
the court upon receipt of the offender's surrendered license or 1671  
permit. 1672

(4) If an offender violates a requirement of the court 1673  
imposed under division (C)(1) of this section, the court may 1674  
impose a class seven suspension of the offender's driver's or 1675  
commercial driver's license or permit or nonresident operating 1676  
privilege from the range specified in division (A)(7) of section 1677  
4510.02 of the Revised Code. On a second or subsequent 1678  
violation, the court may impose a class four suspension of the 1679  
offender's driver's or commercial driver's license or permit or 1680  
nonresident operating privilege from the range specified in 1681  
division (A)(4) of section 4510.02 of the Revised Code. 1682

**Sec. 2951.07.** A community control sanction imposed for an 1683  
offense continues for the period that the judge or magistrate 1684  
determines and, subject to the five-year-~~limit~~ or three-year 1685  
community control maximum specified in section 2929.15 of the 1686  
Revised Code, except as provided in divisions (B)(1)(c) to (e) 1687  
of that section, that is applicable to the offense if it is a 1688  
felony or the two-year community control maximum specified in 1689  
section 2929.25 of the Revised Code, except as provided in 1690  
divisions (A)(3)(d) and (e) of that section, if the offense is a 1691  
misdemeanor, may be extended. If the offender under community 1692

control absconds or otherwise leaves the jurisdiction of the 1693  
court without permission from the probation officer, the 1694  
probation agency, or the court to do so, or if the offender is 1695  
confined in any institution for the commission of any offense, 1696  
the period of community control ceases to run until the time 1697  
that the offender is brought before the court for its further 1698  
action. 1699

**Section 2.** That existing sections 2929.15, 2929.20, 1700  
2929.25, 2951.02, and 2951.07 of the Revised Code are hereby 1701  
repealed. 1702

**Section 3.** Section 2929.15 of the Revised Code is 1703  
presented in this act as a composite of the section as amended 1704  
by H.B. 110, H.B. 281, and S.B. 288, all of the 134th General 1705  
Assembly. The General Assembly, applying the principle stated in 1706  
division (B) of section 1.52 of the Revised Code that amendments 1707  
are to be harmonized if reasonably capable of simultaneous 1708  
operation, finds that the composite is the resulting version of 1709  
the section in effect prior to the effective date of the section 1710  
as presented in this act. 1711