

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 196**

**Representatives Williams, Seitz**

**Cosponsors: Representatives Hillyer, Humphrey, Rogers, Demetriou**

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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 and to modify the confinement 5  
sanctions authorized for a technical violation 6  
of community control sanction conditions. 7

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

**Section 1.** That sections 2929.15, 2929.20, 2929.25, 8  
2951.02, and 2951.07 of the Revised Code be amended to read as 9  
follows: 10

**Sec. 2929.15.** (A) (1) If in sentencing an offender for a 11  
felony the court is not required to impose a prison term, a 12  
mandatory prison term, or a term of life imprisonment upon the 13  
offender, the court may directly impose a sentence that consists 14  
of one or more community control sanctions authorized pursuant 15  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 16  
the court is sentencing an offender for a fourth degree felony 17  
OVI offense under division (G) (1) of section 2929.13 of the 18

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

The duration of all community control sanctions imposed on 35  
an offender under this division shall not exceed five years for 36  
any felony of the first or second degree, three years for any 37  
felony of the third degree, or two years for any felony of the 38  
fourth or fifth degree. If the offender absconds or otherwise 39  
leaves the jurisdiction of the court in which the offender 40  
resides without obtaining permission from the court or the 41  
offender's probation officer to leave the jurisdiction of the 42  
court, or if the offender is confined in any institution for the 43  
commission of any offense while under a community control 44  
sanction, the period of the community control sanction ceases to 45  
run until the offender is brought before the court for its 46  
further action. If the court sentences the offender to one or 47  
more nonresidential sanctions under section 2929.17 of the 48  
Revised Code, the court shall impose as a condition of the 49

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

(2) (a) If a court sentences an offender to any community 62  
control sanction or combination of community control sanctions 63  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 64  
the Revised Code, the court shall place the offender under the 65  
general control and supervision of a department of probation in 66  
the county that serves the court for purposes of reporting to 67  
the court a violation of any condition of the sanctions, any 68  
condition of release under a community control sanction imposed 69  
by the court, a violation of law, or the departure of the 70  
offender from this state without the permission of the court or 71  
the offender's probation officer. Alternatively, if the offender 72  
resides in another county and a county department of probation 73  
has been established in that county or that county is served by 74  
a multicounty probation department established under section 75  
2301.27 of the Revised Code, the court may request the court of 76  
common pleas of that county to receive the offender into the 77  
general control and supervision of that county or multicounty 78  
department of probation for purposes of reporting to the court a 79  
violation of any condition of the sanctions, any condition of 80

release under a community control sanction imposed by the court, 81  
a violation of law, or the departure of the offender from this 82  
state without the permission of the court or the offender's 83  
probation officer, subject to the jurisdiction of the trial 84  
judge over and with respect to the person of the offender, and 85  
to the rules governing that department of probation. 86

If there is no department of probation in the county that 87  
serves the court, the court shall place the offender, regardless 88  
of the offender's county of residence, under the general control 89  
and supervision of the adult parole authority, unless the court 90  
has entered into an agreement with the authority as described in 91  
division (B) or (C) of section 2301.32 of the Revised Code, or 92  
under an entity authorized under division (B) of section 2301.27 93  
of the Revised Code to provide probation and supervisory 94  
services to counties for purposes of reporting to the court a 95  
violation of any of the sanctions, any condition of release 96  
under a community control sanction imposed by the court, a 97  
violation of law, or the departure of the offender from this 98  
state without the permission of the court or the offender's 99  
probation officer. 100

(b) If the court imposing sentence on an offender 101  
sentences the offender to any community control sanction or 102  
combination of community control sanctions authorized pursuant 103  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 104  
if the offender violates any condition of the sanctions, 105  
violates any condition of release under a community control 106  
sanction imposed by the court, violates any law, or departs the 107  
state without the permission of the court or the offender's 108  
probation officer, the public or private person or entity that 109  
operates or administers the sanction or the program or activity 110  
that comprises the sanction shall report the violation or 111

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

(3) If an offender who is eligible for community control 136  
sanctions under this section admits to having a drug addiction 137  
or the court has reason to believe that the offender has a drug 138  
addiction, and if the offense for which the offender is being 139  
sentenced was related to the addiction, the court may require 140  
that the offender be assessed by a properly credentialed 141  
professional within a specified period of time and shall require 142

the professional to file a written assessment of the offender 143  
with the court. If a court imposes treatment and recovery 144  
support services as a community control sanction, the court 145  
shall direct the level and type of treatment and recovery 146  
support services after consideration of the written assessment, 147  
if available at the time of sentencing, and recommendations of 148  
the professional and other treatment and recovery support 149  
services providers. 150

(4) If an assessment completed pursuant to division (A) (3) 151  
of this section indicates that the offender has an addiction to 152  
drugs or alcohol, the court may include in any community control 153  
sanction imposed for a violation of section 2925.02, 2925.03, 154  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 155  
2925.36, or 2925.37 of the Revised Code a requirement that the 156  
offender participate in alcohol and drug addiction services and 157  
recovery supports certified under section 5119.36 of the Revised 158  
Code or offered by a properly credentialed community addiction 159  
services provider. 160

(B) (1) Except as provided in division (B) (2) of this 161  
section, if the conditions of a community control sanction 162  
imposed for a felony are violated or if the offender violates a 163  
law or leaves the state without the permission of the court or 164  
the offender's probation officer, the sentencing court may 165  
impose on the violator one or more of the following penalties: 166

(a) ~~A-Subject to division (B) (1) (d) of this section, a~~ 167  
longer time under the same sanction if the total time under the 168  
sanctions does not exceed the ~~five-year-applicable limit for the~~ 169  
offense specified in division (A) of this section; 170

(b) ~~A-Subject to division (B) (1) (d) of this section, a~~ 171  
more restrictive sanction under section 2929.16, 2929.17, or 172

2929.18 of the Revised Code, including but not limited to, a new 173  
term in a community-based correctional facility, halfway house, 174  
or jail pursuant to division (A) (6) of section 2929.16 of the 175  
Revised Code; 176

(c) ~~A Subject to division (B) (1) (d) of this section, a~~ 177  
prison term ~~on the offender~~ pursuant to section 2929.14 of the 178  
Revised Code and division (B) (3) of this section, provided that 179  
a prison term imposed under this division is subject to the 180  
following limitations and rules, as applicable: 181

(i) If the prison term is imposed under authority of 182  
division (B) (1) (d) (ii) (IV) of this section for any technical 183  
violation of the conditions of a community control sanction 184  
imposed for a felony of the fifth degree, the prison term shall 185  
not exceed ninety days, provided that if the remaining period of 186  
community control at the time of the violation or the remaining 187  
period of the reserved prison sentence at that time is less than 188  
ninety days, the prison term shall not exceed the length of the 189  
remaining period of community control or the remaining period of 190  
the reserved prison sentence. If the court imposes a prison term 191  
as described in this division, division (B) (2) (b) of this 192  
section applies. 193

(ii) If the prison term is imposed under authority of 194  
division (B) (1) (d) (ii) (IV) of this section for any technical 195  
violation of the conditions of a community control sanction 196  
imposed for a felony of the fourth degree that is not an offense 197  
of violence and is not a sexually oriented offense, the prison 198  
term shall not exceed one hundred eighty days, provided that if 199  
the remaining period of the community control at the time of the 200  
violation or the remaining period of the reserved prison 201  
sentence at that time is less than one hundred eighty days, the 202

prison term shall not exceed the length of the remaining period 203  
of community control or the remaining period of the reserved 204  
prison sentence. If the court imposes a prison term as described 205  
in this division, division (B) (2) (b) of this section applies. 206

(iii) A court is not limited in the number of times it may 207  
sentence an offender to a prison term under division (B) (1) (c) 208  
of this section for a violation of the conditions of a community 209  
control sanction or for a violation of a law or leaving the 210  
state without the permission of the court or the offender's 211  
probation officer. If an offender who is under a community 212  
control sanction violates the conditions of the sanction or 213  
violates a law or leaves the state without the permission of the 214  
court or the offender's probation officer, is sentenced to a 215  
prison term for the violation or conduct, is released from the 216  
term after serving it, and subsequently violates the conditions 217  
of the sanction or violates a law or leaves the state without 218  
the permission of the court or the offender's probation officer, 219  
the court may impose a new prison term sanction on the offender 220  
under division (B) (1) (c) of this section for the subsequent 221  
violation or conduct. 222

(d) If the conditions of the community control sanction 223  
imposed for a felony are violated by a technical violation, one 224  
or more of the following penalties: 225

(i) A more restrictive sanction under section 2929.17 of 226  
the Revised Code; 227

(ii) A temporary incarceration sanction consisting of 228  
whichever of the following is applicable: 229

(I) For a first technical violation during the period of 230  
community control that includes the violated sanction, a 231



<u>sanction of jail incarceration of not more than fifteen days;</u>	232
<u>(II) For a second technical violation during the period of</u>	233
<u>community control that includes the violated sanction, a</u>	234
<u>sanction of jail incarceration of not more than thirty days;</u>	235
<u>(III) For a third technical violation during the period of</u>	236
<u>community control that includes the violated sanction, a</u>	237
<u>sanction of jail incarceration of not more than forty-five days;</u>	238
<u>(IV) For a fourth or subsequent technical violation during</u>	239
<u>the period of community control that includes the violated</u>	240
<u>sanction, any sanction of temporary incarceration described in</u>	241
<u>divisions (B) (1) (a) to (c) of this section.</u>	242
(2) (a) If an offender was acting pursuant to division (B)	243
(2) (b) of section 2925.11 or a related provision of section	244
2925.12, 2925.14, or 2925.141 of the Revised Code and in so	245
doing violated the conditions of a community control sanction	246
based on a minor drug possession offense, as defined in section	247
2925.11 of the Revised Code, or violated section 2925.12,	248
division (C) (1) of section 2925.14, or section 2925.141 of the	249
Revised Code, the sentencing court shall not impose any of the	250
penalties described in division (B) (1) of this section based on	251
the violation.	252
(b) If a court imposes a prison term on an offender under	253
division (B) (1) (c) (i) or (ii) of this section for a technical	254
violation of the conditions of a community control sanction, one	255
of the following is applicable with respect to the time that the	256
offender spends in prison under the term:	257
(i) Subject to division (B) (2) (b) (ii) of this section, it	258
shall be credited against the offender's community control	259
sanction that was being served at the time of the violation, and	260

the remaining time under that community control sanction shall 261  
be reduced by the time that the offender spends in prison under 262  
the prison term. By determination of the court, the offender 263  
upon release from the prison term either shall continue serving 264  
the remaining time under the community control sanction, as 265  
reduced under this division, or shall have the community control 266  
sanction terminated. 267

(ii) If, at the time a prison term is imposed for a 268  
technical violation, the offender was serving a residential 269  
community control sanction imposed under section 2929.16 of the 270  
Revised Code, the time spent serving the residential community 271  
control sanction shall be credited against the offender's 272  
reserved prison sentence, and the remaining time under that 273  
residential community control sanction and under the reserved 274  
prison sentence shall be reduced by the time that the offender 275  
spends in prison under the prison term. By determination of the 276  
court, the offender upon release from the prison term either 277  
shall continue serving the remaining time under the residential 278  
community control sanction, as reduced under this division, or 279  
shall have the residential community control sanction 280  
terminated. 281

(3) The prison term, if any, imposed on a violator 282  
pursuant to this division and division (B)(1) of this section 283  
shall be within the range of prison terms described in this 284  
division and shall not exceed a prison term from the range of 285  
terms specified in the notice provided to the offender at the 286  
sentencing hearing pursuant to division (B)(4) of section 287  
2929.19 of the Revised Code. The court may reduce the longer 288  
period of time that the offender is required to spend under the 289  
longer sanction, ~~the more restrictive sanction, temporary~~ 290  
incarceration, or a prison term imposed pursuant to division (B) 291

(1) of this section by the time the offender successfully spent 292  
under the sanction that was initially imposed. Except as 293  
otherwise specified in this division, the prison term imposed 294  
under this division and division (B) (1) of this section shall be 295  
within the range of prison terms available as a definite term 296  
for the offense for which the sanction that was violated was 297  
imposed. If the offense for which the sanction that was violated 298  
was imposed is a felony of the first or second degree committed 299  
on or after March 22, 2019, the prison term so imposed under 300  
this division shall be within the range of prison terms 301  
available as a minimum term for the offense under division (A) 302  
(1) (a) or (2) (a) of section 2929.14 of the Revised Code. 303

(C) If an offender, for a significant period of time, 304  
fulfills the conditions of a sanction imposed pursuant to 305  
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 306  
exemplary manner, the court may reduce the period of time under 307  
the sanction or impose a less restrictive sanction, but the 308  
court shall not permit the offender to violate any law or permit 309  
the offender to leave the state without the permission of the 310  
court or the offender's probation officer. 311

(D) (1) If a court under division (A) (1) of this section 312  
imposes a condition of release under a community control 313  
sanction that requires the offender to submit to random drug 314  
testing, the department of probation, the adult parole 315  
authority, or any other entity that has general control and 316  
supervision of the offender under division (A) (2) (a) of this 317  
section may cause the offender to submit to random drug testing 318  
performed by a laboratory or entity that has entered into a 319  
contract with any of the governmental entities or officers 320  
authorized to enter into a contract with that laboratory or 321  
entity under section 341.26, 753.33, or 5120.63 of the Revised 322

Code. 323

(2) If no laboratory or entity described in division (D) 324  
(1) of this section has entered into a contract as specified in 325  
that division, the department of probation, the adult parole 326  
authority, or any other entity that has general control and 327  
supervision of the offender under division (A)(2)(a) of this 328  
section shall cause the offender to submit to random drug 329  
testing performed by a reputable public laboratory to determine 330  
whether the individual who is the subject of the drug test 331  
ingested or was injected with a drug of abuse. 332

(3) A laboratory or entity that has entered into a 333  
contract pursuant to section 341.26, 753.33, or 5120.63 of the 334  
Revised Code shall perform the random drug tests under division 335  
(D)(1) of this section in accordance with the applicable 336  
standards that are included in the terms of that contract. A 337  
public laboratory shall perform the random drug tests under 338  
division (D)(2) of this section in accordance with the standards 339  
set forth in the policies and procedures established by the 340  
department of rehabilitation and correction pursuant to section 341  
5120.63 of the Revised Code. An offender who is required under 342  
division (A)(1) of this section to submit to random drug testing 343  
as a condition of release under a community control sanction and 344  
whose test results indicate that the offender ingested or was 345  
injected with a drug of abuse shall pay the fee for the drug 346  
test if the department of probation, the adult parole authority, 347  
or any other entity that has general control and supervision of 348  
the offender requires payment of a fee. A laboratory or entity 349  
that performs the random drug testing on an offender under 350  
division (D)(1) or (2) of this section shall transmit the 351  
results of the drug test to the appropriate department of 352  
probation, the adult parole authority, or any other entity that 353

has general control and supervision of the offender under 354  
division (A) (2) (a) of this section. 355

(E) As used in this section, "technical violation" means a 356  
violation of the conditions of a community control sanction 357  
~~imposed for a felony of the fifth degree, or for a felony of the~~ 358  
~~fourth degree that is not an offense of violence and is not a~~ 359  
~~sexually oriented offense,~~ and to which neither of the following 360  
applies: 361

(1) The violation consists of a new criminal offense that 362  
is a felony or that is a misdemeanor other than a minor 363  
misdemeanor, and the violation is committed while under the 364  
community control sanction. 365

(2) The violation consists of or includes the offender's 366  
articulated or demonstrated refusal to participate in the 367  
community control sanction imposed on the offender or any of its 368  
conditions, and the refusal demonstrates to the court that the 369  
offender has abandoned the objects of the community control 370  
sanction or condition. 371

**Sec. 2929.20.** (A) As used in this section: 372

(1) (a) Except as provided in division (A) (1) (b) of this 373  
section, "eligible offender" means any person who, on or after 374  
April 7, 2009, is serving a stated prison term that includes one 375  
or more nonmandatory prison terms. A person may be an eligible 376  
offender and also may be an eighty per cent-qualifying offender 377  
or, during a declared state of emergency, a state of emergency- 378  
qualifying offender. 379

(b) "Eligible offender" does not include any person who, 380  
on or after April 7, 2009, is serving a stated prison term for 381  
any of the following criminal offenses that was a felony and was 382

committed while the person held a public office in this state:	383
(i) A violation of section 2921.02, 2921.03, 2921.05,	384
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised	385
Code;	386
(ii) A violation of section 2913.42, 2921.04, 2921.11, or	387
2921.12 of the Revised Code, when the conduct constituting the	388
violation was related to the duties of the offender's public	389
office or to the offender's actions as a public official holding	390
that public office;	391
(iii) A violation of an existing or former municipal	392
ordinance or law of this or any other state or the United States	393
that is substantially equivalent to any violation listed in	394
division (A) (1) (b) (i) of this section;	395
(iv) A violation of an existing or former municipal	396
ordinance or law of this or any other state or the United States	397
that is substantially equivalent to any violation listed in	398
division (A) (1) (b) (ii) of this section, when the conduct	399
constituting the violation was related to the duties of the	400
offender's public office or to the offender's actions as a	401
public official holding that public office;	402
(v) A conspiracy to commit, attempt to commit, or	403
complicity in committing any offense listed in division (A) (1)	404
(b) (i) or described in division (A) (1) (b) (iii) of this section;	405
(vi) A conspiracy to commit, attempt to commit, or	406
complicity in committing any offense listed in division (A) (1)	407
(b) (ii) or described in division (A) (1) (b) (iv) of this section,	408
if the conduct constituting the offense that was the subject of	409
the conspiracy, that would have constituted the offense	410
attempted, or constituting the offense in which the offender was	411

complicit was or would have been related to the duties of the 412  
offender's public office or to the offender's actions as a 413  
public official holding that public office. 414

(2) "State of emergency-qualifying offender" means any 415  
inmate to whom all of the following apply: 416

(a) The inmate is serving a stated prison term during a 417  
state of emergency that is declared by the governor as a direct 418  
response to a pandemic or public health emergency. 419

(b) The geographical area covered by the declared state of 420  
emergency includes the location at which the inmate is serving 421  
the stated prison term described in division (A) (2) (a) of this 422  
section. 423

(c) There is a direct nexus between the emergency that is 424  
the basis of the governor's declaration of the state of 425  
emergency and the circumstances of, and need for release of, the 426  
inmate. 427

(3) (a) "Eighty per cent-qualifying offender" means an 428  
offender who is serving a stated prison term of one year or 429  
more, who has commenced service of that stated prison term, who 430  
is not serving a stated prison term that includes a 431  
disqualifying prison term or a stated prison term that consists 432  
solely of one or more restricting prison terms, and to whom 433  
either of the following applies: 434

(i) If the offender is serving a stated prison term of one 435  
year or more that includes one or more restricting prison terms 436  
and one or more eligible prison terms, the offender has fully 437  
served all restricting prison terms and has served eighty per 438  
cent of that stated prison term that remains to be served after 439  
all restricting prison terms have been fully served. 440

(ii) If the offender is serving a stated prison term of 441  
one year or more that consists solely of one or more eligible 442  
prison terms, the offender has served eighty per cent of that 443  
stated prison term. 444

(b) For purposes of determining whether an offender is an 445  
eighty per cent-qualifying offender under division (A) (3) (a) of 446  
this section: 447

(i) If the offender's stated prison term includes 448  
consecutive prison terms, any restricting prison terms shall be 449  
deemed served prior to any eligible prison terms that run 450  
consecutively to the restricting prison terms, and the eligible 451  
prison terms are deemed to commence after all of the restricting 452  
prison terms have been fully served. 453

(ii) An offender serving a stated prison term of one year 454  
or more that includes a mandatory prison term that is not a 455  
disqualifying prison term and is not a restricting prison term 456  
is not automatically disqualified from being an eighty per cent- 457  
qualifying offender as a result of the offender's service of 458  
that mandatory term for release from prison under this section, 459  
and the offender may be eligible for release from prison in 460  
accordance with this division and division (O) of this section. 461

(4) "Nonmandatory prison term" means a prison term that is 462  
not a mandatory prison term. 463

(5) "Public office" means any elected federal, state, or 464  
local government office in this state. 465

(6) "Victim's representative" has the same meaning as in 466  
section 2930.01 of the Revised Code. 467

(7) "Imminent danger of death," "medically incapacitated," 468  
and "terminal illness" have the same meanings as in section 469



2967.05 of the Revised Code.	470
(8) "Aggregated nonmandatory prison term or terms" means	471
the aggregate of the following:	472
(a) All nonmandatory definite prison terms;	473
(b) With respect to any non-life felony indefinite prison	474
term, all nonmandatory minimum prison terms imposed as part of	475
the non-life felony indefinite prison term or terms.	476
(9) "Deadly weapon" and "dangerous ordnance" have the same	477
meanings as in section 2923.11 of the Revised Code.	478
(10) "Disqualifying prison term" means any of the	479
following:	480
(a) A prison term imposed for aggravated murder, murder,	481
voluntary manslaughter, involuntary manslaughter, felonious	482
assault, kidnapping, rape, aggravated arson, aggravated	483
burglary, or aggravated robbery;	484
(b) A prison term imposed for complicity in, an attempt to	485
commit, or conspiracy to commit any offense listed in division	486
(A) (10) (a) of this section;	487
(c) A prison term of life imprisonment, including any term	488
of life imprisonment that has parole eligibility;	489
(d) A prison term imposed for any felony other than	490
carrying a concealed weapon an essential element of which is any	491
conduct or failure to act expressly involving any deadly weapon	492
or dangerous ordnance;	493
(e) A prison term imposed for any violation of section	494
2925.03 of the Revised Code that is a felony of the first or	495
second degree;	496

(f) A prison term imposed for engaging in a pattern of corrupt activity in violation of section 2923.32 of the Revised Code;	497 498 499
(g) A prison term imposed pursuant to section 2971.03 of the Revised Code;	500 501
(h) A prison term imposed for any sexually oriented offense.	502 503
(11) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term.	504 505 506
(12) "Restricting prison term" means any of the following:	507
(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;	508 509 510 511
(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 the end of the body of the indictment, count in the indictment, or information charging the offense;	512 513 514 515 516 517
(c) A prison term imposed for trafficking in persons;	518
(d) A prison term imposed for any offense that is described in division (A) (12) (d) (i) of this section if division (A) (12) (d) (ii) of this section applies to the offender:	519 520 521
(i) The offense is a felony of the first or second degree that is an offense of violence and that is not described in division (A) (10) (a) or (b) of this section, an attempt to commit	522 523 524

a felony of the first or second degree that is an offense of 525  
violence and that is not described in division (A) (10) (a) or (b) 526  
of this section if the attempt is a felony of the first or 527  
second degree, or an offense under an existing or former law of 528  
this state, another state, or the United States that is or was 529  
substantially equivalent to any other offense described in this 530  
division. 531

(ii) The offender previously was convicted of or pleaded 532  
guilty to any offense listed in division (A) (10) or (A) (12) (d) 533  
(i) of this section. 534

(13) "Sexually oriented offense" has the same meaning as 535  
in section 2950.01 of the Revised Code. 536

(14) "Stated prison term of one year or more" means a 537  
definite prison term of one year or more imposed as a stated 538  
prison term, or a minimum prison term of one year or more 539  
imposed as part of a stated prison term that is a non-life 540  
felony indefinite prison term. 541

(B) On the motion of an eligible offender, on the motion 542  
of a state of emergency-qualifying offender made during the 543  
declared state of emergency, or on its own motion with respect 544  
to an eligible offender or with respect to a state of emergency- 545  
qualifying offender during the declared state of emergency, the 546  
sentencing court may reduce the offender's aggregated 547  
nonmandatory prison term or terms through a judicial release 548  
under this section. 549

(C) (1) Subject to division (C) (2) of this section, an 550  
eligible offender may file a motion for judicial release with 551  
the sentencing court, or a state of emergency-qualifying 552  
offender may file a motion for judicial release with the 553

sentencing court during the declared state of emergency, within 554  
the following applicable periods: 555

(a) If the aggregated nonmandatory prison term or terms is 556  
less than two years, the eligible offender or state of 557  
emergency-qualifying offender may file the motion at any time 558  
after the offender is delivered to a state correctional 559  
institution or, if the prison term includes a mandatory prison 560  
term or terms, at any time after the expiration of all mandatory 561  
prison terms. 562

(b) If the aggregated nonmandatory prison term or terms is 563  
at least two years but less than five years, the eligible 564  
offender or state of emergency-qualifying offender may file the 565  
motion not earlier than one hundred eighty days after the 566  
offender is delivered to a state correctional institution or, if 567  
the prison term includes a mandatory prison term or terms, not 568  
earlier than one hundred eighty days after the expiration of all 569  
mandatory prison terms. 570

(c) If the aggregated nonmandatory prison term or terms is 571  
five years, the eligible offender or state of emergency- 572  
qualifying offender may file the motion not earlier than the 573  
date on which the offender has served four years of the 574  
offender's stated prison term or, if the prison term includes a 575  
mandatory prison term or terms, not earlier than four years 576  
after the expiration of all mandatory prison terms. 577

(d) If the aggregated nonmandatory prison term or terms is 578  
more than five years but not more than ten years, the eligible 579  
offender or state of emergency-qualifying offender may file the 580  
motion not earlier than the date on which the offender has 581  
served five years of the offender's stated prison term or, if 582  
the prison term includes a mandatory prison term or terms, not 583

earlier than five years after the expiration of all mandatory 584  
prison terms. 585

(e) If the aggregated nonmandatory prison term or terms is 586  
more than ten years, the eligible offender or state of 587  
emergency-qualifying offender may file the motion not earlier 588  
than the later of the date on which the offender has served one- 589  
half of the offender's stated prison term or the date specified 590  
in division (C) (1) (d) of this section. 591

(f) With respect to a state of emergency-qualifying 592  
offender, if the offender's prison term does not include a 593  
mandatory prison term or terms, or if the offender's prison term 594  
includes one or more mandatory prison terms and the offender has 595  
completed the mandatory prison term or terms, the state of 596  
emergency-qualifying offender may file the motion at any time 597  
during the offender's aggregated nonmandatory prison term or 598  
terms, provided that time also is during the declared state of 599  
emergency. 600

(2) A state of emergency-qualifying offender may only file 601  
a motion for judicial release with the sentencing court during 602  
the declared state of emergency once every six months. 603

(D) (1) (a) Upon receipt of a timely motion for judicial 604  
release filed by an eligible offender or a state of emergency- 605  
qualifying offender under division (C) of this section, or upon 606  
the sentencing court's own motion made within the appropriate 607  
time specified in that division, the court may deny the motion 608  
without a hearing or schedule a hearing on the motion. The court 609  
may grant the motion without a hearing for an offender under 610  
consideration for judicial release as a state of emergency- 611  
qualifying offender, but the court shall not grant the motion 612  
without a hearing for an offender under consideration as an 613

eligible offender. If a court denies a motion without a hearing, 614  
the court later may consider judicial release for that eligible 615  
offender or that state of emergency-qualifying offender on a 616  
subsequent motion. For an offender under consideration for 617  
judicial release as an eligible offender, but not for one under 618  
consideration as a state of emergency-qualifying offender, the 619  
court may deny the motion with prejudice. If a court denies a 620  
motion with prejudice, the court may later consider judicial 621  
release on its own motion. For an offender under consideration 622  
for judicial release as a state of emergency-qualifying 623  
offender, the court shall not deny a motion with prejudice. For 624  
an offender under consideration for judicial release as an 625  
eligible offender, but not for one under consideration as a 626  
state of emergency-qualifying offender, if a court denies a 627  
motion after a hearing, the court shall not consider a 628  
subsequent motion for that offender based on the offender's 629  
classification as an eligible offender. The court may hold 630  
multiple hearings for any offender under consideration for 631  
judicial release as a state of emergency-qualifying offender, 632  
but shall hold only one hearing for any offender under 633  
consideration as an eligible offender. 634

(b) If an offender is under consideration for judicial 635  
release as an eligible offender and the motion is denied, and if 636  
the offender at that time also is or subsequently becomes a 637  
state of emergency-qualifying offender, the denial does not 638  
limit or affect any right of the offender to file a motion under 639  
this section for consideration for judicial release as a state 640  
of emergency-qualifying offender or for the court on its own 641  
motion to consider the offender for judicial release as a state 642  
of emergency-qualifying offender. 643

If an offender is under consideration for judicial release 644

as a state of emergency-qualifying offender and the motion is 645  
denied, and if the offender at that time also is or subsequently 646  
becomes an eligible offender, the denial does not limit or 647  
affect any right of the offender to file a motion under this 648  
section for consideration for judicial release as an eligible 649  
offender or for the court on its own motion to consider the 650  
offender for judicial release as an eligible offender. 651

(2) (a) With respect to a motion for judicial release filed 652  
by an offender as an eligible offender or made by the court on 653  
its own motion for an offender as an eligible offender, a 654  
hearing under this section shall be conducted in open court not 655  
less than thirty or more than sixty days after the motion is 656  
filed, provided that the court may delay the hearing for one 657  
hundred eighty additional days. If the court holds a hearing, 658  
the court shall enter a ruling on the motion within ten days 659  
after the hearing. If the court denies the motion without a 660  
hearing, the court shall enter its ruling on the motion within 661  
sixty days after the motion is filed. 662

(b) With respect to a motion for judicial release filed by 663  
an offender as a state of emergency-qualifying offender or made 664  
by the court on its own motion for an offender as a state of 665  
emergency-qualifying offender, the court shall notify the 666  
prosecuting attorney of the county in which the offender was 667  
indicted and may order the prosecuting attorney to respond to 668  
the motion in writing within ten days. The prosecuting attorney 669  
shall notify the victim pursuant to the Ohio Constitution. The 670  
prosecuting attorney shall include in the response any statement 671  
that the victim wants to be represented to the court. The court 672  
shall consider any response from the prosecuting attorney and 673  
any statement from the victim in its ruling on the motion. After 674  
receiving the response from the prosecuting attorney, the court 675

either shall order a hearing consistent with divisions (E) to 676  
(I) of this section as soon as possible, or shall enter its 677  
ruling on the motion for judicial release as soon as possible. 678  
If the court conducts a hearing, the hearing shall be conducted 679  
in open court or by a virtual, telephonic, or other form of 680  
remote hearing. If the court holds a hearing, the court shall 681  
enter a ruling on the motion within ten days after the hearing. 682  
If the court denies the motion without a hearing, the court 683  
shall enter its ruling on the motion within ten days after the 684  
motion is filed or after it receives the response from the 685  
prosecuting attorney. 686

(E) If a court schedules a hearing under divisions (D) (1) 687  
and (2) (a) of this section or under divisions (D) (1) and (2) (b) 688  
of this section, the court shall notify the subject eligible 689  
offender or state of emergency-qualifying offender and the head 690  
of the state correctional institution in which that subject 691  
offender is confined prior to the hearing. The head of the state 692  
correctional institution immediately shall notify the 693  
appropriate person at the department of rehabilitation and 694  
correction of the hearing, and the department within twenty-four 695  
hours after receipt of the notice, shall post on the database it 696  
maintains pursuant to section 5120.66 of the Revised Code the 697  
subject offender's name and all of the information specified in 698  
division (A) (1) (c) (i) of that section. If the court schedules a 699  
hearing for judicial release, the court promptly shall give 700  
notice of the hearing to the prosecuting attorney of the county 701  
in which the subject eligible offender or state of emergency- 702  
qualifying offender was indicted. Upon receipt of the notice 703  
from the court, the prosecuting attorney shall do whichever of 704  
the following is applicable: 705

(1) Subject to division (E) (2) of this section, notify the 706



victim of the offense and the victim's representative, if 707  
applicable, pursuant to the Ohio Constitution and division (B) 708  
of section 2930.16 of the Revised Code; 709

(2) If the offense was an offense of violence that is a 710  
felony of the first, second, or third degree, except as 711  
otherwise provided in this division, pursuant to the Ohio 712  
Constitution, notify the victim and the victim's representative, 713  
if applicable, of the hearing regardless of whether the victim 714  
or victim's representative has requested the notification. 715  
Except when notice to the victim is required under the Ohio 716  
Constitution, the notice of the hearing shall not be given under 717  
this division to a victim or victim's representative if the 718  
victim or victim's representative has requested pursuant to 719  
division (B) (2) of section 2930.03 of the Revised Code that the 720  
victim or the victim's representative not be provided the 721  
notice. If notice is to be provided to a victim or victim's 722  
representative under this division, the prosecuting attorney may 723  
give the notice by any reasonable means, including regular mail, 724  
telephone, and electronic mail, in accordance with division (D) 725  
(1) of section 2930.16 of the Revised Code. If the notice is 726  
based on an offense committed prior to March 22, 2013, the 727  
notice also shall include the opt-out information described in 728  
division (D) (1) of section 2930.16 of the Revised Code. The 729  
prosecuting attorney, in accordance with division (D) (2) of 730  
section 2930.16 of the Revised Code, shall keep a record of all 731  
attempts to provide the notice, and of all notices provided, 732  
under this division. Division (E) (2) of this section, and the 733  
notice-related provisions of division (K) of this section, 734  
division (D) (1) of section 2930.16, division (H) of section 735  
2967.12, division (E) (1) (b) of section 2967.19 as it existed 736  
prior to the effective date of this amendment April 4, 2023, 737

division (A) (3) (b) of section 2967.26, division (D) (1) of 738  
section 2967.28, and division (A) (2) of section 5149.101 of the 739  
Revised Code enacted in the act in which division (E) (2) of this 740  
section was enacted, shall be known as "Roberta's Law." 741

(F) Upon an offender's successful completion of 742  
rehabilitative activities, the head of the state correctional 743  
institution may notify the sentencing court of the successful 744  
completion of the activities. 745

(G) Prior to the date of the hearing on a motion for 746  
judicial release made by an eligible offender, by a state of 747  
emergency-qualifying offender, or by a court on its own under 748  
this section, the head of the state correctional institution in 749  
which the subject offender is confined shall send to the court 750  
an institutional summary report on the offender's conduct in the 751  
institution and in any institution from which the offender may 752  
have been transferred. Upon the request of the prosecuting 753  
attorney of the county in which the subject offender was 754  
indicted or of any law enforcement agency, the head of the state 755  
correctional institution, at the same time the person sends the 756  
institutional summary report to the court, also shall send a 757  
copy of the report to the requesting prosecuting attorney and 758  
law enforcement agencies. The institutional summary report shall 759  
cover the subject offender's participation in school, vocational 760  
training, work, treatment, and other rehabilitative activities 761  
and any disciplinary action taken against the subject offender. 762  
The report shall be made part of the record of the hearing. A 763  
presentence investigation report is not required for judicial 764  
release. 765

(H) If the court grants a hearing on a motion for judicial 766  
release made by an eligible offender, by a state of emergency- 767

qualifying offender, or by a court on its own under this 768  
section, the subject offender shall attend the hearing if 769  
ordered to do so by the court. Upon receipt of a copy of the 770  
journal entry containing the order, the head of the state 771  
correctional institution in which the subject offender is 772  
incarcerated shall deliver the subject offender to the sheriff 773  
of the county in which the hearing is to be held. The sheriff 774  
shall convey the subject offender to and from the hearing. 775

(I) At the hearing on a motion for judicial release under 776  
this section made by an eligible offender, by a state of 777  
emergency-qualifying offender, or by a court on its own, the 778  
court shall afford the subject offender and the offender's 779  
attorney an opportunity to present written and, if present, oral 780  
information relevant to the motion. The court shall afford a 781  
similar opportunity to the prosecuting attorney, the victim, the 782  
victim's representative, the victim's attorney, if applicable, 783  
and any other person the court determines is likely to present 784  
additional relevant information. The court shall consider any 785  
oral or written statement of a victim, victim's representative, 786  
and victim's attorney, if applicable, made pursuant to section 787  
2930.14 or 2930.17 of the Revised Code, any victim impact 788  
statement prepared pursuant to section 2947.051 of the Revised 789  
Code, and any report made under division (G) of this section. 790  
The court may consider any written statement of any person 791  
submitted to the court pursuant to division (L) of this section. 792

If the motion alleges that the offender who is the subject 793  
of the motion is an eligible offender and the court makes an 794  
initial determination that the offender satisfies the criteria 795  
for being an eligible offender, or if the motion alleges that 796  
the offender who is the subject of the motion is a state of 797  
emergency-qualifying offender and the court makes an initial 798

determination that the offender satisfies the criteria for being 799  
a state of emergency-qualifying offender, the court shall 800  
determine whether to grant the motion. After ruling on the 801  
motion, the prosecuting attorney shall notify the victim and the 802  
victim's representative of the ruling in accordance with 803  
sections 2930.03 and 2930.16 of the Revised Code. 804

(J) (1) A court shall not grant a judicial release under 805  
this section to an offender who is imprisoned for a felony of 806  
the first or second degree and who is under consideration as an 807  
eligible offender, or to an offender who committed an offense 808  
under Chapter 2925. or 3719. of the Revised Code, who is under 809  
consideration as an eligible offender, and for whom there was a 810  
presumption under section 2929.13 of the Revised Code in favor 811  
of a prison term, unless the court, with reference to factors 812  
under section 2929.12 of the Revised Code, finds both of the 813  
following: 814

(a) That a sanction other than a prison term would 815  
adequately punish the offender and protect the public from 816  
future criminal violations by the offender because the 817  
applicable factors indicating a lesser likelihood of recidivism 818  
outweigh the applicable factors indicating a greater likelihood 819  
of recidivism; 820

(b) That a sanction other than a prison term would not 821  
demean the seriousness of the offense because factors indicating 822  
that the offender's conduct in committing the offense was less 823  
serious than conduct normally constituting the offense outweigh 824  
factors indicating that the eligible offender's conduct was more 825  
serious than conduct normally constituting the offense. 826

(2) A court that grants a judicial release under division 827  
(J) (1) of this section to an offender who is under consideration 828

as an eligible offender shall specify on the record both 829  
findings required in that division and also shall list all the 830  
factors described in that division that were presented at the 831  
hearing. 832

(3) (a) Subject to division (J) (3) (b) of this section, a 833  
court shall grant a judicial release under this section to an 834  
offender who is under consideration as a state of emergency- 835  
qualifying offender if the court determines that the risks posed 836  
by incarceration to the health and safety of the offender, 837  
because of the nature of the declared state of emergency, 838  
outweigh the risk to public safety if the offender were to be 839  
released from incarceration. 840

(b) A court shall not grant a judicial release under this 841  
section to an offender who is imprisoned for a felony of the 842  
first or second degree and is under consideration for judicial 843  
release as a state of emergency-qualifying offender unless the 844  
court, with reference to the factors specified under section 845  
2929.12 of the Revised Code, finds both of the criteria set 846  
forth in divisions (J) (1) (a) and (b) of this section. 847

(K) If the court grants a motion for judicial release 848  
under this section, the court shall order the release of the 849  
eligible offender or state of emergency-qualifying offender, 850  
shall place the offender under an appropriate community control 851  
sanction, under appropriate conditions, and under the 852  
supervision of the department of probation serving the court and 853  
shall reserve the right to reimpose the sentence that it reduced 854  
if the offender violates the sanction. If the court reimposes 855  
the reduced sentence, it may do so either concurrently with, or 856  
consecutive to, any new sentence imposed on the eligible 857  
offender or state of emergency-qualifying offender as a result 858

of the violation that is a new offense. Except as provided in 859  
division (N) (5) (b) of this section, the period of community 860  
control shall be no longer than five years if the most serious 861  
offense from which the judicial release is granted is a felony 862  
of the first or second degree, no longer than three years if the 863  
most serious offense from which judicial release is granted is a 864  
felony of the third degree, and no longer than two years if the 865  
most serious offense from which the judicial release is granted 866  
is a felony of the fourth or fifth degree. The court, in its 867  
discretion, may reduce the period of community control by the 868  
amount of time the offender spent in jail or prison for the 869  
offense and in prison. If the court made any findings pursuant 870  
to division (J) (1) of this section, the court shall serve a copy 871  
of the findings upon counsel for the parties within fifteen days 872  
after the date on which the court grants the motion for judicial 873  
release. 874

If the court grants a motion for judicial release, the 875  
court shall notify the appropriate person at the department of 876  
rehabilitation and correction, and the department shall post 877  
notice of the release on the database it maintains pursuant to 878  
section 5120.66 of the Revised Code. The court also shall notify 879  
the prosecuting attorney of the county in which the eligible 880  
offender or state of emergency-qualifying offender was indicted 881  
that the motion has been granted. When notice to the victim is 882  
required under the Ohio Constitution, the prosecuting attorney 883  
shall notify the victim of the judicial release. In all other 884  
cases, unless the victim or the victim's representative has 885  
requested pursuant to division (B) (2) of section 2930.03 of the 886  
Revised Code that the victim or victim's representative not be 887  
provided the notice, the prosecuting attorney shall notify the 888  
victim and the victim's representative, if applicable, of the 889

judicial release in any manner, and in accordance with the same 890  
procedures, pursuant to which the prosecuting attorney is 891  
authorized to provide notice of the hearing pursuant to division 892  
(E) (2) of this section. If the notice is based on an offense 893  
committed prior to March 22, 2013, the notice to the victim or 894  
victim's representative also shall include the opt-out 895  
information described in division (D) (1) of section 2930.16 of 896  
the Revised Code. 897

(L) In addition to and independent of the right of a 898  
victim to make a statement pursuant to section 2930.14, 2930.17, 899  
or 2946.051 of the Revised Code and any right of a person to 900  
present written information or make a statement pursuant to 901  
division (I) of this section, any person may submit to the 902  
court, at any time prior to the hearing on the motion for 903  
judicial release of the eligible offender or state of emergency- 904  
qualifying offender, a written statement concerning the effects 905  
of the offender's criminal offense, the circumstances 906  
surrounding the criminal offense, the manner in which the 907  
criminal offense was perpetrated, and the person's opinion as to 908  
whether the offender should be released. 909

(M) (1) The changes to this section that are made on 910  
September 30, 2011, apply to any judicial release decision made 911  
on or after September 30, 2011, for any eligible offender, 912  
subject to division (M) (2) of this section. 913

(2) The changes to this section that are made on ~~the~~ 914  
~~effective date of this amendment~~ April 4, 2023, apply to any 915  
judicial release application, and any judicial release decision, 916  
made on or after ~~the effective date of this amendment~~ April 4, 917  
2023, for any eligible offender or state of emergency-qualifying 918  
offender. 919

(N) (1) Notwithstanding the eligibility requirements 920  
specified in divisions (A) (1) and (2) of this section and the 921  
filing time frames specified in division (C) of this section and 922  
notwithstanding the findings required under division (J) (1) and 923  
the eligibility criteria specified in division (J) (3) of this 924  
section, the sentencing court, upon the court's own motion and 925  
after considering whether the release of the offender into 926  
society would create undue risk to public safety, may grant a 927  
judicial release to an offender who is not serving a life 928  
sentence at any time during the offender's imposed sentence when 929  
the director of rehabilitation and correction certifies to the 930  
sentencing court through the chief medical officer for the 931  
department of rehabilitation and correction that the offender is 932  
in imminent danger of death, is medically incapacitated, or has 933  
a terminal illness. 934

(2) The director of rehabilitation and correction shall 935  
not certify any offender under division (N) (1) of this section 936  
who is serving a death sentence. 937

(3) A motion made by the court under division (N) (1) of 938  
this section is subject to the notice, hearing, and other 939  
procedural requirements specified in divisions (D), (E), (G), 940  
(H), (I), (K), and (L) of this section, including notice to the 941  
victim, except for the following: 942

(a) The court may waive the offender's appearance at any 943  
hearing scheduled by the court if the offender's condition makes 944  
it impossible for the offender to participate meaningfully in 945  
the proceeding. 946

(b) The court may grant the motion without a hearing, 947  
provided that the prosecuting attorney, victim, and victim's 948  
representative, if applicable, to whom notice of the hearing was 949



provided under division (E) of this section indicate that they 950  
do not wish to participate in the hearing or present information 951  
relevant to the motion. 952

(4) The court may request health care records from the 953  
department of rehabilitation and correction to verify the 954  
certification made under division (N)(1) of this section. 955

(5) (a) If the court grants judicial release under division 956  
(N)(1) of this section, the court shall do all of the following: 957

(i) Order the release of the offender; 958

(ii) Place the offender under an appropriate community 959  
control sanction, under appropriate conditions; 960

(iii) Place the offender under the supervision of the 961  
department of probation serving the court or under the 962  
supervision of the adult parole authority. 963

(b) The court, in its discretion, may revoke the judicial 964  
release if the offender violates the community control sanction 965  
described in division (N)(5)(a) of this section. The period of 966  
that community control is not subject to the ~~five-year-~~ 967  
~~limitation~~ limitations on duration described in division (K) of 968  
this section and shall not expire earlier than the date on which 969  
all of the offender's mandatory prison terms expire. 970

(6) If the health of an offender who is released under 971  
division (N)(1) of this section improves so that the offender is 972  
no longer terminally ill, medically incapacitated, or in 973  
imminent danger of death, the court shall, upon the court's own 974  
motion, revoke the judicial release. The court shall not grant 975  
the motion without a hearing unless the offender waives a 976  
hearing. If a hearing is held, the court shall afford the 977  
offender and the offender's attorney an opportunity to present 978

written and, if the offender or the offender's attorney is 979  
present, oral information relevant to the motion. The court 980  
shall afford a similar opportunity to the prosecuting attorney, 981  
the victim, the victim's representative, the victim's attorney, 982  
if applicable, and any other person the court determines is 983  
likely to present additional relevant information. If a hearing 984  
is held, the prosecuting attorney shall notify the victim 985  
pursuant to the Ohio Constitution. A court that grants a motion 986  
under this division shall specify its findings on the record. 987

(O) (1) Separate from and independent of the provisions of 988  
divisions (A) to (N) of this section, the director of the 989  
department of rehabilitation and correction may recommend in 990  
writing to the sentencing court that the court consider 991  
releasing from prison, through a judicial release, any offender 992  
who is confined in a state correctional institution and who is 993  
an eighty per cent-qualifying offender. The director may file 994  
such a recommendation for judicial release by submitting to the 995  
sentencing court a notice, in writing, of the recommendation 996  
within the applicable period specified in division (A) (3) of 997  
this section for qualifying as an eighty per cent-qualifying 998  
offender. 999

The director shall include with any notice submitted to 1000  
the sentencing court under this division an institutional 1001  
summary report that covers the offender's participation while 1002  
confined in a state correctional institution in school, 1003  
training, work, treatment, and other rehabilitative activities 1004  
and any disciplinary action taken against the offender while so 1005  
confined. The director shall include with the notice any other 1006  
documentation requested by the court, if available. 1007

If the director submits a notice under this division 1008

recommending judicial release, the department promptly shall 1009  
provide to the prosecuting attorney of the county in which the 1010  
offender was indicted a copy of the written notice and 1011  
recommendation, a copy of the institutional summary report, and 1012  
any other information provided to the court, and shall provide a 1013  
copy of the institutional summary report to any law enforcement 1014  
agency that requests the report. The department also shall 1015  
provide written notice of the submission of the director's 1016  
notice to any victim of the offender or victim's representative, 1017  
in the same manner as is specified in divisions (E) (1) and (2) 1018  
of this section with respect to notices of hearings. 1019

(2) A recommendation for judicial release in a notice 1020  
submitted by the director under division (O) (1) of this section 1021  
is subject to the notice, hearing, and other procedural 1022  
requirements specified in divisions (E), (H), (I), and (L) of 1023  
this section, including notice to the victim pursuant to the 1024  
Ohio Constitution, except as otherwise specified in divisions 1025  
(O) (3) to (5) of this section, provided that references in 1026  
divisions (E), (H), (I), (K), and (L) of this section to "the 1027  
motion" shall be construed for purposes of division (O) of this 1028  
section as being references to the notice and recommendation 1029  
specified in division (O) (1) of this section. 1030

(3) The director's submission of a notice under division 1031  
(O) (1) of this section constitutes a recommendation by the 1032  
director that the court strongly consider a judicial release of 1033  
the offender consistent with the purposes and principles of 1034  
sentencing set forth in sections 2929.11 and 2929.13 of the 1035  
Revised Code and establishes a rebuttable presumption that the 1036  
offender shall be released through a judicial release in 1037  
accordance with the recommendation. The presumption of release 1038  
may be rebutted only as described in division (O) (6) of this 1039

section. Only an offender recommended by the director under 1040  
division (O) (1) of this section may be considered for a judicial 1041  
release under division (O) of this section. 1042

(4) Upon receipt of a notice recommending judicial release 1043  
submitted by the director under division (O) (1) of this section, 1044  
the court shall schedule a hearing to consider the 1045  
recommendation for the judicial release of the offender who is 1046  
the subject of the notice. The hearing shall be conducted in 1047  
open court not less than thirty or more than sixty days after 1048  
the notice is submitted. The court shall inform the department 1049  
and the prosecuting attorney of the county in which the offender 1050  
who is the subject of the notice was indicted of the date, time, 1051  
and location of the hearing. Upon receipt of the notice from the 1052  
court, the prosecuting attorney shall comply with division (E) 1053  
of this section, including providing notice to the victim 1054  
pursuant to the Ohio Constitution, and the department shall post 1055  
the information specified in that division. 1056

(5) When a court schedules a hearing under division (O) (4) 1057  
of this section, at the hearing, the court shall consider all of 1058  
the following in determining whether to grant the offender 1059  
judicial release under division (O) of this section: 1060

(a) The institutional summary report submitted under 1061  
division (O) (1) of this section; 1062

(b) The inmate's academic, vocational education programs, 1063  
or alcohol or drug treatment programs; or involvement in 1064  
meaningful activity; 1065

(c) The inmate's assignments and whether the inmate 1066  
consistently performed each work assignment to the satisfaction 1067  
of the department staff responsible for supervising the inmate's 1068

work; 1069

(d) The inmate transferred to and actively participated in 1070  
core curriculum programming at a reintegration center prison; 1071

(e) The inmate's disciplinary history; 1072

(f) The inmate's security level; 1073

(g) All other information, statements, reports, and 1074  
documentation described in division (I) of this section. 1075

(6) If the court that receives a notice recommending 1076  
judicial release submitted by the director under division (O) (1) 1077  
of this section makes an initial determination that the offender 1078  
satisfies the criteria for being an eighty per cent-qualifying 1079  
offender, the court then shall determine whether to grant the 1080  
offender judicial release. In making the second determination, 1081  
the court shall grant the offender judicial release unless the 1082  
prosecuting attorney proves to the court, by a preponderance of 1083  
the evidence, that the legitimate interests of the government in 1084  
maintaining the offender's confinement outweigh the interests of 1085  
the offender in being released from that confinement. If the 1086  
court grants a judicial release under this division, division 1087  
(K) of this section applies regarding the judicial release, 1088  
including the maximums specified in that division for the 1089  
duration of the period of all community control sanctions 1090  
imposed on the offender under that division and the notice to 1091  
the victim pursuant to the Ohio Constitution, provided that 1092  
references in division (K) of this section to "the motion" shall 1093  
be construed for purposes of the judicial release granted under 1094  
this division as being references to the notice and 1095  
recommendation specified in division (O) (1) of this section. 1096

The court shall enter its ruling on the notice 1097

recommending judicial release submitted by the director under 1098  
division (O) (1) of this section within ten days after the 1099  
hearing is conducted. After ruling on whether to grant the 1100  
offender judicial release under division (O) of this section, 1101  
the court shall notify the offender, the prosecuting attorney, 1102  
and the department of rehabilitation and correction of its 1103  
decision, and shall notify the victim of its decision in 1104  
accordance with the Ohio Constitution and sections 2930.03 and 1105  
2930.16 of the Revised Code. If the court does not enter a 1106  
ruling on the notice within ten days after the hearing is 1107  
conducted as required under this division, the division of 1108  
parole and community services of the department of 1109  
rehabilitation and correction may release the offender. 1110

(P) All notices to a victim of an offense provided under 1111  
division (D), (E), (K), (N), or (O) of this section shall be 1112  
provided in accordance with the Ohio Constitution. 1113

**Sec. 2929.25.** (A) (1) Except as provided in sections 1114  
2929.22 and 2929.23 of the Revised Code or when a jail term is 1115  
required by law, in sentencing an offender for a misdemeanor, 1116  
other than a minor misdemeanor, the sentencing court may do 1117  
either of the following: 1118

(a) Directly impose a sentence that consists of one or 1119  
more community control sanctions authorized by section 2929.26, 1120  
2929.27, or 2929.28 of the Revised Code. The court may impose 1121  
any other conditions of release under a community control 1122  
sanction that the court considers appropriate. If the court 1123  
imposes a jail term upon the offender, the court may impose any 1124  
community control sanction or combination of community control 1125  
sanctions in addition to the jail term. 1126

(b) Impose a jail term under section 2929.24 of the 1127

Revised Code from the range of jail terms authorized under that 1128  
section for the offense, suspend all or a portion of the jail 1129  
term imposed, and place the offender under a community control 1130  
sanction or combination of community control sanctions 1131  
authorized under section 2929.26, 2929.27, or 2929.28 of the 1132  
Revised Code. 1133

(2) The duration of all community control sanctions 1134  
imposed upon an offender and in effect for an offender at any 1135  
time shall not exceed ~~five~~two years. 1136

(3) At sentencing, if a court directly imposes a community 1137  
control sanction or combination of community control sanctions 1138  
pursuant to division (A) (1) (a) or (B) of this section, the court 1139  
shall state the duration of the community control sanctions 1140  
imposed and shall notify the offender that if any of the 1141  
conditions of the community control sanctions are violated the 1142  
court may do any of the following: 1143

(a) Impose a longer time under the same community control 1144  
sanction if the total time under all of the offender's community 1145  
control sanctions does not exceed the ~~five-year~~two-year limit 1146  
specified in division (A) (2) of this section; 1147

(b) Impose a more restrictive community control sanction 1148  
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 1149  
but the court is not required to impose any particular sanction 1150  
or sanctions; 1151

(c) Impose a definite jail term from the range of jail 1152  
terms authorized for the offense under section 2929.24 of the 1153  
Revised Code. 1154

(B) If a court sentences an offender to any community 1155  
control sanction or combination of community control sanctions 1156

pursuant to division (A) (1) (a) of this section, the sentencing 1157  
court retains jurisdiction over the offender and the period of 1158  
community control for the duration of the period of community 1159  
control. Upon the motion of either party or on the court's own 1160  
motion, the court, in the court's sole discretion and as the 1161  
circumstances warrant, may modify the community control 1162  
sanctions or conditions of release previously imposed, 1163  
substitute a community control sanction or condition of release 1164  
for another community control sanction or condition of release 1165  
previously imposed, or impose an additional community control 1166  
sanction or condition of release. 1167

(C) (1) If a court sentences an offender to any community 1168  
control sanction or combination of community control sanctions 1169  
authorized under section 2929.26, 2929.27, or 2929.28 of the 1170  
Revised Code, the court shall place the offender under the 1171  
general control and supervision of the court or of a department 1172  
of probation in the jurisdiction that serves the court for 1173  
purposes of reporting to the court a violation of any of the 1174  
conditions of the sanctions imposed. If the offender resides in 1175  
another jurisdiction and a department of probation has been 1176  
established to serve the municipal court or county court in that 1177  
jurisdiction, the sentencing court may request the municipal 1178  
court or the county court to receive the offender into the 1179  
general control and supervision of that department of probation 1180  
for purposes of reporting to the sentencing court a violation of 1181  
any of the conditions of the sanctions imposed. The sentencing 1182  
court retains jurisdiction over any offender whom it sentences 1183  
for the duration of the sanction or sanctions imposed. 1184

(2) The sentencing court shall require as a condition of 1185  
any community control sanction that the offender abide by the 1186  
law and not leave the state without the permission of the court 1187



or the offender's probation officer. In the interests of doing 1188  
justice, rehabilitating the offender, and ensuring the 1189  
offender's good behavior, the court may impose additional 1190  
requirements on the offender. The offender's compliance with the 1191  
additional requirements also shall be a condition of the 1192  
community control sanction imposed upon the offender. 1193

(D) (1) If the court imposing sentence upon an offender 1194  
sentences the offender to any community control sanction or 1195  
combination of community control sanctions authorized under 1196  
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 1197  
the offender violates any of the conditions of the sanctions, 1198  
the public or private person or entity that supervises or 1199  
administers the program or activity that comprises the sanction 1200  
shall report the violation directly to the sentencing court or 1201  
to the department of probation or probation officer with general 1202  
control and supervision over the offender. If the public or 1203  
private person or entity reports the violation to the department 1204  
of probation or probation officer, the department or officer 1205  
shall report the violation to the sentencing court. 1206

(2) Except as provided in division (D) (3) of this section, 1207  
if an offender violates any condition of a community control 1208  
sanction, the sentencing court may impose upon the violator one 1209  
or more of the following penalties: 1210

(a) A longer time under the same community control 1211  
sanction if the total time under all of the community control 1212  
sanctions imposed on the violator does not exceed the ~~five-year~~ 1213  
two-year limit specified in division (A) (2) of this section; 1214

(b) A more restrictive community control sanction; 1215

(c) A combination of community control sanctions, 1216

including a jail term. 1217

(3) If an offender was acting pursuant to division (B) (2) 1218  
(b) of section 2925.11 or a related provision under section 1219  
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 1220  
doing violated the conditions of a community control sanction 1221  
based on a minor drug possession offense, as defined in section 1222  
2925.11 of the Revised Code, or violated section 2925.12, 1223  
division (C) (1) of section 2925.14, or section 2925.141 of the 1224  
Revised Code, the sentencing court shall not impose any of the 1225  
penalties described in division (D) (2) of this section based on 1226  
the violation. 1227

(4) If the court imposes a jail term upon a violator 1228  
pursuant to division (D) (2) of this section, the total time 1229  
spent in jail for the misdemeanor offense and the violation of a 1230  
condition of the community control sanction shall not exceed the 1231  
maximum jail term available for the offense for which the 1232  
sanction that was violated was imposed. The court may reduce the 1233  
longer period of time that the violator is required to spend 1234  
under the longer sanction or the more restrictive sanction 1235  
imposed under division (D) (2) of this section by all or part of 1236  
the time the violator successfully spent under the sanction that 1237  
was initially imposed. 1238

(E) Except as otherwise provided in this division, if an 1239  
offender, for a significant period of time, fulfills the 1240  
conditions of a community control sanction imposed pursuant to 1241  
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 1242  
exemplary manner, the court may reduce the period of time under 1243  
the community control sanction or impose a less restrictive 1244  
community control sanction. Fulfilling the conditions of a 1245  
community control sanction does not relieve the offender of a 1246

duty to make restitution under section 2929.28 of the Revised Code. 1247  
1248

**Sec. 2951.02.** (A) (1) During the period of a misdemeanor 1249  
offender's community control sanction or during the period of a 1250  
felony offender's nonresidential sanction, authorized probation 1251  
officers who are engaged within the scope of their supervisory 1252  
duties or responsibilities may search, with or without a 1253  
warrant, the person of the offender, the place of residence of 1254  
the offender, and a motor vehicle, another item of tangible or 1255  
intangible personal property, or other real property in which 1256  
the offender has a right, title, or interest or for which the 1257  
offender has the express or implied permission of a person with 1258  
a right, title, or interest to use, occupy, or possess if any of 1259  
the following apply: 1260

(a) The probation officers have reasonable grounds to 1261  
believe that the offender is not abiding by the law or otherwise 1262  
is not complying with the conditions of the misdemeanor 1263  
offender's community control sanction or the conditions of the 1264  
felony offender's nonresidential sanction. 1265

(b) If the offender is a felony offender, the court 1266  
requires the offender's consent to searches as part of the terms 1267  
and conditions of community control, and the offender agreed to 1268  
those terms and conditions. 1269

(c) If the offender is a felony offender, the offender 1270  
otherwise provides consent for the search. 1271

(2) If a felony offender who is sentenced to a 1272  
nonresidential sanction is under the general control and 1273  
supervision of the adult parole authority, as described in 1274  
division (A) (2) (a) of section 2929.15 of the Revised Code, adult 1275

parole authority field officers with supervisory 1276  
responsibilities over the felony offender shall have the same 1277  
search authority relative to the felony offender during the 1278  
period of the sanction that is described under division (A) (1) 1279  
of this section for probation officers. 1280

(3) If a misdemeanor offender is placed under a community 1281  
control sanction pursuant to section 2929.25 of the Revised Code 1282  
or if a felony offender is sentenced to a nonresidential 1283  
sanction pursuant to section 2929.17 of the Revised Code, the 1284  
court that places the misdemeanor offender under the sanction or 1285  
sentences the felony offender to the sanction shall provide the 1286  
offender with a written notice that informs the offender that 1287  
authorized probation officers or adult parole authority field 1288  
officers with supervisory responsibilities over the offender who 1289  
are engaged within the scope of their supervisory duties or 1290  
responsibilities may conduct the types of searches described in 1291  
divisions (A) (1) and (2) of this section during the period of 1292  
community control sanction or the nonresidential sanction if any 1293  
of the following apply: 1294

(a) The officers have reasonable grounds to believe that 1295  
the offender is not abiding by the law or otherwise is not 1296  
complying with the conditions of the offender's community 1297  
control sanction or nonresidential sanction. 1298

(b) If the offender is a felony offender, the court 1299  
requires the offender's consent to searches as part of the terms 1300  
and conditions of community control, and the offender agreed to 1301  
those terms and conditions. 1302

(c) If the offender is a felony offender, the offender 1303  
otherwise provides consent for the search. 1304

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

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

After imposing a term of community service, the court may modify the sentence to authorize a reasonable contribution to

the appropriate general fund as provided in division (B) of 1336  
section 2929.27 of the Revised Code. 1337

The supervised community service work that may be imposed 1338  
under this division shall be subject to the following 1339  
limitations: 1340

(1) The court shall fix the period of the work and, if 1341  
necessary, shall distribute it over weekends or over other 1342  
appropriate times that will allow the offender to continue at 1343  
the offender's occupation or to care for the offender's family. 1344  
The period of the work as fixed by the court shall not exceed in 1345  
the aggregate the number of hours of community service imposed 1346  
by the court pursuant to section 2929.17 or 2929.27 of the 1347  
Revised Code. 1348

(2) An agency, political subdivision, or charitable 1349  
organization must agree to accept the offender for the work 1350  
before the court requires the offender to perform the work for 1351  
the entity. A court shall not require an offender to perform 1352  
supervised community service work for an agency, political 1353  
subdivision, or charitable organization at a location that is an 1354  
unreasonable distance from the offender's residence or domicile, 1355  
unless the offender is provided with transportation to the 1356  
location where the work is to be performed. 1357

(3) A court may enter into an agreement with a county 1358  
department of job and family services for the management, 1359  
placement, and supervision of offenders eligible for community 1360  
service work in work activities, developmental activities, and 1361  
alternative work activities under sections 5107.40 to 5107.69 of 1362  
the Revised Code. If a court and a county department of job and 1363  
family services have entered into an agreement of that nature, 1364  
the clerk of that court is authorized to pay directly to the 1365

county department all or a portion of the fees collected by the 1366  
court pursuant to this division in accordance with the terms of 1367  
its agreement. 1368

(4) Community service work that a court requires under 1369  
this division shall be supervised by an official of the agency, 1370  
political subdivision, or charitable organization for which the 1371  
work is performed or by a person designated by the agency, 1372  
political subdivision, or charitable organization. The official 1373  
or designated person shall be qualified for the supervision by 1374  
education, training, or experience, and periodically shall 1375  
report, in writing, to the court and to the offender's probation 1376  
officer concerning the conduct of the offender in performing the 1377  
work. 1378

(5) The total of any period of supervised community 1379  
service work imposed on an offender under division (B) of this 1380  
section plus the period of all other sanctions imposed pursuant 1381  
to sections 2929.15, 2929.16, 2929.17, and 2929.18 of the 1382  
Revised Code for a felony, or pursuant to sections 2929.25, 1383  
2929.26, 2929.27, and 2929.28 of the Revised Code for a 1384  
misdemeanor, shall not exceed ~~five years~~ the five-year, three- 1385  
year, or two-year community control maximum specified in section 1386  
2929.15 of the Revised Code that is applicable to the offense if 1387  
it is a felony or the two-year community control maximum 1388  
specified in section 2929.25 of the Revised Code if the offense 1389  
is a misdemeanor. 1390

(C) (1) If an offender is convicted of a violation of 1391  
section 4511.19 of the Revised Code or a substantially similar 1392  
municipal ordinance, the court may require, as a condition of a 1393  
community control sanction, that the offender operate only a 1394  
motor vehicle equipped with an ignition interlock device that is 1395

certified pursuant to section 4510.43 of the Revised Code. 1396

(2) If a court requires an offender, as a condition of a 1397  
community control sanction pursuant to division (C)(1) of this 1398  
section, to operate only a motor vehicle equipped with an 1399  
ignition interlock device that is certified pursuant to section 1400  
4510.43 of the Revised Code, the offender immediately shall 1401  
surrender the offender's driver's or commercial driver's license 1402  
or permit to the court. Upon the receipt of the offender's 1403  
license or permit, the court shall issue an order authorizing 1404  
the offender to operate a motor vehicle equipped with a 1405  
certified ignition interlock device and deliver the offender's 1406  
license or permit to the registrar of motor vehicles. The court 1407  
also shall give the offender a copy of its order for purposes of 1408  
obtaining a restricted license. 1409

(3) An offender shall present to the registrar or to a 1410  
deputy registrar the copy of the order issued under division (C) 1411  
of this section and a certificate affirming the installation of 1412  
an ignition interlock device that is in a form established by 1413  
the director of public safety and that is signed by the person 1414  
who installed the device. Upon presentation of the order and 1415  
certificate, the registrar or deputy registrar shall issue a 1416  
restricted license to the offender, unless the offender's 1417  
driver's license or commercial driver's license or permit is 1418  
suspended under any other provision of law and limited driving 1419  
privileges have not been granted with regard to that suspension. 1420  
The restricted license shall be identical to the surrendered 1421  
license, except that it shall have printed on its face a 1422  
statement that the offender is prohibited from operating a motor 1423  
vehicle that is not equipped with an ignition interlock device 1424  
that is certified pursuant to section 4510.43 of the Revised 1425  
Code. The registrar shall deliver the offender's surrendered 1426



license or permit to the court upon receipt of a court order 1427  
requiring it to do so, or reissue the offender's license or 1428  
permit under section 4510.52 of the Revised Code if the 1429  
registrar destroyed the offender's license or permit under that 1430  
section. The offender shall surrender the restricted license to 1431  
the court upon receipt of the offender's surrendered license or 1432  
permit. 1433

(4) If an offender violates a requirement of the court 1434  
imposed under division (C)(1) of this section, the court may 1435  
impose a class seven suspension of the offender's driver's or 1436  
commercial driver's license or permit or nonresident operating 1437  
privilege from the range specified in division (A)(7) of section 1438  
4510.02 of the Revised Code. On a second or subsequent 1439  
violation, the court may impose a class four suspension of the 1440  
offender's driver's or commercial driver's license or permit or 1441  
nonresident operating privilege from the range specified in 1442  
division (A)(4) of section 4510.02 of the Revised Code. 1443

**Sec. 2951.07.** A community control sanction imposed for an 1444  
offense continues for the period that the judge or magistrate 1445  
determines and, subject to the five-year-limit, three-year, or 1446  
two-year community control maximum specified in section 2929.15 1447  
of the Revised Code that is applicable to the offense if it is a 1448  
felony or the two-year community control maximum specified in 1449  
section 2929.25 of the Revised Code if the offense is a 1450  
misdemeanor, may be extended. If the offender under community 1451  
control absconds or otherwise leaves the jurisdiction of the 1452  
court without permission from the probation officer, the 1453  
probation agency, or the court to do so, or if the offender is 1454  
confined in any institution for the commission of any offense, 1455  
the period of community control ceases to run until the time 1456  
that the offender is brought before the court for its further 1457

action.	1458
<b>Section 2.</b> That existing sections 2929.15, 2929.20,	1459
2929.25, 2951.02, and 2951.07 of the Revised Code are hereby	1460
repealed.	1461
<b>Section 3.</b> The General Assembly, applying the principle	1462
stated in division (B) of section 1.52 of the Revised Code that	1463
amendments are to be harmonized if reasonably capable of	1464
simultaneous operation, finds that the following sections,	1465
presented in this act as composites of the sections as amended	1466
by the acts indicated, are the resulting versions of the	1467
sections in effect prior to the effective date of the sections	1468
as presented in this act:	1469
Section 2929.15 of the Revised Code as amended by H.B.	1470
110, H.B. 281, and S.B. 288, all of the 134th General Assembly.	1471
Section 2929.20 of the Revised Code as amended by H.B.	1472
281, H.B. 343, and S.B. 288, all of the 134th General Assembly.	1473