

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 259**

**Representatives Schmidt, Miller, A.**

**Cosponsors: Representatives Richardson, Callender, Johnson, Mathews, White,  
Humphrey, Jarrells, Denson, Galonski, Upchurch, Thomas, C., Brent, Sweeney**

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**A BILL**

To amend sections 9.07, 120.03, 120.041, 120.06, 1  
120.14, 120.16, 120.18, 120.24, 120.26, 120.28, 2  
120.33, 120.34, 149.43, 149.436, 1901.183, 3  
2152.13, 2152.67, 2301.20, 2307.60, 2317.02, 4  
2701.07, 2743.51, 2901.02, 2909.24, 2929.02, 5  
2929.13, 2929.14, 2929.61, 2930.19, 2937.222, 6  
2941.021, 2941.14, 2941.148, 2941.401, 2941.43, 7  
2941.51, 2945.06, 2945.10, 2945.13, 2945.21, 8  
2945.25, 2945.33, 2945.38, 2949.02, 2949.03, 9  
2953.02, 2953.07, 2953.08, 2953.09, 2953.10, 10  
2953.21, 2953.23, 2953.71, 2953.72, 2953.73, 11  
2953.81, 2967.05, 2967.12, 2967.13, 2967.193, 12  
2967.194, 2971.03, 2971.07, 5120.113, 5120.53, 13  
5120.61, 5139.04, and 5919.16 and to repeal 14  
sections 109.97, 120.35, 2725.19, 2929.021, 15  
2929.022, 2929.023, 2929.024, 2929.025, 2929.03, 16  
2929.04, 2929.05, 2929.06, 2945.20, 2947.08, 17  
2949.21, 2949.22, 2949.221, 2949.222, 2949.24, 18  
2949.25, 2949.26, 2949.27, 2949.28, 2949.29, 19  
2949.31, and 2967.08 of the Revised Code to 20  
abolish the death penalty and to modify the 21  
number of jurors that may be challenged in cases 22

where a defendant may be sentenced to life 23  
imprisonment, and to make an appropriation. 24

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

**Section 1.** That sections 9.07, 120.03, 120.041, 120.06, 25  
120.14, 120.16, 120.18, 120.24, 120.26, 120.28, 120.33, 120.34, 26  
149.43, 149.436, 1901.183, 2152.13, 2152.67, 2301.20, 2307.60, 27  
2317.02, 2701.07, 2743.51, 2901.02, 2909.24, 2929.02, 2929.13, 28  
2929.14, 2929.61, 2930.19, 2937.222, 2941.021, 2941.14, 29  
2941.148, 2941.401, 2941.43, 2941.51, 2945.06, 2945.10, 2945.13, 30  
2945.21, 2945.25, 2945.33, 2945.38, 2949.02, 2949.03, 2953.02, 31  
2953.07, 2953.08, 2953.09, 2953.10, 2953.21, 2953.23, 2953.71, 32  
2953.72, 2953.73, 2953.81, 2967.05, 2967.12, 2967.13, 2967.193, 33  
2967.194, 2971.03, 2971.07, 5120.113, 5120.53, 5120.61, 5139.04, 34  
and 5919.16 of the Revised Code be amended to read as follows: 35

**Sec. 9.07.** (A) As used in this section: 36

(1) "Deadly weapon" has the same meaning as in section 37  
2923.11 of the Revised Code. 38

(2) "Governing authority of a local public entity" means 39  
whichever of the following is applicable: 40

(a) For a county, the board of county commissioners of the 41  
county; 42

(b) For a municipal corporation, the legislative authority 43  
of the municipal corporation; 44

(c) For a combination of counties, a combination of 45  
municipal corporations, or a combination of one or more counties 46  
and one or more municipal corporations, all boards of county 47

commissioners and legislative authorities of all of the counties 48  
and municipal corporations that combined to form a local public 49  
entity for purposes of this section. 50

(3) "Local public entity" means a county, a municipal 51  
corporation, a combination of counties, a combination of 52  
municipal corporations, or a combination of one or more counties 53  
and one or more municipal corporations. 54

(4) "Non-contracting political subdivision" means any 55  
political subdivision to which all of the following apply: 56

(a) A correctional facility for the housing of out-of- 57  
state prisoners in this state is or will be located in the 58  
political subdivision. 59

(b) The correctional facility described in division (A) (4) 60  
(a) of this section is being operated and managed, or will be 61  
operated and managed, by a local public entity or a private 62  
contractor pursuant to a contract entered into prior to March 63  
17, 1998, or a contract entered into on or after March 17, 1998, 64  
under this section. 65

(c) The political subdivision is not a party to the 66  
contract described in division (A) (4) (b) of this section for the 67  
management and operation of the correctional facility. 68

(5) "Out-of-state jurisdiction" means the United States, 69  
any state other than this state, and any political subdivision 70  
or other jurisdiction located in a state other than this state. 71

(6) "Out-of-state prisoner" means a person who is 72  
convicted of a crime in another state or under the laws of the 73  
United States or who is found under the laws of another state or 74  
of the United States to be a delinquent child or the 75  
substantially equivalent designation. 76

(7) " <u>Private contractor</u> " means either of the following:	77
(a) A person who, on or after March 17, 1998, enters into a contract under this section with a local public entity to operate and manage a correctional facility in this state for out-of-state prisoners.	78 79 80 81
(b) A person who, pursuant to a contract with a local public entity entered into prior to March 17, 1998, operates and manages on March 17, 1998, a correctional facility in this state for housing out-of-state prisoners.	82 83 84 85
(B) Subject to division (I) of this section, the only entities other than this state that are authorized to operate a correctional facility to house out-of-state prisoners in this state are a local public entity that operates a correctional facility pursuant to this section or a private contractor that operates a correctional facility pursuant to this section under a contract with a local public entity.	86 87 88 89 90 91 92
Subject to division (I) of this section, a private entity may operate a correctional facility in this state for the housing of out-of-state prisoners only if the private entity is a private contractor that enters into a contract that comports with division (D) of this section with a local public entity for the management and operation of the correctional facility.	93 94 95 96 97 98
(C) (1) Except as provided in this division, on and after March 17, 1998, a local public entity shall not enter into a contract with an out-of-state jurisdiction to house out-of-state prisoners in a correctional facility in this state. On and after March 17, 1998, a local public entity may enter into a contract with an out-of-state jurisdiction to house out-of-state prisoners in a correctional facility in this state only if the	99 100 101 102 103 104 105

local public entity and the out-of-state jurisdiction with which 106  
the local public entity intends to contract jointly submit to 107  
the department of rehabilitation and correction a statement that 108  
certifies the correctional facility's intended use, intended 109  
prisoner population, and custody level, and the department 110  
reviews and comments upon the plans for the design or renovation 111  
of the correctional facility regarding their suitability for the 112  
intended prisoner population specified in the submitted 113  
statement. 114

(2) If a local public entity and an out-of-state 115  
jurisdiction enter into a contract to house out-of-state 116  
prisoners in a correctional facility in this state as authorized 117  
under division (C)(1) of this section, in addition to any other 118  
provisions it contains, the contract shall include whichever of 119  
the following provisions is applicable: 120

(a) If a private contractor will operate the facility in 121  
question pursuant to a contract entered into in accordance with 122  
division (D) of this section, a requirement that, if the 123  
facility is closed or ceases to operate for any reason and if 124  
the conversion plan described in division (D)(16) of this 125  
section is not complied with, the out-of-state jurisdiction will 126  
be responsible for housing and transporting the prisoners who 127  
are in the facility at the time it is closed or ceases to 128  
operate and for the cost of so housing and transporting those 129  
prisoners; 130

(b) If a private contractor will not operate the facility 131  
in question pursuant to a contract entered into in accordance 132  
with division (D) of this section, a conversion plan that will 133  
be followed if, for any reason, the facility is closed or ceases 134  
to operate. The conversion plan shall include, but is not 135

limited to, provisions that specify whether the local public 136  
entity or the out-of-state jurisdiction will be responsible for 137  
housing and transporting the prisoners who are in the facility 138  
at the time it is closed or ceases to operate and for the cost 139  
of so housing and transporting those prisoners. 140

(3) If a local public entity and an out-of-state 141  
jurisdiction intend to enter into a contract to house out-of- 142  
state prisoners in a correctional facility in this state as 143  
authorized under division (C)(1) of this section, or if a local 144  
public entity and a private contractor intend to enter into a 145  
contract pursuant to division (D) of this section for the 146  
private contractor's management and operation of a correctional 147  
facility in this state to house out-of-state prisoners, prior to 148  
entering into the contract the local public entity and the out- 149  
of-state jurisdiction, or the local public entity and the 150  
private contractor, whichever is applicable, shall conduct a 151  
public hearing in accordance with this division, and, prior to 152  
entering into the contract, the governing authority of the local 153  
public entity in which the facility is or will be located shall 154  
authorize the location and operation of the facility. The 155  
hearing shall be conducted at a location within the municipal 156  
corporation or township in which the facility is or will be 157  
located. At least one week prior to conducting the hearing, the 158  
local public entity and the out-of-state jurisdiction or private 159  
contractor with the duty to conduct the hearing shall cause 160  
notice of the date, time, and place of the hearing to be made by 161  
publication in the newspaper with the largest general 162  
circulation in the county in which the municipal corporation or 163  
township is located. The notice shall be of a sufficient size 164  
that it covers at least one-quarter of a page of the newspaper 165  
in which it is published. This division applies to a private 166

contractor that, pursuant to the requirement set forth in 167  
division (I) of this section, is required to enter into a 168  
contract under division (D) of this section. 169

(D) Subject to division (I) of this section, on and after 170  
March 17, 1998, if a local public entity enters into a contract 171  
with a private contractor for the management and operation of a 172  
correctional facility in this state to house out-of-state 173  
prisoners, the contract, at a minimum, shall include all of the 174  
following provisions: 175

(1) A requirement that the private contractor seek and 176  
obtain accreditation from the American correctional association 177  
for the correctional facility within two years after accepting 178  
the first out-of-state prisoner at the correctional facility 179  
under the contract and that it maintain that accreditation for 180  
the term of the contract; 181

(2) A requirement that the private contractor comply with 182  
all applicable laws, rules, or regulations of the government of 183  
this state, political subdivisions of this state, and the United 184  
States, including, but not limited to, all sanitation, food 185  
service, safety, and health regulations; 186

(3) A requirement that the private contractor send copies 187  
of reports of inspections completed by appropriate authorities 188  
regarding compliance with laws, rules, and regulations of the 189  
type described in division (D) (2) of this section to the 190  
director of rehabilitation and correction or the director's 191  
designee and to the governing authority of the local public 192  
entity in which the correctional facility is located; 193

(4) A requirement that the private contractor report to 194  
the local law enforcement agencies with jurisdiction over the 195

place at which the correctional facility is located, for 196  
investigation, all criminal offenses or delinquent acts that are 197  
committed in or on the grounds of, or otherwise in connection 198  
with, the correctional facility and report to the department of 199  
rehabilitation and correction all disturbances at the facility; 200

(5) A requirement that the private contractor immediately 201  
report all escapes from the facility, and the apprehension of 202  
all escapees, by telephone and in writing to the department of 203  
rehabilitation and correction, to all local law enforcement 204  
agencies with jurisdiction over the place at which the facility 205  
is located, to the state highway patrol, to the prosecuting 206  
attorney of the county in which the facility is located, and to 207  
a daily newspaper having general circulation in the county in 208  
which the facility is located. The written notice may be by 209  
either facsimile transmission or mail. A failure to comply with 210  
this requirement is a violation of section 2921.22 of the 211  
Revised Code. 212

(6) A requirement that the private contractor provide a 213  
written report to the director of rehabilitation and correction 214  
or the director's designee and to the governing authority of the 215  
local public entity in which the correctional facility is 216  
located of all unusual incidents occurring at the correctional 217  
facility. The private contractor shall report the incidents in 218  
accordance with the incident reporting rules that, at the time 219  
of the incident, are applicable to state correctional facilities 220  
for similar incidents occurring at state correctional 221  
facilities. 222

(7) A requirement that the private contractor provide 223  
internal and perimeter security to protect the public, staff 224  
members of the correctional facility, and prisoners in the 225



correctional facility;	226
(8) A requirement that the correctional facility be	227
staffed at all times with a staffing pattern that is adequate to	228
ensure supervision of inmates and maintenance of security within	229
the correctional facility and to provide for appropriate	230
programs, transportation, security, and other operational needs.	231
In determining security needs for the correctional facility, the	232
private contractor and the contract requirements shall fully	233
take into account all relevant factors, including, but not	234
limited to, the proximity of the facility to neighborhoods and	235
schools.	236
(9) A requirement that the private contractor provide an	237
adequate policy of insurance that satisfies the requirements set	238
forth in division (D) of section 9.06 of the Revised Code	239
regarding contractors who operate and manage a facility under	240
that section, and that the private contractor indemnify and hold	241
harmless the state, its officers, agents, and employees, and any	242
local public entity in the state with jurisdiction over the	243
place at which the correctional facility is located or that owns	244
the correctional facility, reimburse the state for its costs in	245
defending the state or any of its officers, agents, or	246
employees, and reimburse any local government entity of that	247
nature for its costs in defending the local government entity,	248
in the manner described in division (D) of that section	249
regarding contractors who operate and manage a facility under	250
that section;	251
(10) A requirement that the private contractor adopt for	252
prisoners housed in the correctional facility the security	253
classification system and schedule adopted by the department of	254
rehabilitation and correction under section 5145.03 of the	255

Revised Code, classify in accordance with the system and 256  
schedule each prisoner housed in the facility, and house all 257  
prisoners in the facility in accordance with their 258  
classification under this division; 259

(11) A requirement that the private contractor will not 260  
accept for housing, and will not house, in the correctional 261  
facility any out-of-state prisoner in relation to whom any of 262  
the following applies: 263

(a) The private entity has not obtained from the out-of- 264  
state jurisdiction that imposed the sentence or sanction under 265  
which the prisoner will be confined in this state a copy of the 266  
institutional record of the prisoner while previously confined 267  
in that out-of-state jurisdiction or a statement that the 268  
prisoner previously has not been confined in that out-of-state 269  
jurisdiction and a copy of all medical records pertaining to 270  
that prisoner that are in the possession of the out-of-state 271  
jurisdiction. 272

(b) The prisoner, while confined in any out-of-state 273  
jurisdiction, has a record of institutional violence involving 274  
the use of a deadly weapon or a pattern of committing acts of an 275  
assaultive nature against employees of, or visitors to, the 276  
place of confinement or has a record of escape or attempted 277  
escape from secure custody. 278

(c) Under the security classification system and schedule 279  
adopted by the department of rehabilitation and correction under 280  
section 5145.03 of the Revised Code and adopted by the private 281  
contractor under division (B)(10) of this section, the out-of- 282  
state prisoner would be classified as being at a security level 283  
higher than medium security. 284

(12) A requirement that the private contractor, prior to 285  
housing any out-of-state prisoner in the correctional facility 286  
under the contract, enter into a written agreement with the 287  
department of rehabilitation and correction that sets forth a 288  
plan and procedure that will be used to coordinate law 289  
enforcement activities of state law enforcement agencies and of 290  
local law enforcement agencies with jurisdiction over the place 291  
at which the facility is located in response to any riot, 292  
rebellion, escape, insurrection, or other emergency occurring 293  
inside or outside the facility; 294

(13) A requirement that the private contractor cooperate 295  
with the correctional institution inspection committee in the 296  
committee's performance of its duties under section 103.73 of 297  
the Revised Code and provide the committee, its subcommittees, 298  
and its staff members, in performing those duties, with access 299  
to the correctional facility as described in that section; 300

(14) A requirement that the private contractor permit any 301  
peace officer who serves a law enforcement agency with 302  
jurisdiction over the place at which the correctional facility 303  
is located to enter into the facility to investigate any 304  
criminal offense or delinquent act that allegedly has been 305  
committed in or on the grounds of, or otherwise in connection 306  
with, the facility; 307

(15) A requirement that the private contractor will not 308  
employ any person at the correctional facility until after the 309  
private contractor has submitted to the bureau of criminal 310  
identification and investigation, on a form prescribed by the 311  
superintendent of the bureau, a request that the bureau conduct 312  
a criminal records check of the person and a requirement that 313  
the private contractor will not employ any person at the 314

facility if the records check or other information possessed by 315  
the contractor indicates that the person previously has engaged 316  
in malfeasance; 317

(16) A requirement that the private contractor will not 318  
accept for housing, and will not house, in the correctional 319  
facility any out-of-state prisoner unless the private contractor 320  
and the out-of-state jurisdiction that imposed the sentence for 321  
which the prisoner is to be confined agree that, if the out-of- 322  
state prisoner is confined in the facility in this state, 323  
commits a criminal offense while confined in the facility, is 324  
convicted of or pleads guilty to that offense, and is sentenced 325  
to a term of confinement for that offense ~~but is not sentenced~~ 326  
~~to death for that offense~~, the private contractor and the out- 327  
of-state jurisdiction will do all of the following: 328

(a) Unless section 5120.50 of the Revised Code does not 329  
apply in relation to the offense the prisoner committed while 330  
confined in this state and the term of confinement imposed for 331  
that offense, the out-of-state jurisdiction will accept the 332  
prisoner pursuant to that section for service of that term of 333  
confinement and for any period of time remaining under the 334  
sentence for which the prisoner was confined in the facility in 335  
this state, the out-of-state jurisdiction will confine the 336  
prisoner pursuant to that section for that term and that 337  
remaining period of time, and the private contractor will 338  
transport the prisoner to the out-of-state jurisdiction for 339  
service of that term and that remaining period of time. 340

(b) If section 5120.50 of the Revised Code does not apply 341  
in relation to the offense the prisoner committed while confined 342  
in this state and the term of confinement imposed for that 343  
offense, the prisoner shall be returned to the out-of-state 344

jurisdiction or its private contractor for completion of the 345  
period of time remaining under the out-of-state sentence for 346  
which the prisoner was confined in the facility in this state 347  
before starting service of the term of confinement imposed for 348  
the offense committed while confined in this state, the out-of- 349  
state jurisdiction or its private contractor will confine the 350  
prisoner for that remaining period of time and will transport 351  
the prisoner outside of this state for service of that remaining 352  
period of time, and, if the prisoner is confined in this state 353  
in a facility operated by the department of rehabilitation and 354  
correction, the private contractor will be financially 355  
responsible for reimbursing the department at the per diem cost 356  
of confinement for the duration of that incarceration, with the 357  
amount of the reimbursement so paid to be deposited in the 358  
department's prisoner programs fund. 359

(17) A requirement that the private contractor, prior to 360  
housing any out-of-state prisoner in the correctional facility 361  
under the contract, enter into an agreement with the local 362  
public entity that sets forth a conversion plan that will be 363  
followed if, for any reason, the facility is closed or ceases to 364  
operate. The conversion plan shall include, but is not limited 365  
to, provisions that specify whether the private contractor, the 366  
local public entity, or the out-of-state jurisdictions that 367  
imposed the sentences for which the out-of-state prisoners are 368  
confined in the facility will be responsible for housing and 369  
transporting the prisoners who are in the facility at the time 370  
it is closed or ceases to operate and for the cost of so housing 371  
and transporting those prisoners. 372

(18) A schedule of fines that the local public entity 373  
shall impose upon the private contractor if the private 374  
contractor fails to perform its contractual duties, and a 375

requirement that, if the private contractor fails to perform its 376  
contractual duties, the local public entity shall impose a fine 377  
on the private contractor from the schedule of fines and, in 378  
addition to the fine, may exercise any other rights it has under 379  
the contract. Division (F)(2) of this section applies regarding 380  
a fine described in this division. 381

(19) A requirement that the private contractor adopt and 382  
use in the correctional facility the drug testing and treatment 383  
program that the department of rehabilitation and correction 384  
uses for inmates in state correctional institutions; 385

(20) A requirement that the private contractor provide 386  
clothing for all out-of-state prisoners housed in the 387  
correctional facility that is conspicuous in its color, style, 388  
or color and style, that conspicuously identifies its wearer as 389  
a prisoner, and that is readily distinguishable from clothing of 390  
a nature that normally is worn outside the facility by non- 391  
prisoners, that the private contractor require all out-of-state 392  
prisoners housed in the facility to wear the clothing so 393  
provided, and that the private contractor not permit any out-of- 394  
state prisoner, while inside or on the premises of the facility 395  
or while being transported to or from the facility, to wear any 396  
clothing of a nature that does not conspicuously identify its 397  
wearer as a prisoner and that normally is worn outside the 398  
facility by non-prisoners; 399

(21) A requirement that, at the time the contract is made, 400  
the private contractor provide to all parties to the contract 401  
adequate proof that it has complied with the requirement 402  
described in division (D)(9) of this section, and a requirement 403  
that, at any time during the term of the contract, the private 404  
contractor upon request provide to any party to the contract 405

adequate proof that it continues to be in compliance with the 406  
requirement described in division (D) (9) of this section. 407

(E) A private correctional officer or other designated 408  
employee of a private contractor that operates a correctional 409  
facility that houses out-of-state prisoners in this state under 410  
a contract entered into prior to, on, or after March 17, 1998, 411  
may carry and use firearms in the course of the officer's or 412  
employee's employment only if the officer or employee is 413  
certified as having satisfactorily completed an approved 414  
training program designed to qualify persons for positions as 415  
special police officers, security guards, or persons otherwise 416  
privately employed in a police capacity, as described in 417  
division (A) of section 109.78 of the Revised Code. 418

(F) (1) Upon notification by the private contractor of an 419  
escape from, or of a disturbance at, a correctional facility 420  
that is operated by a private contractor under a contract 421  
entered into prior to, on, or after March 17, 1998, and that 422  
houses out-of-state prisoners in this state, the department of 423  
rehabilitation and correction and state and local law 424  
enforcement agencies shall use all reasonable means to recapture 425  
persons who escaped from the facility or quell any disturbance 426  
at the facility, in accordance with the plan and procedure 427  
included in the written agreement entered into under division 428  
(D) (12) of this section in relation to contracts entered into on 429  
or after March 17, 1998, and in accordance with their normal 430  
procedures in relation to contracts entered into prior to March 431  
17, 1998. Any cost incurred by this state or a political 432  
subdivision of this state relating to the apprehension of a 433  
person who escaped from the facility, to the quelling of a 434  
disturbance at the facility, or to the investigation or 435  
prosecution as described in division (G) (2) of this section of 436

any offense relating to the escape or disturbance shall be 437  
chargeable to and borne by the private contractor. The 438  
contractor also shall reimburse the state or its political 439  
subdivisions for all reasonable costs incurred relating to the 440  
temporary detention of a person who escaped from the facility, 441  
following the person's recapture. 442

(2) If a private contractor that, on or after March 17, 443  
1998, enters into a contract under this section with a local 444  
public entity for the operation of a correctional facility that 445  
houses out-of-state prisoners fails to perform its contractual 446  
duties, the local public entity shall impose upon the private 447  
contractor a fine from the schedule of fines included in the 448  
contract and may exercise any other rights it has under the 449  
contract. A fine imposed under this division shall be paid to 450  
the local public entity that enters into the contract, and the 451  
local public entity shall deposit the money so paid into its 452  
treasury to the credit of the fund used to pay for community 453  
policing. If a fine is imposed under this division, the local 454  
public entity may reduce the payment owed to the private 455  
contractor pursuant to any invoice in the amount of the fine. 456

(3) If a private contractor, on or after March 17, 1998, 457  
enters into a contract under this section with a local public 458  
entity for the operation of a correctional facility that houses 459  
out-of-state prisoners in this state, the private contractor 460  
shall comply with the insurance, indemnification, hold harmless, 461  
and cost reimbursement provisions described in division (D) (9) 462  
of this section. 463

(G) (1) Any act or omission that would be a criminal 464  
offense or a delinquent act if committed at a state correctional 465  
institution or at a jail, workhouse, prison, or other 466



correctional facility operated by this state or by any political 467  
subdivision or group of political subdivisions of this state 468  
shall be a criminal offense or delinquent act if committed by or 469  
with regard to any out-of-state prisoner who is housed at any 470  
correctional facility operated by a private contractor in this 471  
state pursuant to a contract entered into prior to, on, or after 472  
March 17, 1998. 473

(2) If any political subdivision of this state experiences 474  
any cost in the investigation or prosecution of an offense 475  
committed by an out-of-state prisoner housed in a correctional 476  
facility operated by a private contractor in this state pursuant 477  
to a contract entered into prior to, on, or after March 17, 478  
1998, the private contractor shall reimburse the political 479  
subdivision for the costs so experienced. 480

(3) (a) Except as otherwise provided in this division, the 481  
state, and any officer or employee, as defined in section 109.36 482  
of the Revised Code, of the state is not liable in damages in a 483  
civil action for any injury, death, or loss to person or 484  
property that allegedly arises from, or is related to, the 485  
establishment, management, or operation of a correctional 486  
facility to house out-of-state prisoners in this state pursuant 487  
to a contract between a local public entity and an out-of-state 488  
jurisdiction, a local public entity and a private contractor, or 489  
a private contractor and an out-of-state jurisdiction that was 490  
entered into prior to March 17, 1998, or that is entered into on 491  
or after March 17, 1998, in accordance with its provisions. The 492  
immunity provided in this division does not apply regarding an 493  
act or omission of an officer or employee, as defined in section 494  
109.36 of the Revised Code, of the state that is manifestly 495  
outside the scope of the officer's or employee's official 496  
responsibilities or regarding an act or omission of the state, 497

or of an officer or employee, as so defined, of the state that 498  
is undertaken with malicious purpose, in bad faith, or in a 499  
wanton or reckless manner. 500

(b) Except as otherwise provided in this division, a non- 501  
contracting political subdivision, and any employee, as defined 502  
in section 2744.01 of the Revised Code, of a non-contracting 503  
political subdivision is not liable in damages in a civil action 504  
for any injury, death, or loss to person or property that 505  
allegedly arises from, or is related to, the establishment, 506  
management, or operation of a correctional facility to house 507  
out-of-state prisoners in this state pursuant to a contract 508  
between a local public entity other than the non-contracting 509  
political subdivision and an out-of-state jurisdiction, a local 510  
public entity other than the non-contracting political 511  
subdivision and a private contractor, or a private contractor 512  
and an out-of-state jurisdiction that was entered into prior to 513  
March 17, 1998, or that is entered into on or after March 17, 514  
1998, in accordance with its provisions. The immunity provided 515  
in this division does not apply regarding an act or omission of 516  
an employee, as defined in section 2744.01 of the Revised Code, 517  
of a non-contracting political subdivision that is manifestly 518  
outside the scope of the employee's employment or official 519  
responsibilities or regarding an act or omission of a non- 520  
contracting political subdivision or an employee, as so defined, 521  
of a non-contracting political subdivision that is undertaken 522  
with malicious purpose, in bad faith, or in a wanton or reckless 523  
manner. 524

(c) Divisions (G) (3) (a) and (b) of this section do not 525  
affect any immunity or defense that the state and its officers 526  
and employees or a non-contracting political subdivision and its 527  
employees may be entitled to under another section of the 528

Revised Code or the common law of this state, including, but not 529  
limited to, section 9.86 or Chapter 2744. of the Revised Code. 530

(H) (1) Upon the completion of an out-of-state prisoner's 531  
term of detention at a correctional facility operated by a 532  
private contractor in this state pursuant to a contract entered 533  
into prior to, on, or after March 17, 1998, the operator of the 534  
correctional facility shall transport the prisoner to the out- 535  
of-state jurisdiction that imposed the sentence for which the 536  
prisoner was confined before it releases the prisoner from its 537  
custody. 538

(2) No private contractor that operates and manages a 539  
correctional facility housing out-of-state prisoners in this 540  
state pursuant to a contract entered into prior to, on, or after 541  
March 17, 1998, shall fail to comply with division (H) (1) of 542  
this section. 543

(3) Whoever violates division (H) (2) of this section is 544  
guilty of a misdemeanor of the first degree. 545

(I) Except as otherwise provided in this division, the 546  
provisions of divisions (A) to (H) of this section apply in 547  
relation to any correctional facility operated by a private 548  
contractor in this state to house out-of-state prisoners, 549  
regardless of whether the facility is operated pursuant to a 550  
contract entered into prior to, on, or after March 17, 1998. 551  
Division (C) (1) of this section shall not apply in relation to 552  
any correctional facility for housing out-of-state prisoners in 553  
this state that is operated by a private contractor under a 554  
contract entered into with a local public entity prior to March 555  
17, 1998. If a private contractor operates a correctional 556  
facility in this state for the housing of out-of-state prisoners 557  
under a contract entered into with a local public entity prior 558

to March 17, 1998, no later than thirty days after the effective 559  
date of this amendment, the private contractor shall enter into 560  
a contract with the local public entity that comports to the 561  
requirements and criteria of division (D) of this section. 562

**Sec. 120.03.** (A) The Ohio public defender commission shall 563  
appoint the state public defender, who shall serve at the 564  
pleasure of the commission. 565

(B) The Ohio public defender commission shall establish 566  
rules for the conduct of the offices of the county and joint 567  
county public defenders and for the conduct of county appointed 568  
counsel systems in the state. These rules shall include, but are 569  
not limited to, the following: 570

(1) Standards of indigency and minimum qualifications for 571  
legal representation by a public defender or appointed counsel. 572  
In establishing standards of indigency and determining who is 573  
eligible for legal representation by a public defender or 574  
appointed counsel, the commission shall consider an indigent 575  
person to be an individual who at the time ~~his~~ the person's need 576  
is determined is unable to provide for the payment of an 577  
attorney and all other necessary expenses of representation. 578  
Release on bail shall not prevent a person from being determined 579  
to be indigent. 580

(2) Standards for the hiring of outside counsel; 581

(3) Standards for contracts by a public defender with law 582  
schools, legal aid societies, and nonprofit organizations for 583  
providing counsel; 584

(4) Standards for the qualifications, training, and size 585  
of the legal and supporting staff for a public defender, 586  
facilities, and other requirements needed to maintain and 587

operate an office of a public defender;	588
(5) Minimum caseload standards;	589
(6) Procedures for the assessment and collection of the costs of legal representation that is provided by public defenders or appointed counsel;	590 591 592
(7) Standards and guidelines for determining whether a client is able to make an up-front contribution toward the cost of <del>his</del> <u>the client's</u> legal representation;	593 594 595
(8) Procedures for the collection of up-front contributions from clients who are able to contribute toward the cost of their legal representation, as determined pursuant to the standards and guidelines developed under division (B) (7) of this section. All of such up-front contributions shall be paid into the appropriate county fund.	596 597 598 599 600 601
(9) Standards for contracts between a board of county commissioners, a county public defender commission, or a joint county public defender commission and a municipal corporation for the legal representation of indigent persons charged with violations of the ordinances of the municipal corporation.	602 603 604 605 606
(C) The Ohio public defender commission shall adopt rules prescribing minimum qualifications of counsel appointed pursuant to this chapter or appointed by the courts. Without limiting its general authority to prescribe different qualifications for different categories of appointed counsel, the commission shall prescribe, by rule, special qualifications for counsel and co-counsel appointed in capital cases <u>in which the defendant was sentenced to death before the effective date of this amendment.</u>	607 608 609 610 611 612 613 614
(D) In administering the office of the Ohio public defender commission:	615 616

- (1) The commission shall do the following: 617
- (a) Approve an annual operating budget; 618
- (b) Make an annual report to the governor, the general 619  
assembly, and the supreme court of Ohio on the operation of the 620  
state public defender's office, the county appointed counsel 621  
systems, and the county and joint county public defenders' 622  
offices. 623
- (2) The commission may do the following: 624
- (a) Accept the services of volunteer workers and 625  
consultants at no compensation other than reimbursement of 626  
actual and necessary expenses; 627
- (b) Prepare and publish statistical and case studies and 628  
other data pertinent to the legal representation of indigent 629  
persons; 630
- (c) Conduct programs having a general objective of 631  
training and educating attorneys and others in the legal 632  
representation of indigent persons. 633
- (E) There is hereby established in the state treasury the 634  
public defender training fund for the deposit of fees received 635  
by the Ohio public defender commission from educational 636  
seminars, and the sale of publications, on topics concerning 637  
criminal law and procedure. Expenditures from this fund shall be 638  
made only for the operation of activities authorized by division 639  
(D) (2) (c) of this section. 640
- (F) (1) In accordance with sections 109.02, 109.07, and 641  
109.361 to 109.366 of the Revised Code, but subject to division 642  
(E) of section 120.06 of the Revised Code, the attorney general 643  
shall represent or provide for the representation of the Ohio 644

public defender commission, the state public defender, assistant 645  
state public defenders, and other employees of the commission or 646  
the state public defender. 647

(2) Subject to division (E) of section 120.06 of the 648  
Revised Code, the attorney general shall represent or provide 649  
for the representation of attorneys described in division (C) of 650  
section 120.41 of the Revised Code in malpractice or other civil 651  
actions or proceedings that arise from alleged actions or 652  
omissions related to responsibilities derived pursuant to this 653  
chapter, or in civil actions that are based upon alleged 654  
violations of the constitution or statutes of the United States, 655  
including section 1983 of Title 42 of the United States Code, 93 656  
Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that arise 657  
from alleged actions or omissions related to responsibilities 658  
derived pursuant to this chapter. For purposes of the 659  
representation, sections 109.361 to 109.366 of the Revised Code 660  
shall apply to an attorney described in division (C) of section 661  
120.41 of the Revised Code as if ~~he~~ the attorney were an officer 662  
or employee, as defined in section 109.36 of the Revised Code, 663  
and the Ohio public defender commission or the state public 664  
defender, whichever contracted with the attorney, shall be 665  
considered ~~his~~ the attorney's employer. 666

**Sec. 120.041.** (A) In addition to the state public 667  
defender's other duties under this chapter and other Revised 668  
Code provisions, the state public defender shall do all of the 669  
following for each state fiscal year: 670

(1) Determine the total dollar amount of all requests for 671  
reimbursements that were submitted for that fiscal year by 672  
counties under sections 120.18, 120.28, 120.33, ~~120.35~~, and 673  
2941.51 of the Revised Code; 674

(2) Determine the total dollar amount paid to all counties as reimbursements under the requests described in division (A) (1) of this section that were submitted for that fiscal year;	675 676 677
(3) Determine the percentage of total costs submitted by counties under the requests described in division (A) (1) of this section that was paid to all counties as reimbursements for that fiscal year;	678 679 680 681
(4) Commencing in state fiscal year 2021, determine the increase or decrease in the total dollar amount found under division (A) (2) of this section for that fiscal year from the total dollar amount found under that division for the previous fiscal year;	682 683 684 685 686
(5) Determine, out of the total dollar amount found under division (A) (2) of this section that was paid to all counties as a reimbursement, the total amount of that money used by all of the counties for each of the following categories of costs in that fiscal year:	687 688 689 690 691
(a) Costs for appointed counsel;	692
(b) Costs for personnel;	693
(c) Costs for expert witnesses;	694
(d) Costs for investigations;	695
(e) Costs for transcripts;	696
(f) Costs for rent or lease, utilities, furnishings, maintenance, and equipment;	697 698
(g) Costs for travel;	699
(h) Any other category of costs set by the state public defender.	700 701



(6) Commencing in state fiscal year 2021, determine the increase or decrease in the amount of money found under division (A) (5) of this section to have been used for each category of costs described in divisions (A) (5) (a) to (h) of this section for that fiscal year from the amount of money found under that division to have been used for each such category of costs for the previous fiscal year;

(7) Analyze the cost per each felony, misdemeanor, traffic, or juvenile delinquency case assigned to a public defender or counsel pursuant to section 120.06, 120.16, 120.26, or 120.33 of the Revised Code.

(B) For each state fiscal year, the state public defender shall prepare a report that includes all of its findings and determinations for that fiscal year and, not later than the first day of October in the state fiscal year following the fiscal year covered by the report, shall submit copies of the report to the president of the senate, the speaker of the house of representatives, the minority leader of the senate, the minority leader of the house of representatives, and the governor.

**Sec. 120.06.** (A) (1) The state public defender, when designated by the court or requested by a county public defender or joint county public defender, may provide legal representation in all courts throughout the state to indigent adults and juveniles who are charged with the commission of an offense or act for which the penalty or any possible adjudication includes the potential loss of liberty.

(2) The state public defender may provide legal representation to any indigent person who, while incarcerated in any state correctional institution, is charged with a felony

offense, for which the penalty or any possible adjudication that 732  
may be imposed by a court upon conviction includes the potential 733  
loss of liberty. 734

(3) The state public defender may provide legal 735  
representation to any person incarcerated in any correctional 736  
institution of the state, in any matter in which the person 737  
asserts the person is unlawfully imprisoned or detained. 738

(4) The state public defender, in any case in which the 739  
state public defender has provided legal representation or is 740  
requested to do so by a county public defender or joint county 741  
public defender, may provide legal representation on appeal. 742

(5) The state public defender, when designated by the 743  
court or requested by a county public defender, joint county 744  
public defender, or the director of rehabilitation and 745  
correction, shall provide legal representation in parole and 746  
probation revocation matters or matters relating to the 747  
revocation of community control or post-release control under a 748  
community control sanction or post-release control sanction, 749  
unless the state public defender finds that the alleged parole 750  
or probation violator or alleged violator of a community control 751  
sanction or post-release control sanction has the financial 752  
capacity to retain the alleged violator's own counsel. 753

(6) If the state public defender contracts with a county 754  
public defender commission, a joint county public defender 755  
commission, or a board of county commissioners for the provision 756  
of services, under authority of division (C)(7) of section 757  
120.04 of the Revised Code, the state public defender shall 758  
provide legal representation in accordance with the contract. 759

(B) The state public defender shall not be required to 760

prosecute any appeal, postconviction remedy, or other proceeding 761  
pursuant to division (A) (3), (4), or (5) of this section, unless 762  
the state public defender first is satisfied that there is 763  
arguable merit to the proceeding. 764

(C) A court may appoint counsel or allow an indigent 765  
person to select the indigent's own personal counsel to assist 766  
the state public defender as co-counsel when the interests of 767  
justice so require. When co-counsel is appointed to assist the 768  
state public defender, the co-counsel shall receive any 769  
compensation that the court may approve, not to exceed the 770  
amounts provided for in section 2941.51 of the Revised Code. 771

(D) (1) When the state public defender is designated by the 772  
court or requested by a county public defender or joint county 773  
public defender to provide legal representation for an indigent 774  
person in any case, other than pursuant to a contract entered 775  
into under authority of division (C) (7) of section 120.04 of the 776  
Revised Code, the state public defender shall send to the county 777  
in which the case is filed a bill detailing the actual cost of 778  
the representation that separately itemizes legal fees and 779  
expenses. The county, upon receipt of an itemized bill from the 780  
state public defender pursuant to this division, shall pay the 781  
state public defender one hundred per cent of the amount 782  
identified as legal fees and expenses in the itemized bill. 783

(2) Upon payment of the itemized bill under division (D) 784  
(1) of this section, the county may submit the cost of the legal 785  
fees and expenses to the state public defender for reimbursement 786  
pursuant to section 120.33 of the Revised Code. 787

(3) When the state public defender provides investigation 788  
or mitigation services to private appointed counsel or to a 789  
county or joint county public defender as approved by the 790

appointing court, other than pursuant to a contract entered into 791  
under authority of division (C) (7) of section 120.04 of the 792  
Revised Code, the state public defender shall send to the county 793  
in which the case is filed a bill itemizing the actual cost of 794  
the services provided. The county, upon receipt of an itemized 795  
bill from the state public defender pursuant to this division, 796  
shall pay one hundred per cent of the amount as set forth in the 797  
itemized bill. Upon payment of the itemized bill received 798  
pursuant to this division, the county may submit the cost of the 799  
investigation and mitigation services to the state public 800  
defender for reimbursement pursuant to section 120.33 of the 801  
Revised Code. 802

(4) There is hereby created in the state treasury the 803  
county representation fund for the deposit of moneys received 804  
from counties under this division. All moneys credited to the 805  
fund shall be used by the state public defender to provide legal 806  
representation for indigent persons when designated by the court 807  
or requested by a county or joint county public defender or to 808  
provide investigation or mitigation services, including 809  
investigation or mitigation services to private appointed 810  
counsel or a county or joint county public defender, as approved 811  
by the court. 812

(E) (1) Notwithstanding any contrary provision of sections 813  
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised 814  
Code that pertains to representation by the attorney general, an 815  
assistant attorney general, or special counsel of an officer or 816  
employee, as defined in section 109.36 of the Revised Code, or 817  
of an entity of state government, the state public defender may 818  
elect to contract with, and to have the state pay pursuant to 819  
division (E) (2) of this section for the services of, private 820  
legal counsel to represent the Ohio public defender commission, 821

the state public defender, assistant state public defenders, 822  
other employees of the commission or the state public defender, 823  
and attorneys described in division (C) of section 120.41 of the 824  
Revised Code in a malpractice or other civil action or 825  
proceeding that arises from alleged actions or omissions related 826  
to responsibilities derived pursuant to this chapter, or in a 827  
civil action that is based upon alleged violations of the 828  
constitution or statutes of the United States, including section 829  
1983 of Title 42 of the United States Code, 93 Stat. 1284 830  
(1979), 42 U.S.C.A. 1983, as amended, and that arises from 831  
alleged actions or omissions related to responsibilities derived 832  
pursuant to this chapter, if the state public defender 833  
determines, in good faith, that the defendant in the civil 834  
action or proceeding did not act manifestly outside the scope of 835  
the defendant's employment or official responsibilities, with 836  
malicious purpose, in bad faith, or in a wanton or reckless 837  
manner. If the state public defender elects not to contract 838  
pursuant to this division for private legal counsel in a civil 839  
action or proceeding, then, in accordance with sections 109.02, 840  
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 841  
attorney general shall represent or provide for the 842  
representation of the Ohio public defender commission, the state 843  
public defender, assistant state public defenders, other 844  
employees of the commission or the state public defender, or 845  
attorneys described in division (C) of section 120.41 of the 846  
Revised Code in the civil action or proceeding. 847

(2) (a) Subject to division (E) (2) (b) of this section, 848  
payment from the state treasury for the services of private 849  
legal counsel with whom the state public defender has contracted 850  
pursuant to division (E) (1) of this section shall be 851  
accomplished only through the following procedure: 852

(i) The private legal counsel shall file with the attorney 853  
general a copy of the contract; a request for an award of legal 854  
fees, court costs, and expenses earned or incurred in connection 855  
with the defense of the Ohio public defender commission, the 856  
state public defender, an assistant state public defender, an 857  
employee, or an attorney in a specified civil action or 858  
proceeding; a written itemization of those fees, costs, and 859  
expenses, including the signature of the state public defender 860  
and the state public defender's attestation that the fees, 861  
costs, and expenses were earned or incurred pursuant to division 862  
(E) (1) of this section to the best of the state public 863  
defender's knowledge and information; a written statement 864  
whether the fees, costs, and expenses are for all legal services 865  
to be rendered in connection with that defense, are only for 866  
legal services rendered to the date of the request and 867  
additional legal services likely will have to be provided in 868  
connection with that defense, or are for the final legal 869  
services rendered in connection with that defense; a written 870  
statement indicating whether the private legal counsel 871  
previously submitted a request for an award under division (E) 872  
(2) of this section in connection with that defense and, if so, 873  
the date and the amount of each award granted; and, if the fees, 874  
costs, and expenses are for all legal services to be rendered in 875  
connection with that defense or are for the final legal services 876  
rendered in connection with that defense, a certified copy of 877  
any judgment entry in the civil action or proceeding or a signed 878  
copy of any settlement agreement entered into between the 879  
parties to the civil action or proceeding. 880

(ii) Upon receipt of a request for an award of legal fees, 881  
court costs, and expenses and the requisite supportive 882  
documentation described in division (E) (2) (a) (i) of this 883

section, the attorney general shall review the request and 884  
documentation; determine whether any of the limitations 885  
specified in division (E) (2) (b) of this section apply to the 886  
request; and, if an award of legal fees, court costs, or 887  
expenses is permissible after applying the limitations, prepare 888  
a document awarding legal fees, court costs, or expenses to the 889  
private legal counsel. The document shall name the private legal 890  
counsel as the recipient of the award; specify the total amount 891  
of the award as determined by the attorney general; itemize the 892  
portions of the award that represent legal fees, court costs, 893  
and expenses; specify any limitation applied pursuant to 894  
division (E) (2) (b) of this section to reduce the amount of the 895  
award sought by the private legal counsel; state that the award 896  
is payable from the state treasury pursuant to division (E) (2) 897  
(a) (iii) of this section; and be approved by the inclusion of 898  
the signatures of the attorney general, the state public 899  
defender, and the private legal counsel. 900

(iii) The attorney general shall forward a copy of the 901  
document prepared pursuant to division (E) (2) (a) (ii) of this 902  
section to the director of budget and management. The award of 903  
legal fees, court costs, or expenses shall be paid out of the 904  
state public defender's appropriations, to the extent there is a 905  
sufficient available balance in those appropriations. If the 906  
state public defender does not have a sufficient available 907  
balance in the state public defender's appropriations to pay the 908  
entire award of legal fees, court costs, or expenses, the 909  
director shall make application for a transfer of appropriations 910  
out of the emergency purposes account or any other appropriation 911  
for emergencies or contingencies in an amount equal to the 912  
portion of the award that exceeds the sufficient available 913  
balance in the state public defender's appropriations. A 914

transfer of appropriations out of the emergency purposes account 915  
or any other appropriation for emergencies or contingencies 916  
shall be authorized if there are sufficient moneys greater than 917  
the sum total of then pending emergency purposes account 918  
requests, or requests for releases from the other appropriation. 919  
If a transfer of appropriations out of the emergency purposes 920  
account or other appropriation for emergencies or contingencies 921  
is made to pay an amount equal to the portion of the award that 922  
exceeds the sufficient available balance in the state public 923  
defender's appropriations, the director shall cause the payment 924  
to be made to the private legal counsel. If sufficient moneys do 925  
not exist in the emergency purposes account or other 926  
appropriation for emergencies or contingencies to pay an amount 927  
equal to the portion of the award that exceeds the sufficient 928  
available balance in the state public defender's appropriations, 929  
the private legal counsel shall request the general assembly to 930  
make an appropriation sufficient to pay an amount equal to the 931  
portion of the award that exceeds the sufficient available 932  
balance in the state public defender's appropriations, and no 933  
payment in that amount shall be made until the appropriation has 934  
been made. The private legal counsel shall make the request 935  
during the current biennium and during each succeeding biennium 936  
until a sufficient appropriation is made. 937

(b) An award of legal fees, court costs, and expenses 938  
pursuant to division (E) of this section is subject to the 939  
following limitations: 940

(i) The maximum award or maximum aggregate of a series of 941  
awards of legal fees, court costs, and expenses to the private 942  
legal counsel in connection with the defense of the Ohio public 943  
defender commission, the state public defender, an assistant 944  
state public defender, an employee, or an attorney in a 945



specified civil action or proceeding shall not exceed fifty 946  
thousand dollars. 947

(ii) The private legal counsel shall not be awarded legal 948  
fees, court costs, or expenses to the extent the fees, costs, or 949  
expenses are covered by a policy of malpractice or other 950  
insurance. 951

(iii) The private legal counsel shall be awarded legal 952  
fees and expenses only to the extent that the fees and expenses 953  
are reasonable in light of the legal services rendered by the 954  
private legal counsel in connection with the defense of the Ohio 955  
public defender commission, the state public defender, an 956  
assistant state public defender, an employee, or an attorney in 957  
a specified civil action or proceeding. 958

(c) If, pursuant to division (E) (2) (a) of this section, 959  
the attorney general denies a request for an award of legal 960  
fees, court costs, or expenses to private legal counsel because 961  
of the application of a limitation specified in division (E) (2) 962  
(b) of this section, the attorney general shall notify the 963  
private legal counsel in writing of the denial and of the 964  
limitation applied. 965

(d) If, pursuant to division (E) (2) (c) of this section, a 966  
private legal counsel receives a denial of an award notification 967  
or if a private legal counsel refuses to approve a document 968  
under division (E) (2) (a) (ii) of this section because of the 969  
proposed application of a limitation specified in division (E) 970  
(2) (b) of this section, the private legal counsel may commence a 971  
civil action against the attorney general in the court of claims 972  
to prove the private legal counsel's entitlement to the award 973  
sought, to prove that division (E) (2) (b) of this section does 974  
not prohibit or otherwise limit the award sought, and to recover 975

a judgment for the amount of the award sought. A civil action 976  
under division (E) (2) (d) of this section shall be commenced no 977  
later than two years after receipt of a denial of award 978  
notification or, if the private legal counsel refused to approve 979  
a document under division (E) (2) (a) (ii) of this section because 980  
of the proposed application of a limitation specified in 981  
division (E) (2) (b) of this section, no later than two years 982  
after the refusal. Any judgment of the court of claims in favor 983  
of the private legal counsel shall be paid from the state 984  
treasury in accordance with division (E) (2) (a) of this section. 985

~~(F) If a court appoints the office of the state public 986  
defender to represent a petitioner in a postconviction relief 987  
proceeding under section 2953.21 of the Revised Code, the 988  
petitioner has received a sentence of death, and the proceeding 989  
relates to that sentence, all of the attorneys who represent the 990  
petitioner in the proceeding pursuant to the appointment, 991  
whether an assistant state public defender, the state public 992  
defender, or another attorney, shall be certified under Rule 20 993  
of the Rules of Superintendence for the Courts of Ohio to 994  
represent indigent defendants charged with or convicted of an 995  
offense for which the death penalty can be or has been imposed. 996~~

~~(G)~~ (1) The state public defender may conduct a legal 997  
assistance referral service for children committed to the 998  
department of youth services relative to conditions of 999  
confinement claims. If the legal assistance referral service 1000  
receives a request for assistance from a child confined in a 1001  
facility operated, or contracted for, by the department of youth 1002  
services and the state public defender determines that the child 1003  
has a conditions of confinement claim that has merit, the state 1004  
public defender may refer the child to a private attorney. If no 1005  
private attorney who the child has been referred to by the state 1006

public defender accepts the case within a reasonable time, the 1007  
state public defender may prepare, as appropriate, pro se 1008  
pleadings in the form of a complaint regarding the conditions of 1009  
confinement at the facility where the child is confined with a 1010  
motion for appointment of counsel and other applicable pleadings 1011  
necessary for sufficient pro se representation. 1012

(2) Division ~~(G)(1)~~ (F)(1) of this section does not 1013  
authorize the state public defender to represent a child 1014  
committed to the department of youth services in general civil 1015  
matters arising solely out of state law. 1016

(3) The state public defender shall not undertake the 1017  
representation of a child in court based on a conditions of 1018  
confinement claim arising under this division. 1019

~~(H)~~ (G) A child's right to representation or services 1020  
under this section is not affected by the child, or another 1021  
person on behalf of the child, previously having paid for 1022  
similar representation or services or having waived legal 1023  
representation. 1024

~~(I)~~ (H) The state public defender shall have reasonable 1025  
access to any child committed to the department of youth 1026  
services, department of youth services institution, and 1027  
department of youth services record as needed to implement this 1028  
section. 1029

~~(J)~~ (I) As used in this section: 1030

(1) "Community control sanction" has the same meaning as 1031  
in section 2929.01 of the Revised Code. 1032

(2) "Conditions of confinement" means any issue involving 1033  
a constitutional right or other civil right related to a child's 1034  
incarceration, including, but not limited to, actions cognizable 1035

under 42 U.S.C. 1983. 1036

(3) "Post-release control sanction" has the same meaning 1037  
as in section 2967.01 of the Revised Code. 1038

**Sec. 120.14.** (A) (1) Except as provided in division (A) (2) 1039  
of this section, the county public defender commission shall 1040  
appoint the county public defender and may remove ~~him~~ the county 1041  
public defender from office only for good cause. 1042

(2) If a county public defender commission contracts with 1043  
the state public defender or with one or more nonprofit 1044  
organizations for the state public defender or the organizations 1045  
to provide all of the services that the county public defender 1046  
is required or permitted to provide by this chapter, the 1047  
commission shall not appoint a county public defender. 1048

(B) The commission shall determine the qualifications and 1049  
size of the supporting staff and facilities and other 1050  
requirements needed to maintain and operate the office of the 1051  
county public defender. 1052

(C) In administering the office of county public defender, 1053  
the commission shall: 1054

(1) Recommend to the county commissioners an annual 1055  
operating budget which is subject to the review, amendment, and 1056  
approval of the board of county commissioners; 1057

(2) (a) Make an annual report to the county commissioners 1058  
and the Ohio public defender commission on the operation of the 1059  
county public defender's office, ~~including complete and detailed~~ 1060  
~~information on finances and costs that separately states costs~~ 1061  
~~and expenses that are reimbursable under section 120.35 of the~~ 1062  
~~Revised Code,~~ and any other data and information requested by 1063  
the state public defender; 1064

(b) Make monthly reports relating to reimbursement and 1065  
associated case data pursuant to the rules of the Ohio public 1066  
defender commission to the board of county commissioners and the 1067  
Ohio public defender commission on the total costs of the public 1068  
defender's office. 1069

(3) Cooperate with the Ohio public defender commission in 1070  
maintaining the standards established by rules of the Ohio 1071  
public defender commission pursuant to divisions (B) and (C) of 1072  
section 120.03 of the Revised Code, and cooperate with the state 1073  
public defender in ~~his~~ the state public defender's programs 1074  
providing technical aid and assistance to county systems. 1075

(D) The commission may accept the services of volunteer 1076  
workers and consultants at no compensation except reimbursement 1077  
for actual and necessary expenses. 1078

(E) The commission may contract with any municipal 1079  
corporation, within the county served by the county public 1080  
defender, for the county public defender to provide legal 1081  
representation for indigent persons who are charged with a 1082  
violation of the ordinances of the municipal corporation. 1083

(F) A county public defender commission, with the approval 1084  
of the board of county commissioners regarding all provisions 1085  
that pertain to the financing of defense counsel for indigent 1086  
persons, may contract with the state public defender or with any 1087  
nonprofit organization, the primary purpose of which is to 1088  
provide legal representation to indigent persons, for the state 1089  
public defender or the organization to provide all or any part 1090  
of the services that a county public defender is required or 1091  
permitted to provide by this chapter. A contract entered into 1092  
pursuant to this division may provide for payment for the 1093  
services provided on a per case, hourly, or fixed contract 1094

basis. The state public defender and any nonprofit organization 1095  
that contracts with a county public defender commission pursuant 1096  
to this division shall do all of the following: 1097

(1) Comply with all standards established by the rules of 1098  
the Ohio public defender commission; 1099

(2) Comply with all standards established by the state 1100  
public defender; 1101

(3) Comply with all statutory duties and other laws 1102  
applicable to county public defenders. 1103

**Sec. 120.16.** (A) (1) The county public defender shall 1104  
provide legal representation to indigent adults and juveniles 1105  
who are charged with the commission of an offense or act that is 1106  
a violation of a state statute and for which the penalty or any 1107  
possible adjudication includes the potential loss of liberty and 1108  
in postconviction proceedings as defined in this section. 1109

(2) The county public defender may provide legal 1110  
representation to indigent adults and juveniles charged with the 1111  
violation of an ordinance of a municipal corporation for which 1112  
the penalty or any possible adjudication includes the potential 1113  
loss of liberty, if the county public defender commission has 1114  
contracted with the municipal corporation to provide legal 1115  
representation for indigent persons charged with a violation of 1116  
an ordinance of the municipal corporation. 1117

(B) The county public defender shall provide the legal 1118  
representation authorized by division (A) of this section at 1119  
every stage of the proceedings following arrest, detention, 1120  
service of summons, or indictment. 1121

(C) The county public defender may request the state 1122  
public defender to prosecute any appeal or other remedy before 1123

or after conviction that the county public defender decides is 1124  
in the interests of justice, and may provide legal 1125  
representation in parole and probation revocation matters and 1126  
matters relating to the revocation of community control or post- 1127  
release control under a community control sanction or post- 1128  
release control sanction. 1129

(D) The county public defender shall not be required to 1130  
prosecute any appeal, postconviction remedy, or other 1131  
proceeding, unless the county public defender is first satisfied 1132  
there is arguable merit to the proceeding. 1133

(E) Nothing in this section shall prevent a court from 1134  
appointing counsel other than the county public defender or from 1135  
allowing an indigent person to select the indigent person's own 1136  
personal counsel to represent the indigent person. A court may 1137  
also appoint counsel or allow an indigent person to select the 1138  
indigent person's own personal counsel to assist the county 1139  
public defender as co-counsel when the interests of justice so 1140  
require. 1141

(F) Information as to the right to legal representation by 1142  
the county public defender or assigned counsel shall be afforded 1143  
to an accused person immediately upon arrest, when brought 1144  
before a magistrate, or when formally charged, whichever occurs 1145  
first. 1146

~~(G) If a court appoints the office of the county public~~ 1147  
~~defender to represent a petitioner in a postconviction relief~~ 1148  
~~proceeding under section 2953.21 of the Revised Code, the~~ 1149  
~~petitioner has received a sentence of death, and the proceeding~~ 1150  
~~relates to that sentence, all of the attorneys who represent the~~ 1151  
~~petitioner in the proceeding pursuant to the appointment,~~ 1152  
~~whether an assistant county public defender or the county public~~ 1153

~~defender, shall be certified under Rule 20 of the Rules of~~ 1154  
~~Superintendence for the Courts of Ohio to represent indigent~~ 1155  
~~defendants charged with or convicted of an offense for which the~~ 1156  
~~death penalty can be or has been imposed.~~ 1157

~~(H)~~As used in this section: 1158

(1) "Community control sanction" has the same meaning as 1159  
in section 2929.01 of the Revised Code. 1160

(2) "Post-release control sanction" has the same meaning 1161  
as in section 2967.01 of the Revised Code. 1162

**Sec. 120.18.** (A) The county public defender commission's 1163  
report to the board of county commissioners shall be audited by 1164  
the county auditor. The board of county commissioners, after 1165  
review and approval of the audited report, may then certify it 1166  
to the state public defender for reimbursement. If a request for 1167  
the reimbursement of any operating expenditure incurred by a 1168  
county public defender office is not received by the state 1169  
public defender within sixty days after the end of the calendar 1170  
month in which the expenditure is incurred, the state public 1171  
defender shall not pay the requested reimbursement, unless the 1172  
county has requested, and the state public defender has granted, 1173  
an extension of the sixty-day time limit. Each request for 1174  
reimbursement shall include a certification by the county public 1175  
defender that the persons provided representation by the county 1176  
public defender's office during the period covered by the report 1177  
were indigent and, for each person provided representation 1178  
during that period, a financial disclosure form completed by the 1179  
person on a form prescribed by the state public defender. The 1180  
state public defender shall also review the report and, in 1181  
accordance with the standards, guidelines, and maximums 1182  
established pursuant to divisions (B) (7) and (8) of section 1183



120.04 of the Revised Code and the payment determination 1184  
provisions of section 120.34 of the Revised Code, prepare a 1185  
voucher for the cost of each county public defender's office for 1186  
the period of time covered by the certified report ~~and a voucher~~ 1187  
~~for the costs and expenses that are reimbursable under section~~ 1188  
~~120.35 of the Revised Code, if any.~~ The amount of payments to be 1189  
included in and made under the voucher shall be determined as 1190  
specified in section 120.34 of the Revised Code. For the 1191  
purposes of this section, "cost" means total expenses minus 1192  
~~costs and expenses reimbursable under section 120.35 of the~~ 1193  
~~Revised Code and~~ any funds received by the county public 1194  
defender commission pursuant to a contract, except a contract 1195  
entered into with a municipal corporation pursuant to division 1196  
(E) of section 120.14 of the Revised Code, gift, or grant. 1197

(B) If the county public defender fails to maintain the 1198  
standards for the conduct of the office established by rules of 1199  
the Ohio public defender commission pursuant to divisions (B) 1200  
and (C) of section 120.03 or the standards established by the 1201  
state public defender pursuant to division (B) (7) of section 1202  
120.04 of the Revised Code, the Ohio public defender commission 1203  
shall notify the county public defender commission and the board 1204  
of county commissioners of the county that the county public 1205  
defender has failed to comply with its rules or the standards of 1206  
the state public defender. Unless the county public defender 1207  
commission or the county public defender corrects the conduct of 1208  
the county public defender's office to comply with the rules and 1209  
standards within ninety days after the date of the notice, the 1210  
state public defender may deny payment of all or part of the 1211  
county's reimbursement from the state provided for in division 1212  
(A) of this section. 1213

**Sec. 120.24.** (A) (1) Except as provided in division (A) (2) 1214

of this section, the joint county public defender commission 1215  
shall appoint the joint county public defender and may remove 1216  
~~him the joint county public defender~~ from office only for good 1217  
cause. 1218

(2) If a joint county public defender commission contracts 1219  
with the state public defender or with one or more nonprofit 1220  
organizations for the state public defender or the organizations 1221  
to provide all of the services that the joint county public 1222  
defender is required or permitted to provide by this chapter, 1223  
the commission shall not appoint a joint county public defender. 1224

(B) The commission shall determine the qualifications and 1225  
size of the supporting staff and facilities and other 1226  
requirements needed to maintain and operate the office. 1227

(C) In administering the office of joint county public 1228  
defender, the commission shall: 1229

(1) Recommend to the boards of county commissioners in the 1230  
district an annual operating budget which is subject to the 1231  
review, amendment, and approval of the boards of county 1232  
commissioners in the district; 1233

(2) (a) Make an annual report to the boards of county 1234  
commissioners in the district and the Ohio public defender 1235  
commission on the operation of the public defender's office, ~~—~~ 1236  
~~including complete and detailed information on finances and~~ 1237  
~~costs that separately states costs and expenses that are~~ 1238  
~~reimbursable under section 120.35 of the Revised Code,~~ and such 1239  
other data and information requested by the state public 1240  
defender; 1241

(b) Make monthly reports relating to reimbursement and 1242  
associated case data pursuant to the rules of the Ohio public 1243

defender commission to the boards of county commissioners in the 1244  
district and the Ohio public defender commission on the total 1245  
costs of the public defender's office. 1246

(3) Cooperate with the Ohio public defender commission in 1247  
maintaining the standards established by rules of the Ohio 1248  
public defender commission pursuant to divisions (B) and (C) of 1249  
section 120.03 of the Revised Code, and cooperate with the state 1250  
public defender in ~~his~~ the state public defender's programs 1251  
providing technical aid and assistance to county systems. 1252

(D) The commission may accept the services of volunteer 1253  
workers and consultants at no compensation except reimbursement 1254  
for actual and necessary expenses. 1255

(E) The commission may contract with any municipal 1256  
corporation, within the counties served by the joint county 1257  
public defender, for the joint county public defender to provide 1258  
legal representation for indigent persons who are charged with a 1259  
violation of the ordinances of the municipal corporation. 1260

(F) A joint county public defender commission, with the 1261  
approval of each participating board of county commissioners 1262  
regarding all provisions that pertain to the financing of 1263  
defense counsel for indigent persons, may contract with the 1264  
state public defender or with any nonprofit organization, the 1265  
primary purpose of which is to provide legal representation to 1266  
indigent persons, for the state public defender or the 1267  
organization to provide all or any part of the services that a 1268  
joint county public defender is required or permitted to provide 1269  
by this chapter. A contract entered into pursuant to this 1270  
division may provide for payment for the services provided on a 1271  
per case, hourly, or fixed contract basis. The state public 1272  
defender and any nonprofit organization that contracts with a 1273

joint county public defender commission pursuant to this 1274  
division shall do all of the following: 1275

(1) Comply with all standards established by the rules of 1276  
the Ohio public defender commission; 1277

(2) Comply with all standards established by the Ohio 1278  
public defender; 1279

(3) Comply with all statutory duties and other laws 1280  
applicable to joint county public defenders. 1281

**Sec. 120.26.** (A) (1) The joint county public defender shall 1282  
provide legal representation to indigent adults and juveniles 1283  
who are charged with the commission of an offense or act that is 1284  
a violation of a state statute and for which the penalty or any 1285  
possible adjudication includes the potential loss of liberty and 1286  
in postconviction proceedings as defined in this section. 1287

(2) The joint county public defender may provide legal 1288  
representation to indigent adults and juveniles charged with the 1289  
violation of an ordinance of a municipal corporation for which 1290  
the penalty or any possible adjudication includes the potential 1291  
loss of liberty, if the joint county public defender commission 1292  
has contracted with the municipal corporation to provide legal 1293  
representation for indigent persons charged with a violation of 1294  
an ordinance of the municipal corporation. 1295

(B) The joint county public defender shall provide the 1296  
legal representation authorized by division (A) of this section 1297  
at every stage of the proceedings following arrest, detention, 1298  
service of summons, or indictment. 1299

(C) The joint county public defender may request the Ohio 1300  
public defender to prosecute any appeal or other remedy before 1301  
or after conviction that the joint county public defender 1302

decides is in the interests of justice and may provide legal 1303  
representation in parole and probation revocation matters and 1304  
matters relating to the revocation of community control or post- 1305  
release control under a community control sanction or post- 1306  
release control sanction. 1307

(D) The joint county public defender shall not be required 1308  
to prosecute any appeal, postconviction remedy, or other 1309  
proceeding, unless the joint county public defender is first 1310  
satisfied that there is arguable merit to the proceeding. 1311

(E) Nothing in this section shall prevent a court from 1312  
appointing counsel other than the joint county public defender 1313  
or from allowing an indigent person to select the indigent 1314  
person's own personal counsel to represent the indigent person. 1315  
A court may also appoint counsel or allow an indigent person to 1316  
select the indigent person's own personal counsel to assist the 1317  
joint county public defender as co-counsel when the interests of 1318  
justice so require. 1319

(F) Information as to the right to legal representation by 1320  
the joint county public defender or assigned counsel shall be 1321  
afforded to an accused person immediately upon arrest, when 1322  
brought before a magistrate, or when formally charged, whichever 1323  
occurs first. 1324

~~(G) If a court appoints the office of the joint county- 1325  
public defender to represent a petitioner in a postconviction- 1326  
relief proceeding under section 2953.21 of the Revised Code, the 1327  
petitioner has received a sentence of death, and the proceeding- 1328  
relates to that sentence, all of the attorneys who represent the 1329  
petitioner in the proceeding pursuant to the appointment, 1330  
whether an assistant joint county defender or the joint county 1331  
public defender, shall be certified under Rule 20 of the Rules- 1332~~

~~of Superintendence for the Courts of Ohio to represent indigent- 1333  
defendants charged with or convicted of an offense for which the 1334  
death penalty can be or has been imposed. 1335~~

~~(H) As used in this section: 1336~~

(1) "Community control sanction" has the same meaning as 1337  
in section 2929.01 of the Revised Code. 1338

(2) "Post-release control sanction" has the same meaning 1339  
as in section 2967.01 of the Revised Code. 1340

**Sec. 120.28.** (A) The joint county public defender 1341  
commission's report to the joint board of county commissioners 1342  
shall be audited by the fiscal officer of the district. The 1343  
joint board of county commissioners, after review and approval 1344  
of the audited report, may then certify it to the state public 1345  
defender for reimbursement. If a request for the reimbursement 1346  
of any operating expenditure incurred by a joint county public 1347  
defender office is not received by the state public defender 1348  
within sixty days after the end of the calendar month in which 1349  
the expenditure is incurred, the state public defender shall not 1350  
pay the requested reimbursement, unless the joint board of 1351  
county commissioners has requested, and the state public 1352  
defender has granted, an extension of the sixty-day time limit. 1353  
Each request for reimbursement shall include a certification by 1354  
the joint county public defender that all persons provided 1355  
representation by the joint county public defender's office 1356  
during the period covered by the request were indigent and, for 1357  
each person provided representation during that period, a 1358  
financial disclosure form completed by the person on a form 1359  
prescribed by the state public defender. The state public 1360  
defender shall also review the report and, in accordance with 1361  
the standards, guidelines, and maximums established pursuant to 1362

divisions (B) (7) and (8) of section 120.04 of the Revised Code 1363  
and the payment determination provisions of section 120.34 of 1364  
the Revised Code, prepare a voucher for the cost of each joint 1365  
county public defender's office for the period of time covered 1366  
by the certified report ~~and a voucher for the costs and expenses~~ 1367  
~~that are reimbursable under section 120.35 of the Revised Code,~~ 1368  
~~if any.~~ The amount of payments to be included in and made under 1369  
the voucher shall be determined as specified in section 120.34 1370  
of the Revised Code. For purposes of this section, "cost" means 1371  
total expenses minus ~~costs and expenses reimbursable under~~ 1372  
~~section 120.35 of the Revised Code and any funds received by the~~ 1373  
joint county public defender commission pursuant to a contract, 1374  
except a contract entered into with a municipal corporation 1375  
pursuant to division (E) of section 120.24 of the Revised Code, 1376  
gift, or grant. Each county in the district shall be entitled to 1377  
a share of such state reimbursement in proportion to the 1378  
percentage of the cost it has agreed to pay. 1379

(B) If the joint county public defender fails to maintain 1380  
the standards for the conduct of the office established by the 1381  
rules of the Ohio public defender commission pursuant to 1382  
divisions (B) and (C) of section 120.03 or the standards 1383  
established by the state public defender pursuant to division 1384  
(B) (7) of section 120.04 of the Revised Code, the Ohio public 1385  
defender commission shall notify the joint county public 1386  
defender commission and the board of county commissioners of 1387  
each county in the district that the joint county public 1388  
defender has failed to comply with its rules or the standards of 1389  
the state public defender. Unless the joint public defender 1390  
commission or the joint county public defender corrects the 1391  
conduct of the joint county public defender's office to comply 1392  
with the rules and standards within ninety days after the date 1393

of the notice, the state public defender may deny all or part of 1394  
the counties' reimbursement from the state provided for in 1395  
division (A) of this section. 1396

**Sec. 120.33.** (A) In lieu of using a county public defender 1397  
or joint county public defender to represent indigent persons in 1398  
the proceedings set forth in division (A) of section 120.16 of 1399  
the Revised Code, the board of county commissioners of any 1400  
county may adopt a resolution to pay counsel who are either 1401  
personally selected by the indigent person or appointed by the 1402  
court. The resolution shall include those provisions the board 1403  
of county commissioners considers necessary to provide effective 1404  
representation of indigent persons in any proceeding for which 1405  
counsel is provided under this section. The resolution shall 1406  
include provisions for contracts with any municipal corporation 1407  
under which the municipal corporation shall reimburse the county 1408  
for counsel appointed to represent indigent persons charged with 1409  
violations of the ordinances of the municipal corporation. 1410

(1) In a county that adopts a resolution to pay counsel, 1411  
an indigent person shall have the right to do either of the 1412  
following: 1413

(a) To select the person's own personal counsel to 1414  
represent the person in any proceeding included within the 1415  
provisions of the resolution; 1416

(b) To request the court to appoint counsel to represent 1417  
the person in such a proceeding. 1418

(2) The court having jurisdiction over the proceeding in a 1419  
county that adopts a resolution to pay counsel shall, after 1420  
determining that the person is indigent and entitled to legal 1421  
representation under this section, do either of the following: 1422



(a) By signed journal entry recorded on its docket, enter 1423  
the name of the lawyer selected by the indigent person as 1424  
counsel of record; 1425

(b) Appoint counsel for the indigent person if the person 1426  
has requested the court to appoint counsel and, by signed 1427  
journal entry recorded on its dockets, enter the name of the 1428  
lawyer appointed for the indigent person as counsel of record. 1429

(3) The board of county commissioners shall establish a 1430  
schedule of fees by case or on an hourly basis to be paid to 1431  
counsel for legal services provided pursuant to a resolution 1432  
adopted under this section. Prior to establishing the schedule, 1433  
the board of county commissioners shall request the bar 1434  
association or associations of the county to submit a proposed 1435  
~~schedule for cases other than capital cases.~~ The schedule 1436  
submitted shall be subject to the review, amendment, and 1437  
approval of the board of county commissioners, ~~except with~~ 1438  
~~respect to capital cases. With respect to capital cases, the~~ 1439  
~~schedule shall provide for fees by case or on an hourly basis to~~ 1440  
~~be paid to counsel in the amount or at the rate set by the~~ 1441  
~~capital case attorney fee council pursuant to division (D) of~~ 1442  
~~this section, and the board of county commissioners shall~~ 1443  
~~approve that amount or rate.~~ 1444

(4) Counsel selected by the indigent person or appointed 1445  
by the court at the request of an indigent person in a county 1446  
that adopts a resolution to pay counsel, except for counsel 1447  
appointed to represent a person charged with any violation of an 1448  
ordinance of a municipal corporation that has not contracted 1449  
with the county commissioners for the payment of appointed 1450  
counsel, shall be paid by the county and shall receive the 1451  
compensation and expenses the court approves. ~~With respect to~~ 1452

~~capital cases, the court shall approve compensation and expenses—~~ 1453  
~~in accordance with the amount or at the rate set by the capital—~~ 1454  
~~case attorney fee council pursuant to division (D) of this—~~ 1455  
~~section.~~ Each request for payment shall include a financial 1456  
disclosure form completed by the indigent person on a form 1457  
prescribed by the state public defender. Compensation and 1458  
expenses shall not exceed the amounts fixed by the board of 1459  
county commissioners in the schedule adopted pursuant to 1460  
division (A) (3) of this section. No court shall approve 1461  
compensation and expenses that exceed the amount fixed pursuant 1462  
to division (A) (3) of this section. 1463

The fees and expenses approved by the court shall not be 1464  
taxed as part of the costs and shall be paid by the county. 1465  
However, if the person represented has, or may reasonably be 1466  
expected to have, the means to meet some part of the cost of the 1467  
services rendered to the person, the person shall pay the county 1468  
an amount that the person reasonably can be expected to pay. 1469  
Pursuant to section 120.04 of the Revised Code, the county shall 1470  
pay to the state public defender a percentage of the payment 1471  
received from the person in an amount proportionate to the 1472  
percentage of the costs of the person's case that were paid to 1473  
the county by the state public defender pursuant to this 1474  
section. The money paid to the state public defender shall be 1475  
credited to the client payment fund created pursuant to division 1476  
(B) (5) of section 120.04 of the Revised Code. 1477

The county auditor shall draw a warrant on the county 1478  
treasurer for the payment of counsel in the amount fixed by the 1479  
court, plus the expenses the court fixes and certifies to the 1480  
auditor. The county auditor shall report periodically, but not 1481  
less than annually, to the board of county commissioners and to 1482  
the state public defender the amounts paid out pursuant to the 1483

approval of the court. The board of county commissioners, after 1484  
review and approval of the auditor's report, or the county 1485  
auditor, with permission from and notice to the board of county 1486  
commissioners, may then certify it to the state public defender 1487  
for reimbursement. The state public defender may pay a requested 1488  
reimbursement only if the request for reimbursement includes a 1489  
financial disclosure form completed by the indigent person on a 1490  
form prescribed by the state public defender or if the court 1491  
certifies by electronic signature as prescribed by the state 1492  
public defender that a financial disclosure form has been 1493  
completed by the indigent person and is available for 1494  
inspection. If a request for the reimbursement of the cost of 1495  
counsel in any case is not received by the state public defender 1496  
within ninety days after the end of the calendar month in which 1497  
the case is finally disposed of by the court, unless the county 1498  
has requested and the state public defender has granted an 1499  
extension of the ninety-day limit, the state public defender 1500  
shall not pay the requested reimbursement. The state public 1501  
defender shall also review the report and, in accordance with 1502  
the standards, guidelines, and maximums established pursuant to 1503  
divisions (B) (7) and (8) of section 120.04 of the Revised Code 1504  
and the payment determination provisions of section 120.34 of 1505  
the Revised Code, prepare a voucher for the cost of each county 1506  
appointed counsel system in the period of time covered by the 1507  
certified report ~~and a voucher for the costs and expenses that~~ 1508  
~~are reimbursable under section 120.35 of the Revised Code, if~~ 1509  
~~any.~~ The amount of payments to be included in and made under the 1510  
voucher shall be determined as specified in section 120.34 of 1511  
the Revised Code. 1512

(5) If any county appointed counsel system fails to 1513  
maintain the standards for the conduct of the system established 1514

by the rules of the Ohio public defender commission pursuant to 1515  
divisions (B) and (C) of section 120.03 or the standards 1516  
established by the state public defender pursuant to division 1517  
(B) (7) of section 120.04 of the Revised Code, the Ohio public 1518  
defender commission shall notify the board of county 1519  
commissioners of the county that the county appointed counsel 1520  
system has failed to comply with its rules or the standards of 1521  
the state public defender. Unless the board of county 1522  
commissioners corrects the conduct of its appointed counsel 1523  
system to comply with the rules and standards within ninety days 1524  
after the date of the notice, the state public defender may deny 1525  
all or part of the county's reimbursement from the state 1526  
provided for in division (A) (4) of this section. 1527

(B) In lieu of using a county public defender or joint 1528  
county public defender to represent indigent persons in the 1529  
proceedings set forth in division (A) of section 120.16 of the 1530  
Revised Code, and in lieu of adopting the resolution and 1531  
following the procedure described in division (A) of this 1532  
section, the board of county commissioners of any county may 1533  
contract with the state public defender for the state public 1534  
defender's legal representation of indigent persons. A contract 1535  
entered into pursuant to this division may provide for payment 1536  
for the services provided on a per case, hourly, or fixed 1537  
contract basis. 1538

~~(C) If a court appoints an attorney pursuant to this 1539  
section to represent a petitioner in a postconviction relief 1540  
proceeding under section 2953.21 of the Revised Code, the 1541  
petitioner has received a sentence of death, and the proceeding 1542  
relates to that sentence, the attorney who represents the 1543  
petitioner in the proceeding pursuant to the appointment shall 1544  
be certified under Rule 20 of the Rules of Superintendence for 1545~~

~~the Courts of Ohio to represent indigent defendants charged with  
or convicted of an offense for which the death penalty can be or  
has been imposed.~~ 1546  
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~~(D) (1) There is hereby created the capital case attorney  
fee council, appointed as described in division (D) (2) of this  
section. The council shall set an amount by case, or a rate on  
an hourly basis, to be paid under this section to counsel in a  
capital case.~~ 1549  
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~~(2) The capital case attorney fee council shall consist of  
five members, all of whom shall be active judges serving on one  
of the district courts of appeals in this state. Terms for  
council members shall be the lesser of three years or until the  
member ceases to be an active judge of a district court of  
appeals. The initial terms shall commence ninety days after  
September 28, 2016. The chief justice of the supreme court shall  
appoint the members of the council, and shall make all of the  
appointments not later than sixty days after September 28, 2016.  
When any vacancy occurs, the chief justice shall appoint an  
active judge of a district court of appeals in this state to  
fill the vacancy for the unexpired term, in the same manner as  
prescribed in this division. The chief justice shall designate a  
chairperson from the appointed members of the council. Members  
of the council shall receive no additional compensation for  
their service as a member, but may be reimbursed for expenses  
reasonably incurred in service to the council, to be paid by the  
supreme court. The supreme court may provide administrative  
support to the council.~~ 1554  
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~~(3) The capital case attorney fee council initially shall  
meet not later than one hundred twenty days after September 28,  
2016. Thereafter, the council shall meet not less than annually.~~ 1573  
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~~(4) Upon setting the amount or rate described in division (D) (1) of this section, the chairperson of the capital case attorney fee council promptly shall provide written notice to the state public defender of the amount or rate so set. The amount or rate so set shall become effective ninety days after the date on which the chairperson provides that written notice to the state public defender. The council shall specify that effective date in the written notice provided to the state public defender. All amounts or rates set by the council shall be final, subject to modification as described in division (D) (5) of this section, and not subject to appeal.~~

~~(5) The capital case attorney fee council may modify an amount or rate set as described in division (D) (4) of this section. The provisions of that division apply with respect to any such modification of an amount or rate.~~

**Sec. 120.34.** The total amount of money paid to all counties in any fiscal year pursuant to sections 120.18, 120.28, 120.33, ~~120.35,~~ and 2941.51 of the Revised Code for the reimbursement of the counties' cost of operating county public defender offices, joint county public defender offices, and county appointed counsel systems, ~~the counties' costs and expenses of conducting the defense in capital cases,~~ and the counties' costs and expenses of appointed counsel covered by section 2941.51 of the Revised Code shall not exceed the total amount appropriated for that fiscal year by the general assembly for the reimbursement of the counties for the operation of the offices and systems and for those appointed counsel costs and expenses, and shall be determined as specified in this section. If the amount appropriated by the general assembly in any fiscal year is insufficient to pay the cost in the fiscal year of all county public defender offices, all joint county public defender

offices, all county appointed counsel systems, and all costs and 1607  
expenses of appointed counsel covered by section 2941.51 of the 1608  
Revised Code, the amount of money paid in that fiscal year 1609  
pursuant to sections 120.18, 120.28, 120.33, ~~120.35,~~ and 2941.51 1610  
of the Revised Code to each county for the fiscal year shall be 1611  
reduced proportionately so that each county is paid an equal 1612  
percentage of its cost in the fiscal year for operating its 1613  
county public defender system, its joint county public defender 1614  
system, and its county appointed counsel system, ~~an equal~~ 1615  
~~percentage of its costs and expenses of conducting the defense~~ 1616  
~~in capital cases in the fiscal year,~~ and an equal percentage of 1617  
its costs and expenses of appointed counsel covered by section 1618  
2941.51 of the Revised Code. 1619

All payments relating to capital cases that were required 1620  
to be made under the provisions of this chapter or section 1621  
2941.51 of the Revised Code as those provisions existed 1622  
immediately before the effective date of this amendment shall be 1623  
made for each calendar or fiscal year, as applicable, in 1624  
accordance with those provisions as they existed immediately 1625  
before the effective date of this amendment until each case in 1626  
which a defendant was sentenced to death before the effective 1627  
date of this amendment is finally resolved. 1628

If any county receives an amount of money pursuant to 1629  
section 120.18, 120.28, 120.33, ~~120.35,~~ or 2941.51 of the 1630  
Revised Code that is in excess of the amount of reimbursement it 1631  
is entitled to receive pursuant to this section, the state 1632  
public defender shall request the board of county commissioners 1633  
to return the excess payment and the board of county 1634  
commissioners, upon receipt of the request, shall direct the 1635  
appropriate county officer to return the excess payment to the 1636  
state. 1637

Within thirty days of the end of each fiscal quarter, the  
state public defender shall provide to the office of budget and  
management and the legislative service commission an estimate of  
the amount of money that will be required for the balance of the  
fiscal year to make the payments required by sections 120.18,  
120.28, 120.33, ~~120.35~~, and 2941.51 of the Revised Code.

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

(1) "Public record" means records kept by any public  
office, including, but not limited to, state, county, city,  
village, township, and school district units, and records  
pertaining to the delivery of educational services by an  
alternative school in this state kept by the nonprofit or for-  
profit entity operating the alternative school pursuant to  
section 3313.533 of the Revised Code. "Public record" does not  
mean any of the following:

(a) Medical records;

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

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

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

(e) Information in a record contained in the putative



father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;

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

(g) Trial preparation records;

(h) Confidential law enforcement investigatory records;

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

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;

(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;

(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;

(m) Intellectual property records;

(n) Donor profile records;

(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;

(p) Designated public service worker residential and familial information;

(q) In the case of a county hospital operated pursuant to 1694  
Chapter 339. of the Revised Code or a municipal hospital 1695  
operated pursuant to Chapter 749. of the Revised Code, 1696  
information that constitutes a trade secret, as defined in 1697  
section 1333.61 of the Revised Code; 1698

(r) Information pertaining to the recreational activities 1699  
of a person under the age of eighteen; 1700

(s) In the case of a child fatality review board acting 1701  
under sections 307.621 to 307.629 of the Revised Code or a 1702  
review conducted pursuant to guidelines established by the 1703  
director of health under section 3701.70 of the Revised Code, 1704  
records provided to the board or director, statements made by 1705  
board members during meetings of the board or by persons 1706  
participating in the director's review, and all work products of 1707  
the board or director, and in the case of a child fatality 1708  
review board, child fatality review data submitted by the board 1709  
to the department of health or a national child death review 1710  
database, other than the report prepared pursuant to division 1711  
(A) of section 307.626 of the Revised Code; 1712

(t) Records provided to and statements made by the 1713  
executive director of a public children services agency or a 1714  
prosecuting attorney acting pursuant to section 5153.171 of the 1715  
Revised Code other than the information released under that 1716  
section; 1717

(u) Test materials, examinations, or evaluation tools used 1718  
in an examination for licensure as a nursing home administrator 1719  
that the board of executives of long-term services and supports 1720  
administers under section 4751.15 of the Revised Code or 1721  
contracts under that section with a private or government entity 1722  
to administer; 1723

(v) Records the release of which is prohibited by state or federal law;	1724 1725
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	1726 1727 1728
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	1729 1730 1731 1732 1733 1734
(y) Records listed in section 5101.29 of the Revised Code;	1735
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	1736 1737 1738
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	1739 1740 1741
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	1742 1743 1744
<del>(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;</del>	1745 1746 1747
<del>(dd)</del> Personal information, as defined in section 149.45 of the Revised Code;	1748 1749
<del>(ee)</del> <u>(dd)</u> The confidential name, address, and other personally identifiable information of a program participant in	1750 1751

the address confidentiality program established under sections 1752  
111.41 to 111.47 of the Revised Code, including the contents of 1753  
any application for absent voter's ballots, absent voter's 1754  
ballot identification envelope statement of voter, or 1755  
provisional ballot affirmation completed by a program 1756  
participant who has a confidential voter registration record; 1757  
records or portions of records pertaining to that program that 1758  
identify the number of program participants that reside within a 1759  
precinct, ward, township, municipal corporation, county, or any 1760  
other geographic area smaller than the state; and any real 1761  
property confidentiality notice filed under section 111.431 of 1762  
the Revised Code and the information described in division (C) 1763  
of that section. As used in this division, "confidential 1764  
address" and "program participant" have the meaning defined in 1765  
section 111.41 of the Revised Code. 1766

~~(ff)~~ (ee) Orders for active military service of an 1767  
individual serving or with previous service in the armed forces 1768  
of the United States, including a reserve component, or the Ohio 1769  
organized militia, except that, such order becomes a public 1770  
record on the day that is fifteen years after the published date 1771  
or effective date of the call to order; 1772

~~(gg)~~ (ff) The name, address, contact information, or other 1773  
personal information of an individual who is less than eighteen 1774  
years of age that is included in any record related to a traffic 1775  
accident involving a school vehicle in which the individual was 1776  
an occupant at the time of the accident; 1777

~~(hh)~~ (gg) Protected health information, as defined in 45 1778  
C.F.R. 160.103, that is in a claim for payment for a health care 1779  
product, service, or procedure, as well as any other health 1780  
claims data in another document that reveals the identity of an 1781

individual who is the subject of the data or could be used to 1782  
reveal that individual's identity; 1783

~~(ii)~~ (hh) Any depiction by photograph, film, videotape, or 1784  
printed or digital image under either of the following 1785  
circumstances: 1786

(i) The depiction is that of a victim of an offense the 1787  
release of which would be, to a reasonable person of ordinary 1788  
sensibilities, an offensive and objectionable intrusion into the 1789  
victim's expectation of bodily privacy and integrity. 1790

(ii) The depiction captures or depicts the victim of a 1791  
sexually oriented offense, as defined in section 2950.01 of the 1792  
Revised Code, at the actual occurrence of that offense. 1793

~~(jj)~~ (ii) Restricted portions of a body-worn camera or 1794  
dashboard camera recording; 1795

~~(kk)~~ (jj) In the case of a fetal-infant mortality review 1796  
board acting under sections 3707.70 to 3707.77 of the Revised 1797  
Code, records, documents, reports, or other information 1798  
presented to the board or a person abstracting such materials on 1799  
the board's behalf, statements made by review board members 1800  
during board meetings, all work products of the board, and data 1801  
submitted by the board to the department of health or a national 1802  
infant death review database, other than the report prepared 1803  
pursuant to section 3707.77 of the Revised Code. 1804

~~(ii)~~ (kk) Records, documents, reports, or other 1805  
information presented to the pregnancy-associated mortality 1806  
review board established under section 3738.01 of the Revised 1807  
Code, statements made by board members during board meetings, 1808  
all work products of the board, and data submitted by the board 1809  
to the department of health, other than the biennial reports 1810

prepared under section 3738.08 of the Revised Code; 1811

~~(mm)~~ (ll) Except as otherwise provided in division (A) (1) 1812  
(oo) of this section, telephone numbers for a victim, as defined 1813  
in section 2930.01 of the Revised Code or a witness to a crime 1814  
that are listed on any law enforcement record or report. 1815

~~(nn)~~ (mm) A preneed funeral contract, as defined in 1816  
section 4717.01 of the Revised Code, and contract terms and 1817  
personally identifying information of a preneed funeral 1818  
contract, that is contained in a report submitted by or for a 1819  
funeral home to the board of embalmers and funeral directors 1820  
under division (C) of section 4717.13, division (J) of section 1821  
4717.31, or section 4717.41 of the Revised Code. 1822

~~(oo)~~ (nn) Telephone numbers for a party to a motor vehicle 1823  
accident subject to the requirements of section 5502.11 of the 1824  
Revised Code that are listed on any law enforcement record or 1825  
report, except that the telephone numbers described in this 1826  
division are not excluded from the definition of "public record" 1827  
under this division on and after the thirtieth day after the 1828  
occurrence of the motor vehicle accident. 1829

~~(pp)~~ (oo) Records pertaining to individuals who complete 1830  
training under section 5502.703 of the Revised Code to be 1831  
permitted by a school district board of education or governing 1832  
body of a community school established under Chapter 3314. of 1833  
the Revised Code, a STEM school established under Chapter 3326. 1834  
of the Revised Code, or a chartered nonpublic school to convey 1835  
deadly weapons or dangerous ordnance into a school safety zone; 1836

~~(qq)~~ (pp) Records, documents, reports, or other 1837  
information presented to a domestic violence fatality review 1838  
board established under section 307.651 of the Revised Code, 1839

statements made by board members during board meetings, all work 1840  
products of the board, and data submitted by the board to the 1841  
department of health, other than a report prepared pursuant to 1842  
section 307.656 of the Revised Code; 1843

~~(rr)~~(gg) Records, documents, and information the release 1844  
of which is prohibited under sections 2930.04 and 2930.07 of the 1845  
Revised Code; 1846

~~(ss)~~(rr) Records of an existing qualified nonprofit 1847  
corporation that creates a special improvement district under 1848  
Chapter 1710. of the Revised Code that do not pertain to a 1849  
purpose for which the district is created. 1850

A record that is not a public record under division (A) (1) 1851  
of this section and that, under law, is permanently retained 1852  
becomes a public record on the day that is seventy-five years 1853  
after the day on which the record was created, except for any 1854  
record protected by the attorney-client privilege, a trial 1855  
preparation record as defined in this section, a statement 1856  
prohibiting the release of identifying information signed under 1857  
section 3107.083 of the Revised Code, a denial of release form 1858  
filed pursuant to section 3107.46 of the Revised Code, or any 1859  
record that is exempt from release or disclosure under section 1860  
149.433 of the Revised Code. If the record is a birth 1861  
certificate and a biological parent's name redaction request 1862  
form has been accepted under section 3107.391 of the Revised 1863  
Code, the name of that parent shall be redacted from the birth 1864  
certificate before it is released under this paragraph. If any 1865  
other section of the Revised Code establishes a time period for 1866  
disclosure of a record that conflicts with the time period 1867  
specified in this section, the time period in the other section 1868  
prevails. 1869

(2) "Confidential law enforcement investigatory record" 1870  
means any record that pertains to a law enforcement matter of a 1871  
criminal, quasi-criminal, civil, or administrative nature, but 1872  
only to the extent that the release of the record would create a 1873  
high probability of disclosure of any of the following: 1874

(a) The identity of a suspect who has not been charged 1875  
with the offense to which the record pertains, or of an 1876  
information source or witness to whom confidentiality has been 1877  
reasonably promised; 1878

(b) Information provided by an information source or 1879  
witness to whom confidentiality has been reasonably promised, 1880  
which information would reasonably tend to disclose the source's 1881  
or witness's identity; 1882

(c) Specific confidential investigatory techniques or 1883  
procedures or specific investigatory work product; 1884

(d) Information that would endanger the life or physical 1885  
safety of law enforcement personnel, a crime victim, a witness, 1886  
or a confidential information source. 1887

(3) "Medical record" means any document or combination of 1888  
documents, except births, deaths, and the fact of admission to 1889  
or discharge from a hospital, that pertains to the medical 1890  
history, diagnosis, prognosis, or medical condition of a patient 1891  
and that is generated and maintained in the process of medical 1892  
treatment. 1893

(4) "Trial preparation record" means any record that 1894  
contains information that is specifically compiled in reasonable 1895  
anticipation of, or in defense of, a civil or criminal action or 1896  
proceeding, including the independent thought processes and 1897  
personal trial preparation of an attorney. 1898



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

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

(7) "Designated public service worker" means a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, county or multicounty corrections officer, community-based correctional facility employee, designated Ohio national guard member, protective services worker, youth services employee, firefighter, EMT, medical director or member of a cooperating physician advisory board of an emergency medical service organization, state board of pharmacy employee, investigator of the bureau of criminal identification and investigation, emergency service telecommunicator, forensic mental health provider, mental health evaluation provider, regional psychiatric hospital employee, judge, magistrate, or federal law enforcement officer.

(8) "Designated public service worker residential and familial information" means any information that discloses any of the following about a designated public service worker:

(a) The address of the actual personal residence of a designated public service worker, except for the following information:	1929 1930 1931
(i) The address of the actual personal residence of a prosecuting attorney or judge; and	1932 1933
(ii) The state or political subdivision in which a designated public service worker resides.	1934 1935
(b) Information compiled from referral to or participation in an employee assistance program;	1936 1937
(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker;	1938 1939 1940 1941 1942
(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer;	1943 1944 1945 1946
(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law;	1947 1948 1949 1950 1951
(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker;	1952 1953 1954 1955 1956 1957

(g) A photograph of a peace officer who holds a position 1958  
or has an assignment that may include undercover or plain 1959  
clothes positions or assignments as determined by the peace 1960  
officer's appointing authority. 1961

(9) As used in divisions (A) (7) and (15) to (17) of this 1962  
section: 1963

"Peace officer" has the meaning defined in section 109.71 1964  
of the Revised Code and also includes the superintendent and 1965  
troopers of the state highway patrol; it does not include the 1966  
sheriff of a county or a supervisory employee who, in the 1967  
absence of the sheriff, is authorized to stand in for, exercise 1968  
the authority of, and perform the duties of the sheriff. 1969

"Correctional employee" means any employee of the 1970  
department of rehabilitation and correction who in the course of 1971  
performing the employee's job duties has or has had contact with 1972  
inmates and persons under supervision. 1973

"County or multicounty corrections officer" means any 1974  
corrections officer employed by any county or multicounty 1975  
correctional facility. 1976

"Designated Ohio national guard member" means a member of 1977  
the Ohio national guard who is participating in duties related 1978  
to remotely piloted aircraft, including, but not limited to, 1979  
pilots, sensor operators, and mission intelligence personnel, 1980  
duties related to special forces operations, or duties related 1981  
to cybersecurity, and is designated by the adjutant general as a 1982  
designated public service worker for those purposes. 1983

"Protective services worker" means any employee of a 1984  
county agency who is responsible for child protective services, 1985  
child support services, or adult protective services. 1986

"Youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services. 1987  
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"Firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village. 1991  
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"EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the meanings defined in section 4765.01 of the Revised Code. 1994  
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"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code. 1999  
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"Emergency service telecommunicator" has the meaning defined in section 4742.01 of the Revised Code. 2002  
2003

"Forensic mental health provider" means any employee of a community mental health service provider or local alcohol, drug addiction, and mental health services board who, in the course of the employee's duties, has contact with persons committed to a local alcohol, drug addiction, and mental health services board by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code. 2004  
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"Mental health evaluation provider" means an individual who, under Chapter 5122. of the Revised Code, examines a respondent who is alleged to be a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code, and reports to the probate court the respondent's mental 2011  
2012  
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condition. 2016

"Regional psychiatric hospital employee" means any 2017  
employee of the department of mental health and addiction 2018  
services who, in the course of performing the employee's duties, 2019  
has contact with patients committed to the department of mental 2020  
health and addiction services by a court order pursuant to 2021  
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 2022  
Code. 2023

"Federal law enforcement officer" has the meaning defined 2024  
in section 9.88 of the Revised Code. 2025

(10) "Information pertaining to the recreational 2026  
activities of a person under the age of eighteen" means 2027  
information that is kept in the ordinary course of business by a 2028  
public office, that pertains to the recreational activities of a 2029  
person under the age of eighteen years, and that discloses any 2030  
of the following: 2031

(a) The address or telephone number of a person under the 2032  
age of eighteen or the address or telephone number of that 2033  
person's parent, guardian, custodian, or emergency contact 2034  
person; 2035

(b) The social security number, birth date, or 2036  
photographic image of a person under the age of eighteen; 2037

(c) Any medical record, history, or information pertaining 2038  
to a person under the age of eighteen; 2039

(d) Any additional information sought or required about a 2040  
person under the age of eighteen for the purpose of allowing 2041  
that person to participate in any recreational activity 2042  
conducted or sponsored by a public office or to use or obtain 2043  
admission privileges to any recreational facility owned or 2044

operated by a public office. 2045

(11) "Community control sanction" has the meaning defined 2046  
in section 2929.01 of the Revised Code. 2047

(12) "Post-release control sanction" has the meaning 2048  
defined in section 2967.01 of the Revised Code. 2049

(13) "Redaction" means obscuring or deleting any 2050  
information that is exempt from the duty to permit public 2051  
inspection or copying from an item that otherwise meets the 2052  
definition of a "record" in section 149.011 of the Revised Code. 2053

(14) "Designee," "elected official," and "future official" 2054  
have the meanings defined in section 109.43 of the Revised Code. 2055

(15) "Body-worn camera" means a visual and audio recording 2056  
device worn on the person of a correctional employee, youth 2057  
services employee, or peace officer while the correctional 2058  
employee, youth services employee, or peace officer is engaged 2059  
in the performance of official duties. 2060

(16) "Dashboard camera" means a visual and audio recording 2061  
device mounted on a peace officer's vehicle or vessel that is 2062  
used while the peace officer is engaged in the performance of 2063  
the peace officer's duties. 2064

(17) "Restricted portions of a body-worn camera or 2065  
dashboard camera recording" means any visual or audio portion of 2066  
a body-worn camera or dashboard camera recording that shows, 2067  
communicates, or discloses any of the following: 2068

(a) The image or identity of a child or information that 2069  
could lead to the identification of a child who is a primary 2070  
subject of the recording when the department of rehabilitation 2071  
and correction, department of youth services, or the law 2072

enforcement agency knows or has reason to know the person is a 2073  
child based on the department's or law enforcement agency's 2074  
records or the content of the recording; 2075

(b) The death of a person or a deceased person's body, 2076  
unless the death was caused by a correctional employee, youth 2077  
services employee, or peace officer or, subject to division (H) 2078  
(1) of this section, the consent of the decedent's executor or 2079  
administrator has been obtained; 2080

(c) The death of a correctional employee, youth services 2081  
employee, peace officer, firefighter, paramedic, or other first 2082  
responder, occurring while the decedent was engaged in the 2083  
performance of official duties, unless, subject to division (H) 2084  
(1) of this section, the consent of the decedent's executor or 2085  
administrator has been obtained; 2086

(d) Grievous bodily harm, unless the injury was effected 2087  
by a correctional employee, youth services employee, or peace 2088  
officer or, subject to division (H) (1) of this section, the 2089  
consent of the injured person or the injured person's guardian 2090  
has been obtained; 2091

(e) An act of severe violence against a person that 2092  
results in serious physical harm to the person, unless the act 2093  
and injury was effected by a correctional employee, youth 2094  
services employee, or peace officer or, subject to division (H) 2095  
(1) of this section, the consent of the injured person or the 2096  
injured person's guardian has been obtained; 2097

(f) Grievous bodily harm to a correctional employee, youth 2098  
services employee, peace officer, firefighter, paramedic, or 2099  
other first responder, occurring while the injured person was 2100  
engaged in the performance of official duties, unless, subject 2101

to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained; 2102  
2103

(g) An act of severe violence resulting in serious physical harm against a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained; 2104  
2105  
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2108  
2109  
2110

(h) A person's nude body, unless, subject to division (H) (1) of this section, the person's consent has been obtained; 2111  
2112

(i) Protected health information, the identity of a person in a health care facility who is not the subject of a law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a law enforcement encounter; 2113  
2114  
2115  
2116  
2117

(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence; 2118  
2119

(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to the department of rehabilitation and correction, the department of youth services, or a law enforcement agency when the disclosure of the person's identity or the information provided could reasonably be expected to threaten or endanger the safety or property of the person or another person; 2120  
2121  
2122  
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2127

(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer; 2128  
2129

(m) Proprietary police contingency plans or tactics that 2130



are intended to prevent crime and maintain public order and	2131
safety;	2132
(n) A personal conversation unrelated to work between	2133
peace officers or between a peace officer and an employee of a	2134
law enforcement agency;	2135
(o) A conversation between a peace officer and a member of	2136
the public that does not concern law enforcement activities;	2137
(p) The interior of a residence, unless the interior of a	2138
residence is the location of an adversarial encounter with, or a	2139
use of force by, a peace officer;	2140
(q) Any portion of the interior of a private business that	2141
is not open to the public, unless an adversarial encounter with,	2142
or a use of force by, a peace officer occurs in that location.	2143
As used in division (A) (17) of this section:	2144
"Grievous bodily harm" has the same meaning as in section	2145
5924.120 of the Revised Code.	2146
"Health care facility" has the same meaning as in section	2147
1337.11 of the Revised Code.	2148
"Protected health information" has the same meaning as in	2149
45 C.F.R. 160.103.	2150
"Law enforcement agency" means a government entity that	2151
employs peace officers to perform law enforcement duties.	2152
"Personal information" means any government-issued	2153
identification number, date of birth, address, financial	2154
information, or criminal justice information from the law	2155
enforcement automated data system or similar databases.	2156
"Sex offense" has the same meaning as in section 2907.10	2157

of the Revised Code. 2158

"Firefighter," "paramedic," and "first responder" have the 2159  
same meanings as in section 4765.01 of the Revised Code. 2160

(B) (1) Upon request by any person and subject to division 2161  
(B) (8) of this section, all public records responsive to the 2162  
request shall be promptly prepared and made available for 2163  
inspection to the requester at all reasonable times during 2164  
regular business hours. Subject to division (B) (8) of this 2165  
section, upon request by any person, a public office or person 2166  
responsible for public records shall make copies of the 2167  
requested public record available to the requester at cost and 2168  
within a reasonable period of time. If a public record contains 2169  
information that is exempt from the duty to permit public 2170  
inspection or to copy the public record, the public office or 2171  
the person responsible for the public record shall make 2172  
available all of the information within the public record that 2173  
is not exempt. When making that public record available for 2174  
public inspection or copying that public record, the public 2175  
office or the person responsible for the public record shall 2176  
notify the requester of any redaction or make the redaction 2177  
plainly visible. A redaction shall be deemed a denial of a 2178  
request to inspect or copy the redacted information, except if 2179  
federal or state law authorizes or requires a public office to 2180  
make the redaction. 2181

(2) To facilitate broader access to public records, a 2182  
public office or the person responsible for public records shall 2183  
organize and maintain public records in a manner that they can 2184  
be made available for inspection or copying in accordance with 2185  
division (B) of this section. A public office also shall have 2186  
available a copy of its current records retention schedule at a 2187

location readily available to the public. If a requester makes 2188  
an ambiguous or overly broad request or has difficulty in making 2189  
a request for copies or inspection of public records under this 2190  
section such that the public office or the person responsible 2191  
for the requested public record cannot reasonably identify what 2192  
public records are being requested, the public office or the 2193  
person responsible for the requested public record may deny the 2194  
request but shall provide the requester with an opportunity to 2195  
revise the request by informing the requester of the manner in 2196  
which records are maintained by the public office and accessed 2197  
in the ordinary course of the public office's or person's 2198  
duties. 2199

(3) If a request is ultimately denied, in part or in 2200  
whole, the public office or the person responsible for the 2201  
requested public record shall provide the requester with an 2202  
explanation, including legal authority, setting forth why the 2203  
request was denied. If the initial request was provided in 2204  
writing, the explanation also shall be provided to the requester 2205  
in writing. The explanation shall not preclude the public office 2206  
or the person responsible for the requested public record from 2207  
relying upon additional reasons or legal authority in defending 2208  
an action commenced under division (C) of this section. 2209

(4) Unless specifically required or authorized by state or 2210  
federal law or in accordance with division (B) of this section, 2211  
no public office or person responsible for public records may 2212  
limit or condition the availability of public records by 2213  
requiring disclosure of the requester's identity or the intended 2214  
use of the requested public record. Any requirement that the 2215  
requester disclose the requester's identity or the intended use 2216  
of the requested public record constitutes a denial of the 2217  
request. 2218

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory, that the requester may decline to reveal the requester's identity or the intended use, and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person requests a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require the requester to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the requester under this division. The public office or the person responsible for the public record shall permit the requester to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the requester makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the requester. Nothing in this section requires a public office or person responsible for the public record to allow the requester of a copy of the public record to make the copies of the public

record. 2250

(7) (a) Upon a request made in accordance with division (B) 2251  
of this section and subject to division (B) (6) of this section, 2252  
a public office or person responsible for public records shall 2253  
transmit a copy of a public record to any person by United 2254  
States mail or by any other means of delivery or transmission 2255  
within a reasonable period of time after receiving the request 2256  
for the copy. The public office or person responsible for the 2257  
public record may require the person making the request to pay 2258  
in advance the cost of postage if the copy is transmitted by 2259  
United States mail or the cost of delivery if the copy is 2260  
transmitted other than by United States mail, and to pay in 2261  
advance the costs incurred for other supplies used in the 2262  
mailing, delivery, or transmission. 2263

(b) Any public office may adopt a policy and procedures 2264  
that it will follow in transmitting, within a reasonable period 2265  
of time after receiving a request, copies of public records by 2266  
United States mail or by any other means of delivery or 2267  
transmission pursuant to division (B) (7) of this section. A 2268  
public office that adopts a policy and procedures under division 2269  
(B) (7) of this section shall comply with them in performing its 2270  
duties under that division. 2271

(c) In any policy and procedures adopted under division 2272  
(B) (7) of this section: 2273

(i) A public office may limit the number of records 2274  
requested by a person that the office will physically deliver by 2275  
United States mail or by another delivery service to ten per 2276  
month, unless the person certifies to the office in writing that 2277  
the person does not intend to use or forward the requested 2278  
records, or the information contained in them, for commercial 2279

purposes; 2280

(ii) A public office that chooses to provide some or all 2281  
of its public records on a web site that is fully accessible to 2282  
and searchable by members of the public at all times, other than 2283  
during acts of God outside the public office's control or 2284  
maintenance, and that charges no fee to search, access, 2285  
download, or otherwise receive records provided on the web site, 2286  
may limit to ten per month the number of records requested by a 2287  
person that the office will deliver in a digital format, unless 2288  
the requested records are not provided on the web site and 2289  
unless the person certifies to the office in writing that the 2290  
person does not intend to use or forward the requested records, 2291  
or the information contained in them, for commercial purposes. 2292

(iii) For purposes of division (B) (7) of this section, 2293  
"commercial" shall be narrowly construed and does not include 2294  
reporting or gathering news, reporting or gathering information 2295  
to assist citizen oversight or understanding of the operation or 2296  
activities of government, or nonprofit educational research. 2297

(8) A public office or person responsible for public 2298  
records is not required to permit a person who is incarcerated 2299  
pursuant to a criminal conviction or a juvenile adjudication to 2300  
inspect or to obtain a copy of any public record concerning a 2301  
criminal investigation or prosecution or concerning what would 2302  
be a criminal investigation or prosecution if the subject of the 2303  
investigation or prosecution were an adult, unless the request 2304  
to inspect or to obtain a copy of the record is for the purpose 2305  
of acquiring information that is subject to release as a public 2306  
record under this section and the judge who imposed the sentence 2307  
or made the adjudication with respect to the person, or the 2308  
judge's successor in office, finds that the information sought 2309

in the public record is necessary to support what appears to be 2310  
a justiciable claim of the person. 2311

(9) (a) Upon written request made and signed by a 2312  
journalist, a public office, or person responsible for public 2313  
records, having custody of the records of the agency employing a 2314  
specified designated public service worker shall disclose to the 2315  
journalist the address of the actual personal residence of the 2316  
designated public service worker and, if the designated public 2317  
service worker's spouse, former spouse, or child is employed by 2318  
a public office, the name and address of the employer of the 2319  
designated public service worker's spouse, former spouse, or 2320  
child. The request shall include the journalist's name and title 2321  
and the name and address of the journalist's employer and shall 2322  
state that disclosure of the information sought would be in the 2323  
public interest. 2324

(b) Division (B) (9) (a) of this section also applies to 2325  
journalist requests for: 2326

(i) Customer information maintained by a municipally owned 2327  
or operated public utility, other than social security numbers 2328  
and any private financial information such as credit reports, 2329  
payment methods, credit card numbers, and bank account 2330  
information; 2331

(ii) Information about minors involved in a school vehicle 2332  
accident as provided in division ~~(A) (1) (gg)~~ (A) (1) (ff) of this 2333  
section, other than personal information as defined in section 2334  
149.45 of the Revised Code. 2335

(c) As used in division (B) (9) of this section, 2336  
"journalist" means a person engaged in, connected with, or 2337  
employed by any news medium, including a newspaper, magazine, 2338

press association, news agency, or wire service, a radio or 2339  
television station, or a similar medium, for the purpose of 2340  
gathering, processing, transmitting, compiling, editing, or 2341  
disseminating information for the general public. 2342

(10) Upon a request made by a victim, victim's attorney, 2343  
or victim's representative, as that term is used in section 2344  
2930.02 of the Revised Code, a public office or person 2345  
responsible for public records shall transmit a copy of a 2346  
depiction of the victim as described in division ~~(A) (1) (ii)~~ (A) 2347  
(1) (hh) of this section to the victim, victim's attorney, or 2348  
victim's representative. 2349

(C) (1) If a person allegedly is aggrieved by the failure 2350  
of a public office or the person responsible for public records 2351  
to promptly prepare a public record and to make it available to 2352  
the person for inspection in accordance with division (B) of 2353  
this section or by any other failure of a public office or the 2354  
person responsible for public records to comply with an 2355  
obligation in accordance with division (B) of this section, the 2356  
person allegedly aggrieved may do only one of the following, and 2357  
not both: 2358

(a) File a complaint with the clerk of the court of claims 2359  
or the clerk of the court of common pleas under section 2743.75 2360  
of the Revised Code; 2361

(b) Commence a mandamus action to obtain a judgment that 2362  
orders the public office or the person responsible for the 2363  
public record to comply with division (B) of this section, that 2364  
awards court costs and reasonable attorney's fees to the person 2365  
that instituted the mandamus action, and, if applicable, that 2366  
includes an order fixing statutory damages under division (C) (2) 2367  
of this section. The mandamus action may be commenced in the 2368



court of common pleas of the county in which division (B) of 2369  
this section allegedly was not complied with, in the supreme 2370  
court pursuant to its original jurisdiction under Section 2 of 2371  
Article IV, Ohio Constitution, or in the court of appeals for 2372  
the appellate district in which division (B) of this section 2373  
allegedly was not complied with pursuant to its original 2374  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 2375

(2) If a requester transmits a written request by hand 2376  
delivery, electronic submission, or certified mail to inspect or 2377  
receive copies of any public record in a manner that fairly 2378  
describes the public record or class of public records to the 2379  
public office or person responsible for the requested public 2380  
records, except as otherwise provided in this section, the 2381  
requester shall be entitled to recover the amount of statutory 2382  
damages set forth in this division if a court determines that 2383  
the public office or the person responsible for public records 2384  
failed to comply with an obligation in accordance with division 2385  
(B) of this section. 2386

The amount of statutory damages shall be fixed at one 2387  
hundred dollars for each business day during which the public 2388  
office or person responsible for the requested public records 2389  
failed to comply with an obligation in accordance with division 2390  
(B) of this section, beginning with the day on which the 2391  
requester files a mandamus action to recover statutory damages, 2392  
up to a maximum of one thousand dollars. The award of statutory 2393  
damages shall not be construed as a penalty, but as compensation 2394  
for injury arising from lost use of the requested information. 2395  
The existence of this injury shall be conclusively presumed. The 2396  
award of statutory damages shall be in addition to all other 2397  
remedies authorized by this section. 2398

The court may reduce an award of statutory damages or not 2399  
award statutory damages if the court determines both of the 2400  
following: 2401

(a) That, based on the ordinary application of statutory 2402  
law and case law as it existed at the time of the conduct or 2403  
threatened conduct of the public office or person responsible 2404  
for the requested public records that allegedly constitutes a 2405  
failure to comply with an obligation in accordance with division 2406  
(B) of this section and that was the basis of the mandamus 2407  
action, a well-informed public office or person responsible for 2408  
the requested public records reasonably would believe that the 2409  
conduct or threatened conduct of the public office or person 2410  
responsible for the requested public records did not constitute 2411  
a failure to comply with an obligation in accordance with 2412  
division (B) of this section; 2413

(b) That a well-informed public office or person 2414  
responsible for the requested public records reasonably would 2415  
believe that the conduct or threatened conduct of the public 2416  
office or person responsible for the requested public records 2417  
would serve the public policy that underlies the authority that 2418  
is asserted as permitting that conduct or threatened conduct. 2419

(3) In a mandamus action filed under division (C) (1) of 2420  
this section, the following apply: 2421

(a) (i) If the court orders the public office or the person 2422  
responsible for the public record to comply with division (B) of 2423  
this section, the court shall determine and award to the relator 2424  
all court costs, which shall be construed as remedial and not 2425  
punitive. 2426

(ii) If the court makes a determination described in 2427

division (C) (3) (b) (iii) of this section, the court shall 2428  
determine and award to the relator all court costs, which shall 2429  
be construed as remedial and not punitive. 2430

(b) If the court renders a judgment that orders the public 2431  
office or the person responsible for the public record to comply 2432  
with division (B) of this section or if the court determines any 2433  
of the following, the court may award reasonable attorney's fees 2434  
to the relator, subject to division (C) (4) of this section: 2435

(i) The public office or the person responsible for the 2436  
public records failed to respond affirmatively or negatively to 2437  
the public records request in accordance with the time allowed 2438  
under division (B) of this section. 2439

(ii) The public office or the person responsible for the 2440  
public records promised to permit the relator to inspect or 2441  
receive copies of the public records requested within a 2442  
specified period of time but failed to fulfill that promise 2443  
within that specified period of time. 2444

(iii) The public office or the person responsible for the 2445  
public records acted in bad faith when the office or person 2446  
voluntarily made the public records available to the relator for 2447  
the first time after the relator commenced the mandamus action, 2448  
but before the court issued any order concluding whether or not 2449  
the public office or person was required to comply with division 2450  
(B) of this section. No discovery may be conducted on the issue 2451  
of the alleged bad faith of the public office or person 2452  
responsible for the public records. This division shall not be 2453  
construed as creating a presumption that the public office or 2454  
the person responsible for the public records acted in bad faith 2455  
when the office or person voluntarily made the public records 2456  
available to the relator for the first time after the relator 2457

commenced the mandamus action, but before the court issued any order described in this division.

(c) The court shall not award attorney's fees to the relator if the court determines both of the following:

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

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

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

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

(b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was

made available to the relator and the fees described in division 2487  
(C) (4) (c) of this section. 2488

(c) Reasonable attorney's fees shall include reasonable 2489  
fees incurred to produce proof of the reasonableness and amount 2490  
of the fees and to otherwise litigate entitlement to the fees. 2491

(d) The court may reduce the amount of fees awarded if the 2492  
court determines that, given the factual circumstances involved 2493  
with the specific public records request, an alternative means 2494  
should have been pursued to more effectively and efficiently 2495  
resolve the dispute that was subject to the mandamus action 2496  
filed under division (C) (1) of this section. 2497

(5) If the court does not issue a writ of mandamus under 2498  
division (C) of this section and the court determines at that 2499  
time that the bringing of the mandamus action was frivolous 2500  
conduct as defined in division (A) of section 2323.51 of the 2501  
Revised Code, the court may award to the public office all court 2502  
costs, expenses, and reasonable attorney's fees, as determined 2503  
by the court. 2504

(D) Chapter 1347. of the Revised Code does not limit the 2505  
provisions of this section. 2506

(E) (1) To ensure that all employees of public offices are 2507  
appropriately educated about a public office's obligations under 2508  
division (B) of this section, all elected officials or their 2509  
appropriate designees shall attend training approved by the 2510  
attorney general as provided in section 109.43 of the Revised 2511  
Code. A future official may satisfy the requirements of this 2512  
division by attending the training before taking office, 2513  
provided that the future official may not send a designee in the 2514  
future official's place. 2515

(2) All public offices shall adopt a public records policy 2516  
in compliance with this section for responding to public records 2517  
requests. In adopting a public records policy under this 2518  
division, a public office may obtain guidance from the model 2519  
public records policy developed and provided to the public 2520  
office by the attorney general under section 109.43 of the 2521  
Revised Code. Except as otherwise provided in this section, the 2522  
policy may not limit the number of public records that the 2523  
public office will make available to a single person, may not 2524  
limit the number of public records that it will make available 2525  
during a fixed period of time, and may not establish a fixed 2526  
period of time before it will respond to a request for 2527  
inspection or copying of public records, unless that period is 2528  
less than eight hours. 2529

The public office shall distribute the public records 2530  
policy adopted by the public office under this division to the 2531  
employee of the public office who is the records custodian or 2532  
records manager or otherwise has custody of the records of that 2533  
office. The public office shall require that employee to 2534  
acknowledge receipt of the copy of the public records policy. 2535  
The public office shall create a poster that describes its 2536  
public records policy and shall post the poster in a conspicuous 2537  
place in the public office and in all locations where the public 2538  
office has branch offices. The public office may post its public 2539  
records policy on the internet web site of the public office if 2540  
the public office maintains an internet web site. A public 2541  
office that has established a manual or handbook of its general 2542  
policies and procedures for all employees of the public office 2543  
shall include the public records policy of the public office in 2544  
the manual or handbook. 2545

(F) (1) The bureau of motor vehicles may adopt rules 2546

pursuant to Chapter 119. of the Revised Code to reasonably limit 2547  
the number of bulk commercial special extraction requests made 2548  
by a person for the same records or for updated records during a 2549  
calendar year. The rules may include provisions for charges to 2550  
be made for bulk commercial special extraction requests for the 2551  
actual cost of the bureau, plus special extraction costs, plus 2552  
ten per cent. The bureau may charge for expenses for redacting 2553  
information, the release of which is prohibited by law. 2554

(2) As used in division (F)(1) of this section: 2555

(a) "Actual cost" means the cost of depleted supplies, 2556  
records storage media costs, actual mailing and alternative 2557  
delivery costs, or other transmitting costs, and any direct 2558  
equipment operating and maintenance costs, including actual 2559  
costs paid to private contractors for copying services. 2560

(b) "Bulk commercial special extraction request" means a 2561  
request for copies of a record for information in a format other 2562  
than the format already available, or information that cannot be 2563  
extracted without examination of all items in a records series, 2564  
class of records, or database by a person who intends to use or 2565  
forward the copies for surveys, marketing, solicitation, or 2566  
resale for commercial purposes. "Bulk commercial special 2567  
extraction request" does not include a request by a person who 2568  
gives assurance to the bureau that the person making the request 2569  
does not intend to use or forward the requested copies for 2570  
surveys, marketing, solicitation, or resale for commercial 2571  
purposes. 2572

(c) "Commercial" means profit-seeking production, buying, 2573  
or selling of any good, service, or other product. 2574

(d) "Special extraction costs" means the cost of the time 2575

spent by the lowest paid employee competent to perform the task, 2576  
the actual amount paid to outside private contractors employed 2577  
by the bureau, or the actual cost incurred to create computer 2578  
programs to make the special extraction. "Special extraction 2579  
costs" include any charges paid to a public agency for computer 2580  
or records services. 2581

(3) For purposes of divisions (F) (1) and (2) of this 2582  
section, "surveys, marketing, solicitation, or resale for 2583  
commercial purposes" shall be narrowly construed and does not 2584  
include reporting or gathering news, reporting or gathering 2585  
information to assist citizen oversight or understanding of the 2586  
operation or activities of government, or nonprofit educational 2587  
research. 2588

(G) A request by a defendant, counsel of a defendant, or 2589  
any agent of a defendant in a criminal action that public 2590  
records related to that action be made available under this 2591  
section shall be considered a demand for discovery pursuant to 2592  
the Criminal Rules, except to the extent that the Criminal Rules 2593  
plainly indicate a contrary intent. The defendant, counsel of 2594  
the defendant, or agent of the defendant making a request under 2595  
this division shall serve a copy of the request on the 2596  
prosecuting attorney, director of law, or other chief legal 2597  
officer responsible for prosecuting the action. 2598

(H) (1) Any portion of a body-worn camera or dashboard 2599  
camera recording described in divisions (A) (17) (b) to (h) of 2600  
this section may be released by consent of the subject of the 2601  
recording or a representative of that person, as specified in 2602  
those divisions, only if either of the following applies: 2603

(a) The recording will not be used in connection with any 2604  
probable or pending criminal proceedings; 2605



(b) The recording has been used in connection with a 2606  
criminal proceeding that was dismissed or for which a judgment 2607  
has been entered pursuant to Rule 32 of the Rules of Criminal 2608  
Procedure, and will not be used again in connection with any 2609  
probable or pending criminal proceedings. 2610

(2) If a public office denies a request to release a 2611  
restricted portion of a body-worn camera or dashboard camera 2612  
recording, as defined in division (A)(17) of this section, any 2613  
person may file a mandamus action pursuant to this section or a 2614  
complaint with the clerk of the court of claims pursuant to 2615  
section 2743.75 of the Revised Code, requesting the court to 2616  
order the release of all or portions of the recording. If the 2617  
court considering the request determines that the filing 2618  
articulates by clear and convincing evidence that the public 2619  
interest in the recording substantially outweighs privacy 2620  
interests and other interests asserted to deny release, the 2621  
court shall order the public office to release the recording. 2622

**Sec. 149.436.** Notwithstanding division ~~(A)(1)(gg)~~ (A)(1) 2623  
(ff) of section 149.43 of the Revised Code, upon written request 2624  
made and signed by the parent or guardian of an individual who 2625  
is less than eighteen years of age and was an occupant of a 2626  
school vehicle involved in a traffic accident, a public office 2627  
or person responsible for public records, having custody of any 2628  
record related to the traffic accident containing the personal 2629  
information of the individual, shall transmit a copy of that 2630  
record to the recipient identified in the request. 2631

The written request shall identify the individual on whose 2632  
behalf the record is requested and the person to whom the record 2633  
shall be transmitted. The record shall be transmitted only to 2634  
the person identified in the written request as the recipient of 2635

the record. 2636

A public office or person responsible for records 2637  
responding to a request under this section shall redact any 2638  
personal information contained in the record of any individual 2639  
less than eighteen years of age who is not the subject of the 2640  
request, before providing the record to the recipient. 2641

**Sec. 1901.183.** In addition to jurisdiction otherwise 2642  
granted in this chapter, the environmental division of a 2643  
municipal court shall have jurisdiction within its territory in 2644  
all of the following actions or proceedings and to perform all 2645  
of the following functions: 2646

(A) Notwithstanding any monetary limitations in section 2647  
1901.17 of the Revised Code, in all actions and proceedings for 2648  
the sale of real or personal property under lien of a judgment 2649  
of the environmental division of the municipal court, or a lien 2650  
for machinery, material, fuel furnished, or labor performed, 2651  
irrespective of amount, and, in those cases, the environmental 2652  
division may proceed to foreclose and marshal all liens and all 2653  
vested or contingent rights, to appoint a receiver, and to 2654  
render personal judgment irrespective of amount in favor of any 2655  
party; 2656

(B) When in aid of execution of a judgment of the 2657  
environmental division of the municipal court, in all actions 2658  
for the foreclosure of a mortgage on real property given to 2659  
secure the payment of money, or the enforcement of a specific 2660  
lien for money or other encumbrance or charge on real property, 2661  
when the real property is situated within the territory, and, in 2662  
those cases, the environmental division may proceed to foreclose 2663  
all liens and all vested and contingent rights and proceed to 2664  
render judgments, and make findings and orders, between the 2665

parties, in the same manner and to the same extent as in similar 2666  
cases in the court of common pleas; 2667

(C) When in aid of execution of a judgment of the 2668  
environmental division of the municipal court, in all actions 2669  
for the recovery of real property situated within the territory 2670  
to the same extent as courts of common pleas have jurisdiction; 2671

(D) In all actions for injunction to prevent or terminate 2672  
violations of the ordinances and regulations of any municipal 2673  
corporation within its territory enacted or promulgated under 2674  
the police power of that municipal corporation pursuant to 2675  
Section 3 of Article XVIII, Ohio Constitution, over which the 2676  
court of common pleas has or may have jurisdiction, and, in 2677  
those cases, the environmental division of the municipal court 2678  
may proceed to render judgments, and make findings and orders, 2679  
in the same manner and to the same extent as in similar cases in 2680  
the court of common pleas; 2681

(E) In all actions for injunction to prevent or terminate 2682  
violations of the resolutions and regulations of any political 2683  
subdivision within its territory enacted or promulgated under 2684  
the power of that political subdivision pursuant to Article X of 2685  
the Ohio Constitution, over which the court of common pleas has 2686  
or may have jurisdiction, and, in those cases, the environmental 2687  
division of the municipal court may proceed to render judgments, 2688  
and make findings and orders, in the same manner and to the same 2689  
extent as in similar cases in the court of common pleas; 2690

(F) In any civil action to enforce any provision of 2691  
Chapter 3704., 3714., 3734., 3737., 3767., or 6111. of the 2692  
Revised Code over which the court of common pleas has or may 2693  
have jurisdiction, and, in those actions, the environmental 2694  
division of the municipal court may proceed to render judgments, 2695

and make findings and orders, in the same manner and to the same 2696  
extent as in similar actions in the court of common pleas; 2697

(G) In all actions and proceedings in the nature of 2698  
creditors' bills, and in aid of execution to subject the 2699  
interests of a judgment debtor in real or personal property to 2700  
the payment of a judgment of the division, and, in those actions 2701  
and proceedings, the environmental division may proceed to 2702  
marshal and foreclose all liens on the property irrespective of 2703  
the amount of the lien, and all vested or contingent rights in 2704  
the property; 2705

(H) Concurrent jurisdiction with the court of common pleas 2706  
of all criminal actions or proceedings related to the pollution 2707  
of the air, ground, or water within the territory of the 2708  
environmental division of the municipal court, ~~for which a~~ 2709  
~~sentence of death cannot be imposed under Chapter 2903. of the~~ 2710  
~~Revised Code;~~ 2711

(I) In any review or appeal of any final order of any 2712  
administrative officer, agency, board, department, tribunal, 2713  
commission, or other instrumentality that relates to a local 2714  
building, housing, air pollution, sanitation, health, fire, 2715  
zoning, or safety code, ordinance, or regulation, in the same 2716  
manner and to the same extent as in similar appeals in the court 2717  
of common pleas; 2718

(J) With respect to the environmental division of the 2719  
Franklin county municipal court, to hear appeals from 2720  
adjudication hearings conducted under Chapter 956. of the 2721  
Revised Code. 2722

**Sec. 2152.13.** (A) A juvenile court shall impose a serious 2723  
youthful dispositional sentence on a child when required under 2724

division (B) (3) of section 2152.121 of the Revised Code. In such 2725  
a case, the remaining provisions of this division and divisions 2726  
(B) and (C) do not apply to the child, and the court shall 2727  
impose the mandatory serious youthful dispositional sentence 2728  
under division (D) (1) of this section. 2729

In all other cases, a juvenile court may impose a serious 2730  
youthful offender dispositional sentence on a child only if the 2731  
prosecuting attorney of the county in which the delinquent act 2732  
allegedly occurred initiates the process against the child in 2733  
accordance with this division, and the child is an alleged 2734  
delinquent child who is eligible for the dispositional sentence. 2735  
The prosecuting attorney may initiate the process in any of the 2736  
following ways: 2737

(1) Obtaining an indictment of the child as a serious 2738  
youthful offender; 2739

(2) The child waives the right to indictment, charging the 2740  
child in a bill of information as a serious youthful offender; 2741

(3) Until an indictment or information is obtained, 2742  
requesting a serious youthful offender dispositional sentence in 2743  
the original complaint alleging that the child is a delinquent 2744  
child; 2745

(4) Until an indictment or information is obtained, if the 2746  
original complaint does not request a serious youthful offender 2747  
dispositional sentence, filing with the juvenile court a written 2748  
notice of intent to seek a serious youthful offender 2749  
dispositional sentence within twenty days after the later of the 2750  
following, unless the time is extended by the juvenile court for 2751  
good cause shown: 2752

(a) The date of the child's first juvenile court hearing 2753

regarding the complaint; 2754

(b) The date the juvenile court determines not to transfer 2755  
the case under section 2152.12 of the Revised Code. 2756

After a written notice is filed under division (A) (4) of 2757  
this section, the juvenile court shall serve a copy of the 2758  
notice on the child and advise the child of the prosecuting 2759  
attorney's intent to seek a serious youthful offender 2760  
dispositional sentence in the case. 2761

(B) If an alleged delinquent child is not indicted or 2762  
charged by information as described in division (A) (1) or (2) of 2763  
this section and if a notice or complaint as described in 2764  
division (A) (3) or (4) of this section indicates that the 2765  
prosecuting attorney intends to pursue a serious youthful 2766  
offender dispositional sentence in the case, the juvenile court 2767  
shall hold a preliminary hearing to determine if there is 2768  
probable cause that the child committed the act charged and is 2769  
by age eligible for, or required to receive, a serious youthful 2770  
offender dispositional sentence. 2771

(C) (1) A child for whom a serious youthful offender 2772  
dispositional sentence is sought by a prosecuting attorney has 2773  
the right to a grand jury determination of probable cause that 2774  
the child committed the act charged and that the child is 2775  
eligible by age for a serious youthful offender dispositional 2776  
sentence. The grand jury may be impaneled by the court of common 2777  
pleas or the juvenile court. 2778

Once a child is indicted, or charged by information or the 2779  
juvenile court determines that the child is eligible for a 2780  
serious youthful offender dispositional sentence, the child is 2781  
entitled to an open and speedy trial by jury in juvenile court 2782

and to be provided with a transcript of the proceedings. The 2783  
time within which the trial is to be held under Title XXIX of 2784  
the Revised Code commences on whichever of the following dates 2785  
is applicable: 2786

(a) If the child is indicted or charged by information, on 2787  
the date of the filing of the indictment or information. 2788

(b) If the child is charged by an original complaint that 2789  
requests a serious youthful offender dispositional sentence, on 2790  
the date of the filing of the complaint. 2791

(c) If the child is not charged by an original complaint 2792  
that requests a serious youthful offender dispositional 2793  
sentence, on the date that the prosecuting attorney files the 2794  
written notice of intent to seek a serious youthful offender 2795  
dispositional sentence. 2796

(2) If the child is detained awaiting adjudication, upon 2797  
indictment or being charged by information, the child has the 2798  
same right to bail as an adult charged with the offense the 2799  
alleged delinquent act would be if committed by an adult. Except 2800  
as provided in division (D) of section 2152.14 of the Revised 2801  
Code, all provisions of Title XXIX of the Revised Code and the 2802  
Criminal Rules shall apply in the case and to the child. The 2803  
juvenile court shall afford the child all rights afforded a 2804  
person who is prosecuted for committing a crime including the 2805  
right to counsel and the right to raise the issue of competency. 2806  
The child may not waive the right to counsel. 2807

(D) (1) If a child is adjudicated a delinquent child for 2808  
committing an act under circumstances that require the juvenile 2809  
court to impose upon the child a serious youthful offender 2810  
dispositional sentence under section 2152.11 of the Revised 2811

Code, all of the following apply: 2812

(a) The juvenile court shall impose upon the child a 2813  
sentence available for the violation, as if the child were an 2814  
adult, under Chapter 2929. of the Revised Code, except that the 2815  
juvenile court shall not impose on the child a sentence of ~~death-~~ 2816  
~~or~~-life imprisonment without parole. 2817

(b) The juvenile court also shall impose upon the child 2818  
one or more traditional juvenile dispositions under sections 2819  
2152.16, 2152.19, and 2152.20, and, if applicable, section 2820  
2152.17 of the Revised Code. 2821

(c) The juvenile court shall stay the adult portion of the 2822  
serious youthful offender dispositional sentence pending the 2823  
successful completion of the traditional juvenile dispositions 2824  
imposed. 2825

(2) (a) If a child is adjudicated a delinquent child for 2826  
committing an act under circumstances that allow, but do not 2827  
require, the juvenile court to impose on the child a serious 2828  
youthful offender dispositional sentence under section 2152.11 2829  
of the Revised Code, all of the following apply: 2830

(i) If the juvenile court on the record makes a finding 2831  
that, given the nature and circumstances of the violation and 2832  
the history of the child, the length of time, level of security, 2833  
and types of programming and resources available in the juvenile 2834  
system alone are not adequate to provide the juvenile court with 2835  
a reasonable expectation that the purposes set forth in section 2836  
2152.01 of the Revised Code will be met, the juvenile court may 2837  
impose upon the child a sentence available for the violation, as 2838  
if the child were an adult, under Chapter 2929. of the Revised 2839  
Code, except that the juvenile court shall not impose on the 2840



child a sentence of ~~death or~~ life imprisonment without parole. 2841

(ii) If a sentence is imposed under division (D) (2) (a) (i) 2842  
of this section, the juvenile court also shall impose upon the 2843  
child one or more traditional juvenile dispositions under 2844  
sections 2152.16, 2152.19, and 2152.20 and, if applicable, 2845  
section 2152.17 of the Revised Code. 2846

(iii) The juvenile court shall stay the adult portion of 2847  
the serious youthful offender dispositional sentence pending the 2848  
successful completion of the traditional juvenile dispositions 2849  
imposed. 2850

(b) If the juvenile court does not find that a sentence 2851  
should be imposed under division (D) (2) (a) (i) of this section, 2852  
the juvenile court may impose one or more traditional juvenile 2853  
dispositions under sections 2152.16, 2152.19, 2152.20, and, if 2854  
applicable, section 2152.17 of the Revised Code. 2855

(3) A child upon whom a serious youthful offender 2856  
dispositional sentence is imposed under division (D) (1) or (2) 2857  
of this section has a right to appeal under division (A) (1), 2858  
(3), (4), or (5) of section 2953.08 of the Revised Code the 2859  
adult portion of the serious youthful offender dispositional 2860  
sentence when any of those divisions apply. The child may appeal 2861  
the adult portion, and the court shall consider the appeal as if 2862  
the adult portion were not stayed. 2863

**Sec. 2152.67.** Any adult who is arrested or charged under 2864  
any provision in this chapter and who is charged with a crime 2865  
may demand a trial by jury, or the juvenile judge upon the 2866  
judge's own motion may call a jury. A demand for a jury trial 2867  
shall be made in writing in not less than three days before the 2868  
date set for trial, or within three days after counsel has been 2869

retained, whichever is later. Sections 2945.17 and 2945.23 to 2870  
2945.36 of the Revised Code, relating to the drawing and 2871  
impaneling of jurors in criminal cases in the court of common 2872  
pleas, ~~other than in capital cases~~, shall apply to a jury trial 2873  
under this section. The compensation of jurors and costs of the 2874  
clerk and sheriff shall be taxed and paid in the same manner as 2875  
in criminal cases in the court of common pleas. 2876

**Sec. 2301.20.** All civil and criminal actions in the court 2877  
of common pleas shall be recorded. The reporter shall take 2878  
accurate notes of or electronically record the oral testimony. 2879  
The notes and electronic records shall be filed in the office of 2880  
the official reporter and carefully preserved for either of the 2881  
following periods of time: 2882

(A) If the action is not a ~~capital~~ case in which a 2883  
sentence of life imprisonment has been imposed or a case in 2884  
which, prior to the effective date of this amendment, a sentence 2885  
of death was imposed, the notes and electronic records shall be 2886  
preserved for the period of time specified by the court of 2887  
common pleas, which period of time shall not be longer than the 2888  
period of time that the other records of the particular action 2889  
are required to be kept. 2890

(B) If the action is a ~~capital~~ case, in which a sentence 2891  
of life imprisonment has been imposed or a case in which, prior 2892  
to the effective date of this amendment, a sentence of death has 2893  
been imposed the notes and electronic records shall be preserved 2894  
for the longer of ten years or until the final disposition of 2895  
the action and exhaustion of all appeals. 2896

**Sec. 2307.60.** (A) (1) Anyone injured in person or property 2897  
by a criminal act has, and may recover full damages in, a civil 2898  
action unless specifically excepted by law, may recover the 2899

costs of maintaining the civil action and attorney's fees if 2900  
authorized by any provision of the Rules of Civil Procedure or 2901  
another section of the Revised Code or under the common law of 2902  
this state, and may recover punitive or exemplary damages if 2903  
authorized by section 2315.21 or another section of the Revised 2904  
Code. 2905

(2) A final judgment of a trial court that has not been 2906  
reversed on appeal or otherwise set aside, nullified, or 2907  
vacated, entered after a trial or upon a plea of guilty, but not 2908  
upon a plea of no contest or the equivalent plea from another 2909  
jurisdiction, that adjudges an offender guilty of an offense of 2910  
violence punishable by ~~death or~~ imprisonment in excess of one 2911  
year, when entered as evidence in any subsequent civil 2912  
proceeding based on the criminal act, shall preclude the 2913  
offender from denying in the subsequent civil proceeding any 2914  
fact essential to sustaining that judgment, unless the offender 2915  
can demonstrate that extraordinary circumstances prevented the 2916  
offender from having a full and fair opportunity to litigate the 2917  
issue in the criminal proceeding or other extraordinary 2918  
circumstances justify affording the offender an opportunity to 2919  
relitigate the issue. The offender may introduce evidence of the 2920  
offender's pending appeal of the final judgment of the trial 2921  
court, if applicable, and the court may consider that evidence 2922  
in determining the liability of the offender. 2923

(B) (1) As used in division (B) of this section: 2924

(a) "Tort action" means a civil action for damages for 2925  
injury, death, or loss to person or property other than a civil 2926  
action for damages for a breach of contract or another agreement 2927  
between persons. "Tort action" includes, but is not limited to, 2928  
a product liability claim, as defined in section 2307.71 of the 2929

Revised Code, and an asbestos claim, as defined in section 2930  
2307.91 of the Revised Code, an action for wrongful death under 2931  
Chapter 2125. of the Revised Code, and an action based on 2932  
derivative claims for relief. 2933

(b) "Residence" has the same meaning as in section 2901.05 2934  
of the Revised Code. 2935

(2) Recovery on a claim for relief in a tort action is 2936  
barred to any person or the person's legal representative if any 2937  
of the following apply: 2938

(a) The person has been convicted of or has pleaded guilty 2939  
to a felony, or to a misdemeanor that is an offense of violence, 2940  
arising out of criminal conduct that was a proximate cause of 2941  
the injury or loss for which relief is claimed in the tort 2942  
action. 2943

(b) The person engaged in conduct that, if prosecuted, 2944  
would constitute a felony, a misdemeanor that is an offense of 2945  
violence, an attempt to commit a felony, or an attempt to commit 2946  
a misdemeanor that is an offense of violence and that conduct 2947  
was a proximate cause of the injury or loss for which relief is 2948  
claimed in the tort action, regardless of whether the person has 2949  
been convicted of or pleaded guilty to or has been charged with 2950  
committing the felony, the misdemeanor, or the attempt to commit 2951  
the felony or misdemeanor. 2952

(c) The person suffered the injury or loss for which 2953  
relief is claimed in the tort action as a proximate result of 2954  
the victim of conduct that, if prosecuted, would constitute a 2955  
felony, a misdemeanor that is an offense of violence, an attempt 2956  
to commit a felony, or an attempt to commit a misdemeanor that 2957  
is an offense of violence acting against the person in self- 2958

defense, defense of another, or defense of the victim's 2959  
residence, regardless of whether the person has been convicted 2960  
of or pleaded guilty to or has been charged with committing the 2961  
felony, the misdemeanor, or the attempt to commit the felony or 2962  
misdemeanor. Division (B) (2) (c) of this section does not apply 2963  
if the person who suffered the injury or loss, at the time of 2964  
the victim's act of self-defense, defense of another, or defense 2965  
of residence, was an innocent bystander who had no connection 2966  
with the underlying conduct that prompted the victim's exercise 2967  
of self-defense, defense of another, or defense of residence. 2968

(3) Recovery against a victim of conduct that, if 2969  
prosecuted, would constitute a felony, a misdemeanor that is an 2970  
offense of violence, an attempt to commit a felony, or an 2971  
attempt to commit a misdemeanor that is an offense of violence, 2972  
on a claim for relief in a tort action is barred to any person 2973  
or the person's legal representative if conduct the person 2974  
engaged in against that victim was a proximate cause of the 2975  
injury or loss for which relief is claimed in the tort action 2976  
and that conduct, if prosecuted, would constitute a felony, a 2977  
misdemeanor that is an offense of violence, an attempt to commit 2978  
a felony, or an attempt to commit a misdemeanor that is an 2979  
offense of violence, regardless of whether the person has been 2980  
convicted of or pleaded guilty to or has been charged with 2981  
committing the felony, the misdemeanor, or the attempt to commit 2982  
the felony or misdemeanor. 2983

(4) Divisions (B) (1) to (3) of this section do not apply 2984  
to civil claims based upon alleged intentionally tortious 2985  
conduct, alleged violations of the United States Constitution, 2986  
or alleged violations of statutes of the United States 2987  
pertaining to civil rights. For purposes of division (B) (4) of 2988  
this section, a person's act of self-defense, defense of 2989

another, or defense of the person's residence does not 2990  
constitute intentionally tortious conduct. 2991

**Sec. 2317.02.** The following persons shall not testify in 2992  
certain respects: 2993

(A) (1) An attorney, concerning a communication made to the 2994  
attorney by a client in that relation or concerning the 2995  
attorney's advice to a client, except that the attorney may 2996  
testify by express consent of the client or, if the client is 2997  
deceased, by the express consent of the surviving spouse or the 2998  
executor or administrator of the estate of the deceased client. 2999  
However, if the client voluntarily reveals the substance of 3000  
attorney-client communications in a nonprivileged context or is 3001  
deemed by section 2151.421 of the Revised Code to have waived 3002  
any testimonial privilege under this division, the attorney may 3003  
be compelled to testify on the same subject. 3004

The testimonial privilege established under this division 3005  
does not apply concerning ~~either of the following:~~ 3006

~~(a) A communication between a client in a capital case, as 3007  
defined in section 2901.02 of the Revised Code, and the client's 3008  
attorney if the communication is relevant to a subsequent 3009  
ineffective assistance of counsel claim by the client alleging 3010  
that the attorney did not effectively represent the client in 3011  
the case;~~ 3012

~~(b) A a communication between a client who has since died 3013  
and the deceased client's attorney if the communication is 3014  
relevant to a dispute between parties who claim through that 3015  
deceased client, regardless of whether the claims are by testate 3016  
or intestate succession or by inter vivos transaction, and the 3017  
dispute addresses the competency of the deceased client when the 3018~~

deceased client executed a document that is the basis of the 3019  
dispute or whether the deceased client was a victim of fraud, 3020  
undue influence, or duress when the deceased client executed a 3021  
document that is the basis of the dispute. 3022

(2) An attorney, concerning a communication made to the 3023  
attorney by a client in that relationship or the attorney's 3024  
advice to a client, except that if the client is an insurance 3025  
company, the attorney may be compelled to testify, subject to an 3026  
in camera inspection by a court, about communications made by 3027  
the client to the attorney or by the attorney to the client that 3028  
are related to the attorney's aiding or furthering an ongoing or 3029  
future commission of bad faith by the client, if the party 3030  
seeking disclosure of the communications has made a prima-facie 3031  
showing of bad faith, fraud, or criminal misconduct by the 3032  
client. 3033

(B) (1) A physician, advanced practice registered nurse, or 3034  
dentist concerning a communication made to the physician, 3035  
advanced practice registered nurse, or dentist by a patient in 3036  
that relation or the advice of a physician, advanced practice 3037  
registered nurse, or dentist given to a patient, except as 3038  
otherwise provided in this division, division (B) (2), and 3039  
division (B) (3) of this section, and except that, if the patient 3040  
is deemed by section 2151.421 of the Revised Code to have waived 3041  
any testimonial privilege under this division, the physician or 3042  
advanced practice registered nurse may be compelled to testify 3043  
on the same subject. 3044

The testimonial privilege established under this division 3045  
does not apply, and a physician, advanced practice registered 3046  
nurse, or dentist may testify or may be compelled to testify, in 3047  
any of the following circumstances: 3048

(a) In any civil action, in accordance with the discovery provisions of the Rules of Civil Procedure in connection with a civil action, or in connection with a claim under Chapter 4123. of the Revised Code, under any of the following circumstances:

(i) If the patient or the guardian or other legal representative of the patient gives express consent;

(ii) If the patient is deceased, the spouse of the patient or the executor or administrator of the patient's estate gives express consent;

(iii) If a medical claim, dental claim, chiropractic claim, or optometric claim, as defined in section 2305.113 of the Revised Code, an action for wrongful death, any other type of civil action, or a claim under Chapter 4123. of the Revised Code is filed by the patient, the personal representative of the estate of the patient if deceased, or the patient's guardian or other legal representative.

(b) In any civil action concerning court-ordered treatment or services received by a patient, if the court-ordered treatment or services were ordered as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under Chapter 2151. of the Revised Code.

(c) In any criminal action concerning any test or the results of any test that determines the presence or concentration of alcohol, a drug of abuse, a combination of them, a controlled substance, or a metabolite of a controlled substance in the patient's whole blood, blood serum or plasma, breath, urine, or other bodily substance at any time relevant to



the criminal offense in question. 3078

(d) In any criminal action against a physician, advanced 3079  
practice registered nurse, or dentist. In such an action, the 3080  
testimonial privilege established under this division does not 3081  
prohibit the admission into evidence, in accordance with the 3082  
Rules of Evidence, of a patient's medical or dental records or 3083  
other communications between a patient and the physician, 3084  
advanced practice registered nurse, or dentist that are related 3085  
to the action and obtained by subpoena, search warrant, or other 3086  
lawful means. A court that permits or compels a physician, 3087  
advanced practice registered nurse, or dentist to testify in 3088  
such an action or permits the introduction into evidence of 3089  
patient records or other communications in such an action shall 3090  
require that appropriate measures be taken to ensure that the 3091  
confidentiality of any patient named or otherwise identified in 3092  
the records is maintained. Measures to ensure confidentiality 3093  
that may be taken by the court include sealing its records or 3094  
deleting specific information from its records. 3095

(e) (i) If the communication was between a patient who has 3096  
since died and the deceased patient's physician, advanced 3097  
practice registered nurse, or dentist, the communication is 3098  
relevant to a dispute between parties who claim through that 3099  
deceased patient, regardless of whether the claims are by 3100  
testate or intestate succession or by inter vivos transaction, 3101  
and the dispute addresses the competency of the deceased patient 3102  
when the deceased patient executed a document that is the basis 3103  
of the dispute or whether the deceased patient was a victim of 3104  
fraud, undue influence, or duress when the deceased patient 3105  
executed a document that is the basis of the dispute. 3106

(ii) If neither the spouse of a patient nor the executor 3107

or administrator of that patient's estate gives consent under 3108  
division (B) (1) (a) (ii) of this section, testimony or the 3109  
disclosure of the patient's medical records by a physician, 3110  
advanced practice registered nurse, dentist, or other health 3111  
care provider under division (B) (1) (e) (i) of this section is a 3112  
permitted use or disclosure of protected health information, as 3113  
defined in 45 C.F.R. 160.103, and an authorization or 3114  
opportunity to be heard shall not be required. 3115

(iii) Division (B) (1) (e) (i) of this section does not 3116  
require a mental health professional to disclose psychotherapy 3117  
notes, as defined in 45 C.F.R. 164.501. 3118

(iv) An interested person who objects to testimony or 3119  
disclosure under division (B) (1) (e) (i) of this section may seek 3120  
a protective order pursuant to Civil Rule 26. 3121

(v) A person to whom protected health information is 3122  
disclosed under division (B) (1) (e) (i) of this section shall not 3123  
use or disclose the protected health information for any purpose 3124  
other than the litigation or proceeding for which the 3125  
information was requested and shall return the protected health 3126  
information to the covered entity or destroy the protected 3127  
health information, including all copies made, at the conclusion 3128  
of the litigation or proceeding. 3129

(2) (a) If any law enforcement officer submits a written 3130  
statement to a health care provider that states that an official 3131  
criminal investigation has begun regarding a specified person or 3132  
that a criminal action or proceeding has been commenced against 3133  
a specified person, that requests the provider to supply to the 3134  
officer copies of any records the provider possesses that 3135  
pertain to any test or the results of any test administered to 3136  
the specified person to determine the presence or concentration 3137

of alcohol, a drug of abuse, a combination of them, a controlled 3138  
substance, or a metabolite of a controlled substance in the 3139  
person's whole blood, blood serum or plasma, breath, or urine at 3140  
any time relevant to the criminal offense in question, and that 3141  
conforms to section 2317.022 of the Revised Code, the provider, 3142  
except to the extent specifically prohibited by any law of this 3143  
state or of the United States, shall supply to the officer a 3144  
copy of any of the requested records the provider possesses. If 3145  
the health care provider does not possess any of the requested 3146  
records, the provider shall give the officer a written statement 3147  
that indicates that the provider does not possess any of the 3148  
requested records. 3149

(b) If a health care provider possesses any records of the 3150  
type described in division (B) (2) (a) of this section regarding 3151  
the person in question at any time relevant to the criminal 3152  
offense in question, in lieu of personally testifying as to the 3153  
results of the test in question, the custodian of the records 3154  
may submit a certified copy of the records, and, upon its 3155  
submission, the certified copy is qualified as authentic 3156  
evidence and may be admitted as evidence in accordance with the 3157  
Rules of Evidence. Division (A) of section 2317.422 of the 3158  
Revised Code does not apply to any certified copy of records 3159  
submitted in accordance with this division. Nothing in this 3160  
division shall be construed to limit the right of any party to 3161  
call as a witness the person who administered the test to which 3162  
the records pertain, the person under whose supervision the test 3163  
was administered, the custodian of the records, the person who 3164  
made the records, or the person under whose supervision the 3165  
records were made. 3166

(3) (a) If the testimonial privilege described in division 3167  
(B) (1) of this section does not apply as provided in division 3168

(B) (1) (a) (iii) of this section, a physician, advanced practice registered nurse, or dentist may be compelled to testify or to submit to discovery under the Rules of Civil Procedure only as to a communication made to the physician, advanced practice registered nurse, or dentist by the patient in question in that relation, or the advice of the physician, advanced practice registered nurse, or dentist given to the patient in question, that related causally or historically to physical or mental injuries that are relevant to issues in the medical claim, dental claim, chiropractic claim, or optometric claim, action for wrongful death, other civil action, or claim under Chapter 4123. of the Revised Code. 3169  
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(b) If the testimonial privilege described in division (B) (1) of this section does not apply to a physician, advanced practice registered nurse, or dentist as provided in division (B) (1) (c) of this section, the physician, advanced practice registered nurse, or dentist, in lieu of personally testifying as to the results of the test in question, may submit a certified copy of those results, and, upon its submission, the certified copy is qualified as authentic evidence and may be admitted as evidence in accordance with the Rules of Evidence. Division (A) of section 2317.422 of the Revised Code does not apply to any certified copy of results submitted in accordance with this division. Nothing in this division shall be construed to limit the right of any party to call as a witness the person who administered the test in question, the person under whose supervision the test was administered, the custodian of the results of the test, the person who compiled the results, or the person under whose supervision the results were compiled. 3181  
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(4) The testimonial privilege described in division (B) (1) of this section is not waived when a communication is made by a 3198  
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physician or advanced practice registered nurse to a pharmacist 3200  
or when there is communication between a patient and a 3201  
pharmacist in furtherance of the physician-patient or advanced 3202  
practice registered nurse-patient relation. 3203

(5) (a) As used in divisions (B) (1) to (4) of this section, 3204  
"communication" means acquiring, recording, or transmitting any 3205  
information, in any manner, concerning any facts, opinions, or 3206  
statements necessary to enable a physician, advanced practice 3207  
registered nurse, or dentist to diagnose, treat, prescribe, or 3208  
act for a patient. A "communication" may include, but is not 3209  
limited to, any medical or dental, office, or hospital 3210  
communication such as a record, chart, letter, memorandum, 3211  
laboratory test and results, x-ray, photograph, financial 3212  
statement, diagnosis, or prognosis. 3213

(b) As used in division (B) (2) of this section, "health 3214  
care provider" means a hospital, ambulatory care facility, long- 3215  
term care facility, pharmacy, emergency facility, or health care 3216  
practitioner. 3217

(c) As used in division (B) (5) (b) of this section: 3218

(i) "Ambulatory care facility" means a facility that 3219  
provides medical, diagnostic, or surgical treatment to patients 3220  
who do not require hospitalization, including a dialysis center, 3221  
ambulatory surgical facility, cardiac catheterization facility, 3222  
diagnostic imaging center, extracorporeal shock wave lithotripsy 3223  
center, home health agency, inpatient hospice, birthing center, 3224  
radiation therapy center, emergency facility, and an urgent care 3225  
center. "Ambulatory health care facility" does not include the 3226  
private office of a physician, advanced practice registered 3227  
nurse, or dentist, whether the office is for an individual or 3228  
group practice. 3229

(ii) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services. 3230  
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(iii) "Health care practitioner" has the same meaning as in section 4769.01 of the Revised Code. 3233  
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(iv) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 3235  
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(v) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; a nursing facility, as defined in section 5165.01 of the Revised Code; a skilled nursing facility, as defined in section 5165.01 of the Revised Code; and an intermediate care facility for individuals with intellectual disabilities, as defined in section 5124.01 of the Revised Code. 3237  
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(vi) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 3248  
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(d) As used in divisions (B) (1) and (2) of this section, "drug of abuse" has the same meaning as in section 4506.01 of the Revised Code. 3250  
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(6) Divisions (B) (1), (2), (3), (4), and (5) of this section apply to doctors of medicine, doctors of osteopathic medicine, doctors of podiatry, advanced practice registered nurses, and dentists. 3253  
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(7) Nothing in divisions (B) (1) to (6) of this section affects, or shall be construed as affecting, the immunity from 3257  
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civil liability conferred by section 307.628 of the Revised Code 3259  
or the immunity from civil liability conferred by section 3260  
2305.33 of the Revised Code upon physicians or advanced practice 3261  
registered nurses who report an employee's use of a drug of 3262  
abuse, or a condition of an employee other than one involving 3263  
the use of a drug of abuse, to the employer of the employee in 3264  
accordance with division (B) of that section. As used in 3265  
division (B) (7) of this section, "employee," "employer," and 3266  
"physician" have the same meanings as in section 2305.33 of the 3267  
Revised Code and "advanced practice registered nurse" has the 3268  
same meaning as in section 4723.01 of the Revised Code. 3269

(C) (1) A cleric, when the cleric remains accountable to 3270  
the authority of that cleric's church, denomination, or sect, 3271  
concerning a confession made, or any information confidentially 3272  
communicated, to the cleric for a religious counseling purpose 3273  
in the cleric's professional character. The cleric may testify 3274  
by express consent of the person making the communication, 3275  
except when the disclosure of the information is in violation of 3276  
a sacred trust and except that, if the person voluntarily 3277  
testifies or is deemed by division (A) (4) (c) of section 2151.421 3278  
of the Revised Code to have waived any testimonial privilege 3279  
under this division, the cleric may be compelled to testify on 3280  
the same subject except when disclosure of the information is in 3281  
violation of a sacred trust. 3282

(2) As used in division (C) of this section: 3283

(a) "Cleric" means a member of the clergy, rabbi, priest, 3284  
Christian Science practitioner, or regularly ordained, 3285  
accredited, or licensed minister of an established and legally 3286  
cognizable church, denomination, or sect. 3287

(b) "Sacred trust" means a confession or confidential 3288

communication made to a cleric in the cleric's ecclesiastical 3289  
capacity in the course of discipline enjoined by the church to 3290  
which the cleric belongs, including, but not limited to, the 3291  
Catholic Church, if both of the following apply: 3292

(i) The confession or confidential communication was made 3293  
directly to the cleric. 3294

(ii) The confession or confidential communication was made 3295  
in the manner and context that places the cleric specifically 3296  
and strictly under a level of confidentiality that is considered 3297  
inviolable by canon law or church doctrine. 3298

(D) Husband or wife, concerning any communication made by 3299  
one to the other, or an act done by either in the presence of 3300  
the other, during coverture, unless the communication was made, 3301  
or act done, in the known presence or hearing of a third person 3302  
competent to be a witness; and such rule is the same if the 3303  
marital relation has ceased to exist; 3304

(E) A person who assigns a claim or interest, concerning 3305  
any matter in respect to which the person would not, if a party, 3306  
be permitted to testify; 3307

(F) A person who, if a party, would be restricted under 3308  
section 2317.03 of the Revised Code, when the property or thing 3309  
is sold or transferred by an executor, administrator, guardian, 3310  
trustee, heir, devisee, or legatee, shall be restricted in the 3311  
same manner in any action or proceeding concerning the property 3312  
or thing. 3313

(G) (1) A school guidance counselor who holds a valid 3314  
educator license from the state board of education as provided 3315  
for in section 3319.22 of the Revised Code, a person licensed 3316  
under Chapter 4757. of the Revised Code as a licensed 3317



professional clinical counselor, licensed professional 3318  
counselor, social worker, independent social worker, marriage 3319  
and family therapist or independent marriage and family 3320  
therapist, or registered under Chapter 4757. of the Revised Code 3321  
as a social work assistant concerning a confidential 3322  
communication received from a client in that relation or the 3323  
person's advice to a client unless any of the following applies: 3324

(a) The communication or advice indicates clear and 3325  
present danger to the client or other persons. For the purposes 3326  
of this division, cases in which there are indications of 3327  
present or past child abuse or neglect of the client constitute 3328  
a clear and present danger. 3329

(b) The client gives express consent to the testimony. 3330

(c) If the client is deceased, the surviving spouse or the 3331  
executor or administrator of the estate of the deceased client 3332  
gives express consent. 3333

(d) The client voluntarily testifies, in which case the 3334  
school guidance counselor or person licensed or registered under 3335  
Chapter 4757. of the Revised Code may be compelled to testify on 3336  
the same subject. 3337

(e) The court in camera determines that the information 3338  
communicated by the client is not germane to the counselor- 3339  
client, marriage and family therapist-client, or social worker- 3340  
client relationship. 3341

(f) A court, in an action brought against a school, its 3342  
administration, or any of its personnel by the client, rules 3343  
after an in-camera inspection that the testimony of the school 3344  
guidance counselor is relevant to that action. 3345

(g) The testimony is sought in a civil action and concerns 3346

court-ordered treatment or services received by a patient as 3347  
part of a case plan journalized under section 2151.412 of the 3348  
Revised Code or the court-ordered treatment or services are 3349  
necessary or relevant to dependency, neglect, or abuse or 3350  
temporary or permanent custody proceedings under Chapter 2151. 3351  
of the Revised Code. 3352

(2) Nothing in division (G) (1) of this section shall 3353  
relieve a school guidance counselor or a person licensed or 3354  
registered under Chapter 4757. of the Revised Code from the 3355  
requirement to report information concerning child abuse or 3356  
neglect under section 2151.421 of the Revised Code. 3357

(H) A mediator acting under a mediation order issued under 3358  
division (A) of section 3109.052 of the Revised Code or 3359  
otherwise issued in any proceeding for divorce, dissolution, 3360  
legal separation, annulment, or the allocation of parental 3361  
rights and responsibilities for the care of children, in any 3362  
action or proceeding, other than a criminal, delinquency, child 3363  
abuse, child neglect, or dependent child action or proceeding, 3364  
that is brought by or against either parent who takes part in 3365  
mediation in accordance with the order and that pertains to the 3366  
mediation process, to any information discussed or presented in 3367  
the mediation process, to the allocation of parental rights and 3368  
responsibilities for the care of the parents' children, or to 3369  
the awarding of parenting time rights in relation to their 3370  
children; 3371

(I) A communications assistant, acting within the scope of 3372  
the communication assistant's authority, when providing 3373  
telecommunications relay service pursuant to section 4931.06 of 3374  
the Revised Code or Title II of the "Communications Act of 3375  
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 3376

communication made through a telecommunications relay service. 3377  
Nothing in this section shall limit the obligation of a 3378  
communications assistant to divulge information or testify when 3379  
mandated by federal law or regulation or pursuant to subpoena in 3380  
a criminal proceeding. 3381

Nothing in this section shall limit any immunity or 3382  
privilege granted under federal law or regulation. 3383

(J) (1) A chiropractor in a civil proceeding concerning a 3384  
communication made to the chiropractor by a patient in that 3385  
relation or the chiropractor's advice to a patient, except as 3386  
otherwise provided in this division. The testimonial privilege 3387  
established under this division does not apply, and a 3388  
chiropractor may testify or may be compelled to testify, in any 3389  
civil action, in accordance with the discovery provisions of the 3390  
Rules of Civil Procedure in connection with a civil action, or 3391  
in connection with a claim under Chapter 4123. of the Revised 3392  
Code, under any of the following circumstances: 3393

(a) If the patient or the guardian or other legal 3394  
representative of the patient gives express consent. 3395

(b) If the patient is deceased, the spouse of the patient 3396  
or the executor or administrator of the patient's estate gives 3397  
express consent. 3398

(c) If a medical claim, dental claim, chiropractic claim, 3399  
or optometric claim, as defined in section 2305.113 of the 3400  
Revised Code, an action for wrongful death, any other type of 3401  
civil action, or a claim under Chapter 4123. of the Revised Code 3402  
is filed by the patient, the personal representative of the 3403  
estate of the patient if deceased, or the patient's guardian or 3404  
other legal representative. 3405

(2) If the testimonial privilege described in division (J) 3406  
(1) of this section does not apply as provided in division (J) 3407  
(1)(c) of this section, a chiropractor may be compelled to 3408  
testify or to submit to discovery under the Rules of Civil 3409  
Procedure only as to a communication made to the chiropractor by 3410  
the patient in question in that relation, or the chiropractor's 3411  
advice to the patient in question, that related causally or 3412  
historically to physical or mental injuries that are relevant to 3413  
issues in the medical claim, dental claim, chiropractic claim, 3414  
or optometric claim, action for wrongful death, other civil 3415  
action, or claim under Chapter 4123. of the Revised Code. 3416

(3) The testimonial privilege established under this 3417  
division does not apply, and a chiropractor may testify or be 3418  
compelled to testify, in any criminal action or administrative 3419  
proceeding. 3420

(4) As used in this division, "communication" means 3421  
acquiring, recording, or transmitting any information, in any 3422  
manner, concerning any facts, opinions, or statements necessary 3423  
to enable a chiropractor to diagnose, treat, or act for a 3424  
patient. A communication may include, but is not limited to, any 3425  
chiropractic, office, or hospital communication such as a 3426  
record, chart, letter, memorandum, laboratory test and results, 3427  
x-ray, photograph, financial statement, diagnosis, or prognosis. 3428

(K)(1) Except as provided under division (K)(2) of this 3429  
section, a critical incident stress management team member 3430  
concerning a communication received from an individual who 3431  
receives crisis response services from the team member, or the 3432  
team member's advice to the individual, during a debriefing 3433  
session. 3434

(2) The testimonial privilege established under division 3435

(K) (1) of this section does not apply if any of the following are true: 3436  
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(a) The communication or advice indicates clear and present danger to the individual who receives crisis response services or to other persons. For purposes of this division, cases in which there are indications of present or past child abuse or neglect of the individual constitute a clear and present danger. 3438  
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(b) The individual who received crisis response services gives express consent to the testimony. 3444  
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(c) If the individual who received crisis response services is deceased, the surviving spouse or the executor or administrator of the estate of the deceased individual gives express consent. 3446  
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(d) The individual who received crisis response services voluntarily testifies, in which case the team member may be compelled to testify on the same subject. 3450  
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(e) The court in camera determines that the information communicated by the individual who received crisis response services is not germane to the relationship between the individual and the team member. 3453  
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(f) The communication or advice pertains or is related to any criminal act. 3457  
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(3) As used in division (K) of this section: 3459

(a) "Crisis response services" means consultation, risk assessment, referral, and on-site crisis intervention services provided by a critical incident stress management team to individuals affected by crisis or disaster. 3460  
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(b) "Critical incident stress management team member" or 3464  
"team member" means an individual specially trained to provide 3465  
crisis response services as a member of an organized community 3466  
or local crisis response team that holds membership in the Ohio 3467  
critical incident stress management network. 3468

(c) "Debriefing session" means a session at which crisis 3469  
response services are rendered by a critical incident stress 3470  
management team member during or after a crisis or disaster. 3471

(L) (1) Subject to division (L) (2) of this section and 3472  
except as provided in division (L) (3) of this section, an 3473  
employee assistance professional, concerning a communication 3474  
made to the employee assistance professional by a client in the 3475  
employee assistance professional's official capacity as an 3476  
employee assistance professional. 3477

(2) Division (L) (1) of this section applies to an employee 3478  
assistance professional who meets either or both of the 3479  
following requirements: 3480

(a) Is certified by the employee assistance certification 3481  
commission to engage in the employee assistance profession; 3482

(b) Has education, training, and experience in all of the 3483  
following: 3484

(i) Providing workplace-based services designed to address 3485  
employer and employee productivity issues; 3486

(ii) Providing assistance to employees and employees' 3487  
dependents in identifying and finding the means to resolve 3488  
personal problems that affect the employees or the employees' 3489  
performance; 3490

(iii) Identifying and resolving productivity problems 3491

associated with an employee's concerns about any of the	3492
following matters: health, marriage, family, finances, substance	3493
abuse or other addiction, workplace, law, and emotional issues;	3494
(iv) Selecting and evaluating available community	3495
resources;	3496
(v) Making appropriate referrals;	3497
(vi) Local and national employee assistance agreements;	3498
(vii) Client confidentiality.	3499
(3) Division (L) (1) of this section does not apply to any	3500
of the following:	3501
(a) A criminal action or proceeding involving an offense	3502
under sections 2903.01 to 2903.06 of the Revised Code if the	3503
employee assistance professional's disclosure or testimony	3504
relates directly to the facts or immediate circumstances of the	3505
offense;	3506
(b) A communication made by a client to an employee	3507
assistance professional that reveals the contemplation or	3508
commission of a crime or serious, harmful act;	3509
(c) A communication that is made by a client who is an	3510
unemancipated minor or an adult adjudicated to be incompetent	3511
and indicates that the client was the victim of a crime or	3512
abuse;	3513
(d) A civil proceeding to determine an individual's mental	3514
competency or a criminal action in which a plea of not guilty by	3515
reason of insanity is entered;	3516
(e) A civil or criminal malpractice action brought against	3517
the employee assistance professional;	3518

(f) When the employee assistance professional has the 3519  
express consent of the client or, if the client is deceased or 3520  
disabled, the client's legal representative; 3521

(g) When the testimonial privilege otherwise provided by 3522  
division (L) (1) of this section is abrogated under law. 3523

**Sec. 2701.07.** When, in the opinion of the court, the 3524  
business thereof so requires, each court of common pleas, court 3525  
of appeals, and, in counties having at the last or any future 3526  
federal census more than seventy thousand inhabitants, the 3527  
probate court, may appoint one or more constables to preserve 3528  
order, attend the assignment of cases in counties where more 3529  
than two judges of the court of common pleas regularly hold 3530  
court at the same time, and discharge such other duties as the 3531  
court requires. When so directed by the court, each constable 3532  
has the same powers as sheriffs to call and impanel jurors, ~~—~~ 3533  
~~except in capital cases.~~ 3534

**Sec. 2743.51.** As used in sections 2743.51 to 2743.72 of 3535  
the Revised Code: 3536

(A) "Claimant" means both of the following categories of 3537  
persons: 3538

(1) Any of the following persons who claim an award of 3539  
reparations under sections 2743.51 to 2743.72 of the Revised 3540  
Code: 3541

(a) A victim who was one of the following at the time of 3542  
the criminally injurious conduct: 3543

(i) A resident of the United States; 3544

(ii) A resident of a foreign country the laws of which 3545  
permit residents of this state to recover compensation as 3546



victims of offenses committed in that country. 3547

(b) A dependent of a deceased victim who is described in 3548  
division (A) (1) (a) of this section; 3549

(c) A third person, other than a collateral source, who 3550  
legally assumes or voluntarily pays the obligations of a victim, 3551  
or of a dependent of a victim, who is described in division (A) 3552  
(1) (a) of this section, which obligations are incurred as a 3553  
result of the criminally injurious conduct that is the subject 3554  
of the claim and may include, but are not limited to, medical or 3555  
burial expenses; 3556

(d) A person who is authorized to act on behalf of any 3557  
person who is described in division (A) (1) (a), (b), or (c) of 3558  
this section; 3559

(e) The estate of a deceased victim who is described in 3560  
division (A) (1) (a) of this section. 3561

(2) Any of the following persons who claim an award of 3562  
reparations under sections 2743.51 to 2743.72 of the Revised 3563  
Code: 3564

(a) A victim who had a permanent place of residence within 3565  
this state at the time of the criminally injurious conduct and 3566  
who, at the time of the criminally injurious conduct, complied 3567  
with any one of the following: 3568

(i) Had a permanent place of employment in this state; 3569

(ii) Was a member of the regular armed forces of the 3570  
United States or of the United States coast guard or was a full- 3571  
time member of the Ohio organized militia or of the United 3572  
States army reserve, naval reserve, or air force reserve; 3573

(iii) Was retired and receiving social security or any 3574

other retirement income;	3575
(iv) Was sixty years of age or older;	3576
(v) Was temporarily in another state for the purpose of receiving medical treatment;	3577 3578
(vi) Was temporarily in another state for the purpose of performing employment-related duties required by an employer located within this state as an express condition of employment or employee benefits;	3579 3580 3581 3582
(vii) Was temporarily in another state for the purpose of receiving occupational, vocational, or other job-related training or instruction required by an employer located within this state as an express condition of employment or employee benefits;	3583 3584 3585 3586 3587
(viii) Was a full-time student at an academic institution, college, or university located in another state;	3588 3589
(ix) Had not departed the geographical boundaries of this state for a period exceeding thirty days or with the intention of becoming a citizen of another state or establishing a permanent place of residence in another state.	3590 3591 3592 3593
(b) A dependent of a deceased victim who is described in division (A) (2) (a) of this section;	3594 3595
(c) A third person, other than a collateral source, who legally assumes or voluntarily pays the obligations of a victim, or of a dependent of a victim, who is described in division (A) (2) (a) of this section, which obligations are incurred as a result of the criminally injurious conduct that is the subject of the claim and may include, but are not limited to, medical or burial expenses;	3596 3597 3598 3599 3600 3601 3602

(d) A person who is authorized to act on behalf of any person who is described in division (A) (2) (a), (b), or (c) of this section;

(e) The estate of a deceased victim who is described in division (A) (2) (a) of this section.

(B) "Collateral source" means a source of benefits or advantages for economic loss otherwise reparable that the victim or claimant has received, or that is readily available to the victim or claimant, from any of the following sources:

(1) The offender;

(2) The government of the United States or any of its agencies, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under sections 2743.51 to 2743.72 of the Revised Code;

(3) Social security, medicare, and medicaid;

(4) State-required, temporary, nonoccupational disability insurance;

(5) Workers' compensation;

(6) Wage continuation programs of any employer;

(7) Proceeds of a contract of insurance payable to the victim for loss that the victim sustained because of the criminally injurious conduct;

(8) A contract providing prepaid hospital and other health care services, or benefits for disability;

(9) That portion of the proceeds of all contracts of insurance payable to the claimant on account of the death of the

victim that exceeds fifty thousand dollars; 3630

(10) Any compensation recovered or recoverable under the 3631  
laws of another state, district, territory, or foreign country 3632  
because the victim was the victim of an offense committed in 3633  
that state, district, territory, or country. 3634

"Collateral source" does not include any money, or the 3635  
monetary value of any property, that is subject to sections 3636  
2969.01 to 2969.06 of the Revised Code or that is received as a 3637  
benefit from the Ohio public safety officers death benefit fund 3638  
created by section 742.62 of the Revised Code. 3639

(C) "Criminally injurious conduct" means one of the 3640  
following: 3641

(1) For the purposes of any person described in division 3642  
(A) (1) of this section, any conduct that occurs or is attempted 3643  
in this state; poses a substantial threat of personal injury or 3644  
death; and is punishable by fine, or imprisonment, ~~or death~~, or 3645  
would be so punishable but for the fact that the person engaging 3646  
in the conduct lacked capacity to commit the crime under the 3647  
laws of this state. Criminally injurious conduct does not 3648  
include conduct arising out of the ownership, maintenance, or 3649  
use of a motor vehicle, except when any of the following 3650  
applies: 3651

(a) The person engaging in the conduct intended to cause 3652  
personal injury or death; 3653

(b) The person engaging in the conduct was using the 3654  
vehicle to flee immediately after committing a felony or an act 3655  
that would constitute a felony but for the fact that the person 3656  
engaging in the conduct lacked the capacity to commit the felony 3657  
under the laws of this state; 3658

(c) The person engaging in the conduct was using the 3659  
vehicle in a manner that constitutes an OVI violation; 3660

(d) The conduct occurred on or after July 25, 1990, and 3661  
the person engaging in the conduct was using the vehicle in a 3662  
manner that constitutes a violation of section 2903.08 of the 3663  
Revised Code; 3664

(e) The person engaging in the conduct acted in a manner 3665  
that caused serious physical harm to a person and that 3666  
constituted a violation of section 4549.02 or 4549.021 of the 3667  
Revised Code. 3668

(2) For the purposes of any person described in division 3669  
(A) (2) of this section, any conduct that occurs or is attempted 3670  
in another state, district, territory, or foreign country; poses 3671  
a substantial threat of personal injury or death; and is 3672  
punishable by fine, imprisonment, or death, or would be so 3673  
punishable but for the fact that the person engaging in the 3674  
conduct lacked capacity to commit the crime under the laws of 3675  
the state, district, territory, or foreign country in which the 3676  
conduct occurred or was attempted. Criminally injurious conduct 3677  
does not include conduct arising out of the ownership, 3678  
maintenance, or use of a motor vehicle, except when any of the 3679  
following applies: 3680

(a) The person engaging in the conduct intended to cause 3681  
personal injury or death; 3682

(b) The person engaging in the conduct was using the 3683  
vehicle to flee immediately after committing a felony or an act 3684  
that would constitute a felony but for the fact that the person 3685  
engaging in the conduct lacked the capacity to commit the felony 3686  
under the laws of the state, district, territory, or foreign 3687

country in which the conduct occurred or was attempted; 3688

(c) The person engaging in the conduct was using the 3689  
vehicle in a manner that constitutes an OVI violation; 3690

(d) The conduct occurred on or after July 25, 1990, the 3691  
person engaging in the conduct was using the vehicle in a manner 3692  
that constitutes a violation of any law of the state, district, 3693  
territory, or foreign country in which the conduct occurred, and 3694  
that law is substantially similar to a violation of section 3695  
2903.08 of the Revised Code; 3696

(e) The person engaging in the conduct acted in a manner 3697  
that caused serious physical harm to a person and that 3698  
constituted a violation of any law of the state, district, 3699  
territory, or foreign country in which the conduct occurred, and 3700  
that law is substantially similar to section 4549.02 or 4549.021 3701  
of the Revised Code. 3702

(3) For the purposes of any person described in division 3703  
(A) (1) or (2) of this section, terrorism that occurs within or 3704  
outside the territorial jurisdiction of the United States. 3705

(D) "Dependent" means an individual wholly or partially 3706  
dependent upon the victim for care and support, and includes a 3707  
child of the victim born after the victim's death. 3708

(E) "Economic loss" means economic detriment consisting 3709  
only of allowable expense, work loss, funeral expense, 3710  
unemployment benefits loss, replacement services loss, cost of 3711  
crime scene cleanup, and cost of evidence replacement. If 3712  
criminally injurious conduct causes death, economic loss 3713  
includes a dependent's economic loss and a dependent's 3714  
replacement services loss. Noneconomic detriment is not economic 3715  
loss; however, economic loss may be caused by pain and suffering 3716

or physical impairment. 3717

(F) (1) For a victim described in division (L) (1) of this 3718  
section, "allowable expense" means reasonable charges incurred 3719  
for reasonably needed products, services, and accommodations, 3720  
including those for medical care, rehabilitation, rehabilitative 3721  
occupational training, and other remedial treatment and care and 3722  
including replacement costs for hearing aids; dentures, 3723  
retainers, and other dental appliances; canes, walkers, and 3724  
other mobility tools; and eyeglasses and other corrective 3725  
lenses. It does not include that portion of a charge for a room 3726  
in a hospital, clinic, convalescent home, nursing home, or any 3727  
other institution engaged in providing nursing care and related 3728  
services in excess of a reasonable and customary charge for 3729  
semiprivate accommodations, unless accommodations other than 3730  
semiprivate accommodations are medically required. 3731

(2) For a victim described in division (L) (2) of this 3732  
section, "allowable expense" means reasonable charges incurred 3733  
for psychiatric care or counseling reasonably needed as a result 3734  
of the criminally injurious conduct. No other type of expense is 3735  
compensable under section 2743.51 to 2743.72 of the Revised Code 3736  
for a victim of that type. 3737

(3) For a victim described in division (L) (3) of this 3738  
section, "allowable expense" means work loss and reasonable 3739  
charges incurred for psychiatric care or counseling reasonably 3740  
needed as a result of the criminally injurious conduct. No other 3741  
type of expense is compensable under sections 2743.51 to 2743.72 3742  
of the Revised Code for a victim of that type. 3743

(4) A family member of a victim who died as a proximate 3744  
result of criminally injurious conduct may be reimbursed as an 3745  
allowable expense through the victim's application for wages 3746

lost and travel expenses incurred in order to attend criminal 3747  
justice proceedings arising from the criminally injurious 3748  
conduct. The cumulative allowable expense for wages lost and 3749  
travel expenses incurred by a family member to attend criminal 3750  
justice proceedings shall not exceed five hundred dollars for 3751  
each family member of the victim and two thousand dollars in the 3752  
aggregate for all family members of the victim. 3753

(5) For a victim described in division (L)(1) of this 3754  
section, "allowable expense" includes both of the following: 3755

(a) Reasonable expenses and fees necessary to obtain a 3756  
guardian's bond pursuant to section 2109.04 of the Revised Code 3757  
when the bond is required to pay an award to a fiduciary on 3758  
behalf of a minor or other incompetent; 3759

(b) Attorney's fees not exceeding one thousand dollars, at 3760  
a rate not exceeding one hundred dollars per hour, incurred to 3761  
successfully obtain a restraining order, custody order, or other 3762  
order to physically separate a victim from an offender. 3763  
Attorney's fees for the services described in this division may 3764  
include an amount for reasonable travel time incurred to attend 3765  
court hearings, not exceeding three hours' round-trip for each 3766  
court hearing, assessed at a rate not exceeding thirty dollars 3767  
per hour. 3768

(G) "Work loss" means loss of income from work that the 3769  
injured person would have performed if the person had not been 3770  
injured and expenses reasonably incurred by the person to obtain 3771  
services in lieu of those the person would have performed for 3772  
income, reduced by any income from substitute work actually 3773  
performed by the person, or by income the person would have 3774  
earned in available appropriate substitute work that the person 3775  
was capable of performing but unreasonably failed to undertake. 3776



(H) "Replacement services loss" means expenses reasonably 3777  
incurred in obtaining ordinary and necessary services in lieu of 3778  
those the injured person would have performed, not for income, 3779  
but for the benefit of the person's self or family, if the 3780  
person had not been injured. 3781

(I) "Dependent's economic loss" means loss after a 3782  
victim's death of contributions of things of economic value to 3783  
the victim's dependents, not including services they would have 3784  
received from the victim if the victim had not suffered the 3785  
fatal injury, less expenses of the dependents avoided by reason 3786  
of the victim's death. If a minor child of a victim is adopted 3787  
after the victim's death, the minor child continues after the 3788  
adoption to incur a dependent's economic loss as a result of the 3789  
victim's death. If the surviving spouse of a victim remarries, 3790  
the surviving spouse continues after the remarriage to incur a 3791  
dependent's economic loss as a result of the victim's death. 3792

(J) "Dependent's replacement services loss" means loss 3793  
reasonably incurred by dependents after a victim's death in 3794  
obtaining ordinary and necessary services in lieu of those the 3795  
victim would have performed for their benefit if the victim had 3796  
not suffered the fatal injury, less expenses of the dependents 3797  
avoided by reason of the victim's death and not subtracted in 3798  
calculating the dependent's economic loss. If a minor child of a 3799  
victim is adopted after the victim's death, the minor child 3800  
continues after the adoption to incur a dependent's replacement 3801  
services loss as a result of the victim's death. If the 3802  
surviving spouse of a victim remarries, the surviving spouse 3803  
continues after the remarriage to incur a dependent's 3804  
replacement services loss as a result of the victim's death. 3805

(K) "Noneconomic detriment" means pain, suffering, 3806

inconvenience, physical impairment, or other nonpecuniary	3807
damage.	3808
(L) "Victim" means one of the following:	3809
(1) A person who suffers personal injury or death as a	3810
result of any of the following:	3811
(a) Criminally injurious conduct;	3812
(b) The good faith effort of any person to prevent	3813
criminally injurious conduct;	3814
(c) The good faith effort of any person to apprehend a	3815
person suspected of engaging in criminally injurious conduct.	3816
(2) A person who is an immediate family member of a victim	3817
of criminally injurious conduct that consists of a homicide, a	3818
sexual assault, domestic violence, or a severe and permanently	3819
incapacitating injury resulting in paraplegia or a similar life-	3820
altering condition, who requires psychiatric care or counseling	3821
as a result of the criminally injurious conduct;	3822
(3) A person who suffers trauma so severe that it impedes	3823
or prohibits a person from participating in normal daily	3824
activities and who is either of the following:	3825
(a) A family member of a victim of criminally injurious	3826
conduct that consists of a homicide, or a family member of a	3827
victim who, as a result of criminally injurious conduct, has	3828
sustained a severe and permanently incapacitating injury	3829
resulting in paraplegia or a similar life-altering condition,	3830
and who can demonstrate either of the following by a	3831
preponderance of the evidence:	3832
(i) The person witnessed the criminally injurious conduct.	3833

(ii) The person arrived at the crime scene in its 3834  
immediate aftermath. 3835

(b) An immediate family member who is a caretaker of a 3836  
dependent victim of criminally injurious conduct that consists 3837  
of a sexual assault. 3838

(M) "Contributory misconduct" means any conduct of the 3839  
claimant or of the victim through whom the claimant claims an 3840  
award of reparations that is unlawful or intentionally tortious 3841  
and to which all of the following apply: 3842

(1) The conduct occurred at the time of the criminally 3843  
injurious conduct that is the basis of the claim. 3844

(2) The conduct itself caused or posed a substantial and 3845  
imminent threat of causing serious physical harm or death to 3846  
another. 3847

(3) The conduct instigated or proximately caused the 3848  
criminally injurious conduct that is the basis of the claim. 3849

(N) (1) "Funeral expense" means any reasonable charges that 3850  
are not in excess of seven thousand five hundred dollars per 3851  
funeral and that are incurred for expenses directly related to a 3852  
victim's funeral, cremation, or burial and any wages lost or 3853  
travel expenses incurred by a family member of a victim in order 3854  
to attend the victim's funeral, cremation, or burial. 3855

(2) An award for funeral expenses shall be applied first 3856  
to expenses directly related to the victim's funeral, cremation, 3857  
or burial. An award for wages lost or travel expenses incurred 3858  
by a family member of the victim shall not exceed five hundred 3859  
dollars for each family member and shall not exceed in the 3860  
aggregate the difference between seven thousand five hundred 3861  
dollars and expenses that are reimbursed by the program and that 3862

are directly related to the victim's funeral, cremation, or 3863  
burial. 3864

(O) "Unemployment benefits loss" means a loss of 3865  
unemployment benefits pursuant to Chapter 4141. of the Revised 3866  
Code when the loss arises solely from the inability of a victim 3867  
to meet the able to work, available for suitable work, or the 3868  
actively seeking suitable work requirements of division (A) (4) 3869  
(a) of section 4141.29 of the Revised Code. 3870

(P) "OVI violation" means any of the following: 3871

(1) A violation of section 4511.19 of the Revised Code, of 3872  
any municipal ordinance prohibiting the operation of a vehicle 3873  
while under the influence of alcohol, a drug of abuse, or a 3874  
combination of them, or of any municipal ordinance prohibiting 3875  
the operation of a vehicle with a prohibited concentration of 3876  
alcohol, a controlled substance, or a metabolite of a controlled 3877  
substance in the whole blood, blood serum or plasma, breath, or 3878  
urine; 3879

(2) A violation of division (A) (1) of section 2903.06 of 3880  
the Revised Code; 3881

(3) A violation of division (A) (2), (3), or (4) of section 3882  
2903.06 of the Revised Code or of a municipal ordinance 3883  
substantially similar to any of those divisions, if the offender 3884  
was under the influence of alcohol, a drug of abuse, or a 3885  
combination of them, at the time of the commission of the 3886  
offense; 3887

(4) For purposes of any person described in division (A) 3888  
(2) of this section, a violation of any law of the state, 3889  
district, territory, or foreign country in which the criminally 3890  
injurious conduct occurred, if that law is substantially similar 3891

to a violation described in division (P) (1) or (2) of this 3892  
section or if that law is substantially similar to a violation 3893  
described in division (P) (3) of this section and the offender 3894  
was under the influence of alcohol, a drug of abuse, or a 3895  
combination of them, at the time of the commission of the 3896  
offense. 3897

(Q) "Pendency of the claim" for an original reparations 3898  
application or supplemental reparations application means the 3899  
period of time from the date the criminally injurious conduct 3900  
upon which the application is based occurred until the date a 3901  
final decision, order, or judgment concerning that original 3902  
reparations application or supplemental reparations application 3903  
is issued. 3904

(R) "Terrorism" means any activity to which all of the 3905  
following apply: 3906

(1) The activity involves a violent act or an act that is 3907  
dangerous to human life. 3908

(2) The act described in division (R) (1) of this section 3909  
is committed within the territorial jurisdiction of the United 3910  
States and is a violation of the criminal laws of the United 3911  
States, this state, or any other state or the act described in 3912  
division (R) (1) of this section is committed outside the 3913  
territorial jurisdiction of the United States and would be a 3914  
violation of the criminal laws of the United States, this state, 3915  
or any other state if committed within the territorial 3916  
jurisdiction of the United States. 3917

(3) The activity appears to be intended to do any of the 3918  
following: 3919

(a) Intimidate or coerce a civilian population; 3920

(b) Influence the policy of any government by intimidation	3921
or coercion;	3922
(c) Affect the conduct of any government by assassination	3923
or kidnapping.	3924
(4) The activity occurs primarily outside the territorial	3925
jurisdiction of the United States or transcends the national	3926
boundaries of the United States in terms of the means by which	3927
the activity is accomplished, the person or persons that the	3928
activity appears intended to intimidate or coerce, or the area	3929
or locale in which the perpetrator or perpetrators of the	3930
activity operate or seek asylum.	3931
(S) "Transcends the national boundaries of the United	3932
States" means occurring outside the territorial jurisdiction of	3933
the United States in addition to occurring within the	3934
territorial jurisdiction of the United States.	3935
(T) "Cost of crime scene cleanup" means any of the	3936
following:	3937
(1) The replacement cost for items of clothing removed	3938
from a victim in order to make an assessment of possible	3939
physical harm or to treat physical harm;	3940
(2) Reasonable and necessary costs of cleaning the scene	3941
and repairing, for the purpose of personal security, property	3942
damaged at the scene where the criminally injurious conduct	3943
occurred, not to exceed seven hundred fifty dollars in the	3944
aggregate per claim.	3945
(U) "Cost of evidence replacement" means costs for	3946
replacement of property confiscated for evidentiary purposes	3947
related to the criminally injurious conduct, not to exceed seven	3948
hundred fifty dollars in the aggregate per claim.	3949

(V) "Provider" means any person who provides a victim or  
claimant with a product, service, or accommodations that are an  
allowable expense or a funeral expense.

(W) "Immediate family member" means an individual who  
resided in the same permanent household as a victim at the time  
of the criminally injurious conduct and who is related to the  
victim by affinity or consanguinity.

(X) "Family member" means an individual who is related to  
a victim by affinity or consanguinity.

**Sec. 2901.02.** As used in the Revised Code:

(A) Offenses include aggravated murder, murder, felonies  
of the first, second, third, fourth, and fifth degree,  
misdemeanors of the first, second, third, and fourth degree,  
minor misdemeanors, and offenses not specifically classified.

~~(B) Aggravated murder when the indictment or the count in  
the indictment charging aggravated murder contains one or more  
specifications of aggravating circumstances listed in division  
(A) of section 2929.04 of Revised Code, and any other offense  
for which death may be imposed as a penalty, is a capital  
offense.~~

~~(C) Aggravated murder and murder are felonies.~~

~~(D) (C) Regardless of the penalty that may be imposed, any  
offense specifically classified as a felony is a felony, and any  
offense specifically classified as a misdemeanor is a  
misdemeanor.~~

~~(E) (D) Any offense not specifically classified is a  
felony if imprisonment for more than one year may be imposed as  
a penalty.~~

~~(F)~~ (E) Any offense not specifically classified is a 3978  
misdemeanor if imprisonment for not more than one year may be 3979  
imposed as a penalty. 3980

~~(G)~~ (F) Any offense not specifically classified is a minor 3981  
misdemeanor if the only penalty that may be imposed is one of 3982  
the following: 3983

(1) For an offense committed prior to January 1, 2004, a 3984  
fine not exceeding one hundred dollars; 3985

(2) For an offense committed on or after January 1, 2004, 3986  
a fine not exceeding one hundred fifty dollars, community 3987  
service under division (D) of section 2929.27 of the Revised 3988  
Code, or a financial sanction other than a fine under section 3989  
2929.28 of the Revised Code. 3990

**Sec. 2909.24.** (A) No person shall commit a specified 3991  
offense with purpose to do any of the following: 3992

(1) Intimidate or coerce a civilian population; 3993

(2) Influence the policy of any government by intimidation 3994  
or coercion; 3995

(3) Affect the conduct of any government by the specified 3996  
offense. 3997

(B) (1) Whoever violates this section is guilty of 3998  
terrorism. 3999

(2) Except as otherwise provided in divisions (B) (3) and 4000  
(4) of this section, terrorism is an offense one degree higher 4001  
than the most serious underlying specified offense the defendant 4002  
committed. 4003

(3) Except as provided in division (B) (6) of this section, 4004



if the most serious underlying specified offense the defendant 4005  
committed is a felony of the first degree or murder, the person 4006  
shall be sentenced to life imprisonment without parole. 4007

(4) Except as provided in division (B)(6) of this section, 4008  
if the most serious underlying specified offense the defendant 4009  
committed is aggravated murder, the offender shall be sentenced 4010  
to life imprisonment without parole ~~or death pursuant to~~ 4011  
~~sections 2929.02 to 2929.06 of the Revised Code.~~ 4012

(5) Section 2909.25 of the Revised Code applies regarding 4013  
an offender who is convicted of or pleads guilty to a violation 4014  
of this section. 4015

(6) If a person commits a violation of this section, if 4016  
the most serious underlying specified offense the offender 4017  
committed is aggravated murder, murder, or a felony of the first 4018  
degree, and if the offender was under eighteen years of age at 4019  
the time of the violation, the offender shall not be sentenced 4020  
to life imprisonment without parole, but instead the offender 4021  
shall be sentenced to an indefinite prison term of thirty years 4022  
to life. 4023

**Sec. 2929.02.** (A) ~~Whoever~~ Except as provided in division 4024  
(C) of this section, whoever is convicted of or pleads guilty to 4025  
aggravated murder in violation of section 2903.01 of the Revised 4026  
Code shall ~~suffer death or be imprisoned for life, as determined~~ 4027  
~~pursuant to sections 2929.022, 2929.03, and 2929.04 of the~~ 4028  
~~Revised Code, except that no person who is not found to have~~ 4029  
~~been eighteen years of age or older at the time of the~~ 4030  
~~commission of the offense shall be imprisoned for life without~~ 4031  
~~parole, and that no person who raises the matter of age pursuant~~ 4032  
~~to section 2929.023 of the Revised Code and who is not found to~~ 4033  
~~have been eighteen years of age or older at the time of the~~ 4034

~~commission of the offense and no person who raises the matter of~~ 4035  
~~the person's serious mental illness at the time of the alleged~~ 4036  
~~commission of the offense pursuant to section 2929.025 of the~~ 4037  
~~Revised Code and is found under that section to be ineligible~~ 4038  
~~for a sentence of death due to serious mental illness shall~~ 4039  
~~suffer death. In addition, the offender may be fined an amount~~ 4040  
~~fixed by the court, but not more than twenty five thousand~~ 4041  
~~dollars~~sentenced to life imprisonment with parole eligibility 4042  
after serving twenty full years of imprisonment, life 4043  
imprisonment without parole eligibility after serving thirty 4044  
full years of imprisonment, or life imprisonment without parole. 4045

~~(B)(1)~~ Except as otherwise provided in division ~~(B)(2)~~ or 4046  
~~(3)~~ (C) of this section, whoever is convicted of or pleads 4047  
guilty to murder in violation of section 2903.02 of the Revised 4048  
Code shall be imprisoned for an indefinite term of fifteen years 4049  
to life. 4050

~~(2)~~ (C)(1) Except as otherwise provided in division ~~(B)(3)~~ 4051  
(C)(2) of this section, if a person is convicted of or pleads 4052  
guilty to aggravated murder in violation of section 2903.01 of 4053  
the Revised Code or to murder in violation of section 2903.02 of 4054  
the Revised Code, the victim of the offense was less than 4055  
thirteen years of age, and the offender also is convicted of or 4056  
pleads guilty to a sexual motivation specification that was 4057  
included in the indictment, count in the indictment, or 4058  
information charging the offense, the court shall impose an 4059  
indefinite prison term of thirty years to life pursuant to 4060  
division (B)(3) of section 2971.03 of the Revised Code. 4061

~~(3)~~ (2) Except as otherwise provided in this division, if a 4062  
person is convicted of or pleads guilty to aggravated murder in 4063  
violation of section 2903.01 of the Revised Code or to murder in 4064

violation of section 2903.02 of the Revised Code and also is 4065  
convicted of or pleads guilty to a sexual motivation 4066  
specification and a sexually violent predator specification that 4067  
were included in the indictment, count in the indictment, or 4068  
information that charged the murder, the court shall impose upon 4069  
the offender a term of life imprisonment without parole that 4070  
shall be served pursuant to section 2971.03 of the Revised Code. 4071  
If the offender was under eighteen years of age at the time of 4072  
the offense, the court shall impose an indefinite prison term of 4073  
thirty years to life. 4074

~~(4)~~ (D) In addition to the prison term imposed under this 4075  
section, the offender may be fined an amount fixed by the court, 4076  
but not more than twenty-five thousand dollars for aggravated 4077  
murder or fifteen thousand dollars for murder. 4078

~~(C)~~ (E) If an offender receives or received a sentence of 4079  
life imprisonment without parole, a sentence of life 4080  
imprisonment, a definite sentence, or a sentence to an 4081  
indefinite prison term under this chapter for an aggravated 4082  
murder or murder that was committed when the offender was under 4083  
eighteen years of age, the offender's parole eligibility shall 4084  
be determined under section 2967.132 of the Revised Code. 4085

~~(D)~~ (F) The court shall not impose a fine or fines for 4086  
aggravated murder or murder ~~which~~ that, in the aggregate and to 4087  
the extent not suspended by the court, exceeds the amount ~~which~~ 4088  
that the offender is or will be able to pay by the method and 4089  
within the time allowed without undue hardship to the offender 4090  
or to the dependents of the offender, or will prevent the 4091  
offender from making reparation for the victim's wrongful death. 4092

~~(E)~~ ~~(1)~~ (G) (1) In addition to any other sanctions imposed 4093  
for a violation of section 2903.01 or 2903.02 of the Revised 4094

Code, if the offender used a motor vehicle as the means to 4095  
commit the violation, the court shall impose upon the offender a 4096  
class two suspension of the offender's driver's license, 4097  
commercial driver's license, temporary instruction permit, 4098  
probationary license, or nonresident operating privilege as 4099  
specified in division (A)(2) of section 4510.02 of the Revised 4100  
Code. 4101

(2) As used in division ~~(E)~~(F) of this section, "motor 4102  
vehicle" has the same meaning as in section 4501.01 of the 4103  
Revised Code. 4104

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 4105  
or (G) of this section and unless a specific sanction is 4106  
required to be imposed or is precluded from being imposed 4107  
pursuant to law, a court that imposes a sentence upon an 4108  
offender for a felony may impose any sanction or combination of 4109  
sanctions on the offender that are provided in sections 2929.14 4110  
to 2929.18 of the Revised Code. 4111

If the offender is eligible to be sentenced to community 4112  
control sanctions, the court shall consider the appropriateness 4113  
of imposing a financial sanction pursuant to section 2929.18 of 4114  
the Revised Code or a sanction of community service pursuant to 4115  
section 2929.17 of the Revised Code as the sole sanction for the 4116  
offense. Except as otherwise provided in this division, if the 4117  
court is required to impose a mandatory prison term for the 4118  
offense for which sentence is being imposed, the court also 4119  
shall impose any financial sanction pursuant to section 2929.18 4120  
of the Revised Code that is required for the offense and may 4121  
impose any other financial sanction pursuant to that section but 4122  
may not impose any additional sanction or combination of 4123  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 4124

If the offender is being sentenced for a fourth degree 4125  
felony OVI offense or for a third degree felony OVI offense, in 4126  
addition to the mandatory term of local incarceration or the 4127  
mandatory prison term required for the offense by division (G) 4128  
(1) or (2) of this section, the court shall impose upon the 4129  
offender a mandatory fine in accordance with division (B) (3) of 4130  
section 2929.18 of the Revised Code and may impose whichever of 4131  
the following is applicable: 4132

(1) For a fourth degree felony OVI offense for which 4133  
sentence is imposed under division (G) (1) of this section, an 4134  
additional community control sanction or combination of 4135  
community control sanctions under section 2929.16 or 2929.17 of 4136  
the Revised Code. If the court imposes upon the offender a 4137  
community control sanction and the offender violates any 4138  
condition of the community control sanction, the court may take 4139  
any action prescribed in division (B) of section 2929.15 of the 4140  
Revised Code relative to the offender, including imposing a 4141  
prison term on the offender pursuant to that division. 4142

(2) For a third or fourth degree felony OVI offense for 4143  
which sentence is imposed under division (G) (2) of this section, 4144  
an additional prison term as described in division (B) (4) of 4145  
section 2929.14 of the Revised Code or a community control 4146  
sanction as described in division (G) (2) of this section. 4147

(B) (1) (a) Except as provided in division (B) (1) (b) of this 4148  
section, if an offender is convicted of or pleads guilty to a 4149  
felony of the fourth or fifth degree that is not an offense of 4150  
violence or that is a qualifying assault offense, the court 4151  
shall sentence the offender to a community control sanction or 4152  
combination of community control sanctions if all of the 4153  
following apply: 4154

(i) The offender previously has not been convicted of or  
pleaded guilty to a felony offense. 4155  
4156

(ii) The most serious charge against the offender at the  
time of sentencing is a felony of the fourth or fifth degree. 4157  
4158

(iii) The offender previously has not been convicted of or  
pleaded guilty to a misdemeanor offense of violence that the  
offender committed within two years prior to the offense for  
which sentence is being imposed. 4159  
4160  
4161  
4162

(b) The court has discretion to impose a prison term upon  
an offender who is convicted of or pleads guilty to a felony of  
the fourth or fifth degree that is not an offense of violence or  
that is a qualifying assault offense if any of the following  
apply: 4163  
4164  
4165  
4166  
4167

(i) The offender committed the offense while having a  
firearm on or about the offender's person or under the  
offender's control. 4168  
4169  
4170

(ii) If the offense is a qualifying assault offense, the  
offender caused serious physical harm to another person while  
committing the offense, and, if the offense is not a qualifying  
assault offense, the offender caused physical harm to another  
person while committing the offense. 4171  
4172  
4173  
4174  
4175

(iii) The offender violated a term of the conditions of  
bond as set by the court. 4176  
4177

(iv) The offense is a sex offense that is a fourth or  
fifth degree felony violation of any provision of Chapter 2907.  
of the Revised Code. 4178  
4179  
4180

(v) In committing the offense, the offender attempted to  
cause or made an actual threat of physical harm to a person with  
4181  
4182

a deadly weapon. 4183

(vi) In committing the offense, the offender attempted to 4184  
cause or made an actual threat of physical harm to a person, and 4185  
the offender previously was convicted of an offense that caused 4186  
physical harm to a person. 4187

(vii) The offender held a public office or position of 4188  
trust, and the offense related to that office or position; the 4189  
offender's position obliged the offender to prevent the offense 4190  
or to bring those committing it to justice; or the offender's 4191  
professional reputation or position facilitated the offense or 4192  
was likely to influence the future conduct of others. 4193

(viii) The offender committed the offense for hire or as 4194  
part of an organized criminal activity. 4195

(ix) The offender at the time of the offense was serving, 4196  
or the offender previously had served, a prison term. 4197

(x) The offender committed the offense while under a 4198  
community control sanction, while on probation, or while 4199  
released from custody on a bond or personal recognizance. 4200

(c) A sentencing court may impose an additional penalty 4201  
under division (B) of section 2929.15 of the Revised Code upon 4202  
an offender sentenced to a community control sanction under 4203  
division (B)(1)(a) of this section if the offender violates the 4204  
conditions of the community control sanction, violates a law, or 4205  
leaves the state without the permission of the court or the 4206  
offender's probation officer. 4207

(2) If division (B)(1) of this section does not apply, 4208  
except as provided in division (E), (F), or (G) of this section, 4209  
in determining whether to impose a prison term as a sanction for 4210  
a felony of the fourth or fifth degree, the sentencing court 4211

shall comply with the purposes and principles of sentencing 4212  
under section 2929.11 of the Revised Code and with section 4213  
2929.12 of the Revised Code. 4214

(C) Except as provided in division (D), (E), (F), or (G) 4215  
of this section, in determining whether to impose a prison term 4216  
as a sanction for a felony of the third degree or a felony drug 4217  
offense that is a violation of a provision of Chapter 2925. of 4218  
the Revised Code and that is specified as being subject to this 4219  
division for purposes of sentencing, the sentencing court shall 4220  
comply with the purposes and principles of sentencing under 4221  
section 2929.11 of the Revised Code and with section 2929.12 of 4222  
the Revised Code. 4223

(D) (1) Except as provided in division (E) or (F) of this 4224  
section, for a felony of the first or second degree, for a 4225  
felony drug offense that is a violation of any provision of 4226  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 4227  
presumption in favor of a prison term is specified as being 4228  
applicable, and for a violation of division (A) (4) or (B) of 4229  
section 2907.05 of the Revised Code for which a presumption in 4230  
favor of a prison term is specified as being applicable, it is 4231  
presumed that a prison term is necessary in order to comply with 4232  
the purposes and principles of sentencing under section 2929.11 4233  
of the Revised Code. Division (D) (2) of this section does not 4234  
apply to a presumption established under this division for a 4235  
violation of division (A) (4) of section 2907.05 of the Revised 4236  
Code. 4237

(2) Notwithstanding the presumption established under 4238  
division (D) (1) of this section for the offenses listed in that 4239  
division other than a violation of division (A) (4) or (B) of 4240  
section 2907.05 of the Revised Code, the sentencing court may 4241



impose a community control sanction or a combination of 4242  
community control sanctions instead of a prison term on an 4243  
offender for a felony of the first or second degree or for a 4244  
felony drug offense that is a violation of any provision of 4245  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 4246  
presumption in favor of a prison term is specified as being 4247  
applicable if it makes both of the following findings: 4248

(a) A community control sanction or a combination of 4249  
community control sanctions would adequately punish the offender 4250  
and protect the public from future crime, because the applicable 4251  
factors under section 2929.12 of the Revised Code indicating a 4252  
lesser likelihood of recidivism outweigh the applicable factors 4253  
under that section indicating a greater likelihood of 4254  
recidivism. 4255

(b) A community control sanction or a combination of 4256  
community control sanctions would not demean the seriousness of 4257  
the offense, because one or more factors under section 2929.12 4258  
of the Revised Code that indicate that the offender's conduct 4259  
was less serious than conduct normally constituting the offense 4260  
are applicable, and they outweigh the applicable factors under 4261  
that section that indicate that the offender's conduct was more 4262  
serious than conduct normally constituting the offense. 4263

(E) (1) Except as provided in division (F) of this section, 4264  
for any drug offense that is a violation of any provision of 4265  
Chapter 2925. of the Revised Code and that is a felony of the 4266  
third, fourth, or fifth degree, the applicability of a 4267  
presumption under division (D) of this section in favor of a 4268  
prison term or of division (B) or (C) of this section in 4269  
determining whether to impose a prison term for the offense 4270  
shall be determined as specified in section 2925.02, 2925.03, 4271

2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 4272  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 4273  
regarding the violation. 4274

(2) If an offender who was convicted of or pleaded guilty 4275  
to a felony violates the conditions of a community control 4276  
sanction imposed for the offense solely by reason of producing 4277  
positive results on a drug test, the court, as punishment for 4278  
the violation of the sanction, shall not order that the offender 4279  
be imprisoned unless the court determines on the record either 4280  
of the following: 4281

(a) The offender had been ordered as a sanction for the 4282  
felony to participate in a drug treatment program, in a drug 4283  
education program, or in narcotics anonymous or a similar 4284  
program, and the offender continued to use illegal drugs after a 4285  
reasonable period of participation in the program. 4286

(b) The imprisonment of the offender for the violation is 4287  
consistent with the purposes and principles of sentencing set 4288  
forth in section 2929.11 of the Revised Code. 4289

(3) A court that sentences an offender for a drug abuse 4290  
offense that is a felony of the third, fourth, or fifth degree 4291  
may require that the offender be assessed by a properly 4292  
credentialed professional within a specified period of time. The 4293  
court shall require the professional to file a written 4294  
assessment of the offender with the court. If the offender is 4295  
eligible for a community control sanction and after considering 4296  
the written assessment, the court may impose a community control 4297  
sanction that includes addiction services and recovery supports 4298  
included in a community-based continuum of care established 4299  
under section 340.032 of the Revised Code. If the court imposes 4300  
addiction services and recovery supports as a community control 4301

sanction, the court shall direct the level and type of addiction 4302  
services and recovery supports after considering the assessment 4303  
and recommendation of community addiction services providers. 4304

(F) Notwithstanding divisions (A) to (E) of this section, 4305  
the court shall impose a prison term or terms under ~~sections~~ 4306  
section 2929.02 to 2929.06, section 2929.14, section 2929.142, 4307  
or ~~section~~ 2971.03 of the Revised Code and except as 4308  
specifically provided in section 2929.20, or section 2967.191 of 4309  
the Revised Code or when parole is authorized for the offense 4310  
under section 2967.13 of the Revised Code shall not reduce the 4311  
term or terms pursuant to section 2929.20, division (A) (2) or 4312  
(3) of section 2967.193 or 2967.194, or any other provision of 4313  
Chapter 2967. or Chapter 5120. of the Revised Code for any of 4314  
the following offenses: 4315

(1) Aggravated murder ~~when death is not imposed~~ or murder; 4316

(2) Any rape, regardless of whether force was involved and 4317  
regardless of the age of the victim, or an attempt to commit 4318  
rape if, had the offender completed the rape that was attempted, 4319  
the offender would have been guilty of a violation of division 4320  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 4321  
sentenced under section 2971.03 of the Revised Code; 4322

(3) Gross sexual imposition or sexual battery, if the 4323  
victim is less than thirteen years of age and if any of the 4324  
following applies: 4325

(a) Regarding gross sexual imposition, the offender 4326  
previously was convicted of or pleaded guilty to rape, the 4327  
former offense of felonious sexual penetration, gross sexual 4328  
imposition, or sexual battery, and the victim of the previous 4329  
offense was less than thirteen years of age; 4330

(b) Regarding gross sexual imposition, the offense was 4331  
committed on or after August 3, 2006, and evidence other than 4332  
the testimony of the victim was admitted in the case 4333  
corroborating the violation. 4334

(c) Regarding sexual battery, either of the following 4335  
applies: 4336

(i) The offense was committed prior to August 3, 2006, the 4337  
offender previously was convicted of or pleaded guilty to rape, 4338  
the former offense of felonious sexual penetration, or sexual 4339  
battery, and the victim of the previous offense was less than 4340  
thirteen years of age. 4341

(ii) The offense was committed on or after August 3, 2006. 4342

(4) A felony violation of section 2903.04, 2903.06, 4343  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 4344  
or 2923.132 of the Revised Code if the section requires the 4345  
imposition of a prison term; 4346

(5) A first, second, or third degree felony drug offense 4347  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 4348  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 4349  
or 4729.99 of the Revised Code, whichever is applicable 4350  
regarding the violation, requires the imposition of a mandatory 4351  
prison term; 4352

(6) Any offense that is a first or second degree felony 4353  
and that is not set forth in division (F)(1), (2), (3), or (4) 4354  
of this section, if the offender previously was convicted of or 4355  
pleaded guilty to aggravated murder, murder, any first or second 4356  
degree felony, or an offense under an existing or former law of 4357  
this state, another state, or the United States that is or was 4358  
substantially equivalent to one of those offenses; 4359

(7) Any offense that is a third degree felony and either 4360  
is a violation of section 2903.04 of the Revised Code or an 4361  
attempt to commit a felony of the second degree that is an 4362  
offense of violence and involved an attempt to cause serious 4363  
physical harm to a person or that resulted in serious physical 4364  
harm to a person if the offender previously was convicted of or 4365  
pleaded guilty to any of the following offenses: 4366

(a) Aggravated murder, murder, involuntary manslaughter, 4367  
rape, felonious sexual penetration as it existed under section 4368  
2907.12 of the Revised Code prior to September 3, 1996, a felony 4369  
of the first or second degree that resulted in the death of a 4370  
person or in physical harm to a person, or complicity in or an 4371  
attempt to commit any of those offenses; 4372

(b) An offense under an existing or former law of this 4373  
state, another state, or the United States that is or was 4374  
substantially equivalent to an offense listed in division (F) (7) 4375  
(a) of this section that resulted in the death of a person or in 4376  
physical harm to a person. 4377

(8) Any offense, other than a violation of section 2923.12 4378  
of the Revised Code, that is a felony, if the offender had a 4379  
firearm on or about the offender's person or under the 4380  
offender's control while committing the felony, with respect to 4381  
a portion of the sentence imposed pursuant to division (B) (1) (a) 4382  
of section 2929.14 of the Revised Code for having the firearm; 4383

(9) Any offense of violence that is a felony, if the 4384  
offender wore or carried body armor while committing the felony 4385  
offense of violence, with respect to the portion of the sentence 4386  
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 4387  
Revised Code for wearing or carrying the body armor; 4388

(10) Corrupt activity in violation of section 2923.32 of 4389  
the Revised Code when the most serious offense in the pattern of 4390  
corrupt activity that is the basis of the offense is a felony of 4391  
the first degree; 4392

(11) Any violent sex offense or designated homicide, 4393  
assault, or kidnapping offense if, in relation to that offense, 4394  
the offender is adjudicated a sexually violent predator; 4395

(12) A violation of division (A)(1) or (2) of section 4396  
2921.36 of the Revised Code, or a violation of division (C) of 4397  
that section involving an item listed in division (A)(1) or (2) 4398  
of that section, if the offender is an officer or employee of 4399  
the department of rehabilitation and correction; 4400

(13) A violation of division (A)(1) or (2) of section 4401  
2903.06 of the Revised Code if the victim of the offense is a 4402  
peace officer, as defined in section 2935.01 of the Revised 4403  
Code, or an investigator of the bureau of criminal 4404  
identification and investigation, as defined in section 2903.11 4405  
of the Revised Code, with respect to the portion of the sentence 4406  
imposed pursuant to division (B)(5) of section 2929.14 of the 4407  
Revised Code; 4408

(14) A violation of division (A)(1) or (2) of section 4409  
2903.06 of the Revised Code if the offender has been convicted 4410  
of or pleaded guilty to three or more violations of division (A) 4411  
of section 4511.19 of the Revised Code or an equivalent offense, 4412  
as defined in section 2941.1415 of the Revised Code, or three or 4413  
more violations of any combination of those offenses, with 4414  
respect to the portion of the sentence imposed pursuant to 4415  
division (B)(6) of section 2929.14 of the Revised Code; 4416

(15) Kidnapping, in the circumstances specified in section 4417

2971.03 of the Revised Code and when no other provision of 4418  
division (F) of this section applies; 4419

(16) Kidnapping, abduction, compelling prostitution, 4420  
promoting prostitution, engaging in a pattern of corrupt 4421  
activity, a violation of division (A) (1) or (2) of section 4422  
2907.323 of the Revised Code that involves a minor, or 4423  
endangering children in violation of division (B) (1), (2), (3), 4424  
(4), or (5) of section 2919.22 of the Revised Code, if the 4425  
offender is convicted of or pleads guilty to a specification as 4426  
described in section 2941.1422 of the Revised Code that was 4427  
included in the indictment, count in the indictment, or 4428  
information charging the offense; 4429

(17) A felony violation of division (A) or (B) of section 4430  
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 4431  
that section, and division (D) (6) of that section, require the 4432  
imposition of a prison term; 4433

(18) A felony violation of section 2903.11, 2903.12, or 4434  
2903.13 of the Revised Code, if the victim of the offense was a 4435  
woman that the offender knew was pregnant at the time of the 4436  
violation, with respect to a portion of the sentence imposed 4437  
pursuant to division (B) (8) of section 2929.14 of the Revised 4438  
Code; 4439

(19) (a) Any violent felony offense if the offender is a 4440  
violent career criminal and had a firearm on or about the 4441  
offender's person or under the offender's control during the 4442  
commission of the violent felony offense and displayed or 4443  
brandished the firearm, indicated that the offender possessed a 4444  
firearm, or used the firearm to facilitate the offense, with 4445  
respect to the portion of the sentence imposed under division 4446  
(K) of section 2929.14 of the Revised Code. 4447

(b) As used in division (F) (19) (a) of this section, 4448  
"violent career criminal" and "violent felony offense" have the 4449  
same meanings as in section 2923.132 of the Revised Code. 4450

(20) Any violation of division (A) (1) of section 2903.11 4451  
of the Revised Code if the offender used an accelerant in 4452  
committing the violation and the serious physical harm to 4453  
another or another's unborn caused by the violation resulted in 4454  
a permanent, serious disfigurement or permanent, substantial 4455  
incapacity or any violation of division (A) (2) of that section 4456  
if the offender used an accelerant in committing the violation, 4457  
the violation caused physical harm to another or another's 4458  
unborn, and the physical harm resulted in a permanent, serious 4459  
disfigurement or permanent, substantial incapacity, with respect 4460  
to a portion of the sentence imposed pursuant to division (B) (9) 4461  
of section 2929.14 of the Revised Code. The provisions of this 4462  
division and of division (D) (2) of section 2903.11, divisions 4463  
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 4464  
the Revised Code shall be known as "Judy's Law." 4465

(21) Any violation of division (A) of section 2903.11 of 4466  
the Revised Code if the victim of the offense suffered permanent 4467  
disabling harm as a result of the offense and the victim was 4468  
under ten years of age at the time of the offense, with respect 4469  
to a portion of the sentence imposed pursuant to division (B) 4470  
(10) of section 2929.14 of the Revised Code. 4471

(22) A felony violation of section 2925.03, 2925.05, or 4472  
2925.11 of the Revised Code, if the drug involved in the 4473  
violation is a fentanyl-related compound or a compound, mixture, 4474  
preparation, or substance containing a fentanyl-related compound 4475  
and the offender is convicted of or pleads guilty to a 4476  
specification of the type described in division (B) of section 4477



2941.1410 of the Revised Code that was included in the 4478  
indictment, count in the indictment, or information charging the 4479  
offense, with respect to the portion of the sentence imposed 4480  
under division (B) (11) of section 2929.14 of the Revised Code. 4481

(G) Notwithstanding divisions (A) to (E) of this section, 4482  
if an offender is being sentenced for a fourth degree felony OVI 4483  
offense or for a third degree felony OVI offense, the court 4484  
shall impose upon the offender a mandatory term of local 4485  
incarceration or a mandatory prison term in accordance with the 4486  
following: 4487

(1) If the offender is being sentenced for a fourth degree 4488  
felony OVI offense and if the offender has not been convicted of 4489  
and has not pleaded guilty to a specification of the type 4490  
described in section 2941.1413 of the Revised Code, the court 4491  
may impose upon the offender a mandatory term of local 4492  
incarceration of sixty days or one hundred twenty days as 4493  
specified in division (G) (1) (d) of section 4511.19 of the 4494  
Revised Code. The court shall not reduce the term pursuant to 4495  
section 2929.20, division (A) (2) or (3) of section 2967.193 or 4496  
2967.194, or any other provision of the Revised Code. The court 4497  
that imposes a mandatory term of local incarceration under this 4498  
division shall specify whether the term is to be served in a 4499  
jail, a community-based correctional facility, a halfway house, 4500  
or an alternative residential facility, and the offender shall 4501  
serve the term in the type of facility specified by the court. A 4502  
mandatory term of local incarceration imposed under division (G) 4503  
(1) of this section is not subject to any other Revised Code 4504  
provision that pertains to a prison term except as provided in 4505  
division (A) (1) of this section. 4506

(2) If the offender is being sentenced for a third degree 4507

felony OVI offense, or if the offender is being sentenced for a 4508  
fourth degree felony OVI offense and the court does not impose a 4509  
mandatory term of local incarceration under division (G) (1) of 4510  
this section, the court shall impose upon the offender a 4511  
mandatory prison term of one, two, three, four, or five years if 4512  
the offender also is convicted of or also pleads guilty to a 4513  
specification of the type described in section 2941.1413 of the 4514  
Revised Code or shall impose upon the offender a mandatory 4515  
prison term of sixty days or one hundred twenty days as 4516  
specified in division (G) (1) (d) or (e) of section 4511.19 of the 4517  
Revised Code if the offender has not been convicted of and has 4518  
not pleaded guilty to a specification of that type. The court 4519  
shall not reduce the term pursuant to section 2929.20, division 4520  
(A) (2) or (3) of section 2967.193 or 2967.194, or any other 4521  
provision of the Revised Code. The offender shall serve the 4522  
one-, two-, three-, four-, or five-year mandatory prison term 4523  
consecutively to and prior to the prison term imposed for the 4524  
underlying offense and consecutively to any other mandatory 4525  
prison term imposed in relation to the offense. In no case shall 4526  
an offender who once has been sentenced to a mandatory term of 4527  
local incarceration pursuant to division (G) (1) of this section 4528  
for a fourth degree felony OVI offense be sentenced to another 4529  
mandatory term of local incarceration under that division for 4530  
any violation of division (A) of section 4511.19 of the Revised 4531  
Code. In addition to the mandatory prison term described in 4532  
division (G) (2) of this section, the court may sentence the 4533  
offender to a community control sanction under section 2929.16 4534  
or 2929.17 of the Revised Code, but the offender shall serve the 4535  
prison term prior to serving the community control sanction. The 4536  
department of rehabilitation and correction may place an 4537  
offender sentenced to a mandatory prison term under this 4538  
division in an intensive program prison established pursuant to 4539

section 5120.033 of the Revised Code if the department gave the 4540  
sentencing judge prior notice of its intent to place the 4541  
offender in an intensive program prison established under that 4542  
section and if the judge did not notify the department that the 4543  
judge disapproved the placement. Upon the establishment of the 4544  
initial intensive program prison pursuant to section 5120.033 of 4545  
the Revised Code that is privately operated and managed by a 4546  
contractor pursuant to a contract entered into under section 4547  
9.06 of the Revised Code, both of the following apply: 4548

(a) The department of rehabilitation and correction shall 4549  
make a reasonable effort to ensure that a sufficient number of 4550  
offenders sentenced to a mandatory prison term under this 4551  
division are placed in the privately operated and managed prison 4552  
so that the privately operated and managed prison has full 4553  
occupancy. 4554

(b) Unless the privately operated and managed prison has 4555  
full occupancy, the department of rehabilitation and correction 4556  
shall not place any offender sentenced to a mandatory prison 4557  
term under this division in any intensive program prison 4558  
established pursuant to section 5120.033 of the Revised Code 4559  
other than the privately operated and managed prison. 4560

(H) If an offender is being sentenced for a sexually 4561  
oriented offense or child-victim oriented offense that is a 4562  
felony committed on or after January 1, 1997, the judge shall 4563  
require the offender to submit to a DNA specimen collection 4564  
procedure pursuant to section 2901.07 of the Revised Code. 4565

(I) If an offender is being sentenced for a sexually 4566  
oriented offense or a child-victim oriented offense committed on 4567  
or after January 1, 1997, the judge shall include in the 4568  
sentence a summary of the offender's duties imposed under 4569

sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 4570  
Code and the duration of the duties. The judge shall inform the 4571  
offender, at the time of sentencing, of those duties and of 4572  
their duration. If required under division (A) (2) of section 4573  
2950.03 of the Revised Code, the judge shall perform the duties 4574  
specified in that section, or, if required under division (A) (6) 4575  
of section 2950.03 of the Revised Code, the judge shall perform 4576  
the duties specified in that division. 4577

(J) (1) Except as provided in division (J) (2) of this 4578  
section, when considering sentencing factors under this section 4579  
in relation to an offender who is convicted of or pleads guilty 4580  
to an attempt to commit an offense in violation of section 4581  
2923.02 of the Revised Code, the sentencing court shall consider 4582  
the factors applicable to the felony category of the violation 4583  
of section 2923.02 of the Revised Code instead of the factors 4584  
applicable to the felony category of the offense attempted. 4585

(2) When considering sentencing factors under this section 4586  
in relation to an offender who is convicted of or pleads guilty 4587  
to an attempt to commit a drug abuse offense for which the 4588  
penalty is determined by the amount or number of unit doses of 4589  
the controlled substance involved in the drug abuse offense, the 4590  
sentencing court shall consider the factors applicable to the 4591  
felony category that the drug abuse offense attempted would be 4592  
if that drug abuse offense had been committed and had involved 4593  
an amount or number of unit doses of the controlled substance 4594  
that is within the next lower range of controlled substance 4595  
amounts than was involved in the attempt. 4596

(K) As used in this section: 4597

(1) "Community addiction services provider" has the same 4598  
meaning as in section 5119.01 of the Revised Code. 4599

(2) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code. 4600  
4601

(3) "Minor drug possession offense" has the same meaning as in section 2925.11 of the Revised Code. 4602  
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(4) "Qualifying assault offense" means a violation of section 2903.13 of the Revised Code for which the penalty provision in division (C) (8) (b) or (C) (9) (b) of that section applies. 4604  
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(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund. 4608  
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**Sec. 2929.14.** (A) Except as provided in division (B) (1), (B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), (B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or in division (D) (6) of section 2919.25 of the Revised Code and except in relation to an offense for which a sentence of ~~death~~ ~~or~~ life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a prison term that shall be one of the following: 4617  
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(1) (a) For a felony of the first degree committed on or after March 22, 2019, the prison term shall be an indefinite 4627  
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prison term with a stated minimum term selected by the court of 4629  
three, four, five, six, seven, eight, nine, ten, or eleven years 4630  
and a maximum term that is determined pursuant to section 4631  
2929.144 of the Revised Code, except that if the section that 4632  
criminalizes the conduct constituting the felony specifies a 4633  
different minimum term or penalty for the offense, the specific 4634  
language of that section shall control in determining the 4635  
minimum term or otherwise sentencing the offender but the 4636  
minimum term or sentence imposed under that specific language 4637  
shall be considered for purposes of the Revised Code as if it 4638  
had been imposed under this division. 4639

(b) For a felony of the first degree committed prior to 4640  
March 22, 2019, the prison term shall be a definite prison term 4641  
of three, four, five, six, seven, eight, nine, ten, or eleven 4642  
years. 4643

(2) (a) For a felony of the second degree committed on or 4644  
after March 22, 2019, the prison term shall be an indefinite 4645  
prison term with a stated minimum term selected by the court of 4646  
two, three, four, five, six, seven, or eight years and a maximum 4647  
term that is determined pursuant to section 2929.144 of the 4648  
Revised Code, except that if the section that criminalizes the 4649  
conduct constituting the felony specifies a different minimum 4650  
term or penalty for the offense, the specific language of that 4651  
section shall control in determining the minimum term or 4652  
otherwise sentencing the offender but the minimum term or 4653  
sentence imposed under that specific language shall be 4654  
considered for purposes of the Revised Code as if it had been 4655  
imposed under this division. 4656

(b) For a felony of the second degree committed prior to 4657  
March 22, 2019, the prison term shall be a definite term of two, 4658

three, four, five, six, seven, or eight years. 4659

(3) (a) For a felony of the third degree that is a 4660  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 4661  
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 4662  
Code, that is a violation of division (A) of section 4511.19 of 4663  
the Revised Code if the offender previously has been convicted 4664  
of or pleaded guilty to a violation of division (A) of that 4665  
section that was a felony, or that is a violation of section 4666  
2911.02 or 2911.12 of the Revised Code if the offender 4667  
previously has been convicted of or pleaded guilty in two or 4668  
more separate proceedings to two or more violations of section 4669  
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 4670  
prison term shall be a definite term of twelve, eighteen, 4671  
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 4672  
four, or sixty months. 4673

(b) For a felony of the third degree that is not an 4674  
offense for which division (A) (3) (a) of this section applies, 4675  
the prison term shall be a definite term of nine, twelve, 4676  
eighteen, twenty-four, thirty, or thirty-six months. 4677

(4) For a felony of the fourth degree, the prison term 4678  
shall be a definite term of six, seven, eight, nine, ten, 4679  
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 4680  
or eighteen months. 4681

(5) For a felony of the fifth degree, the prison term 4682  
shall be a definite term of six, seven, eight, nine, ten, 4683  
eleven, or twelve months. 4684

(B) (1) (a) Except as provided in division (B) (1) (e) of this 4685  
section, if an offender who is convicted of or pleads guilty to 4686  
a felony also is convicted of or pleads guilty to a 4687

specification of the type described in section 2941.141, 4688  
2941.144, or 2941.145 of the Revised Code, the court shall 4689  
impose on the offender one of the following prison terms: 4690

(i) A prison term of six years if the specification is of 4691  
the type described in division (A) of section 2941.144 of the 4692  
Revised Code that charges the offender with having a firearm 4693  
that is an automatic firearm or that was equipped with a firearm 4694  
muffler or suppressor on or about the offender's person or under 4695  
the offender's control while committing the offense; 4696

(ii) A prison term of three years if the specification is 4697  
of the type described in division (A) of section 2941.145 of the 4698  
Revised Code that charges the offender with having a firearm on 4699  
or about the offender's person or under the offender's control 4700  
while committing the offense and displaying the firearm, 4701  
brandishing the firearm, indicating that the offender possessed 4702  
the firearm, or using it to facilitate the offense; 4703

(iii) A prison term of one year if the specification is of 4704  
the type described in division (A) of section 2941.141 of the 4705  
Revised Code that charges the offender with having a firearm on 4706  
or about the offender's person or under the offender's control 4707  
while committing the offense; 4708

(iv) A prison term of nine years if the specification is 4709  
of the type described in division (D) of section 2941.144 of the 4710  
Revised Code that charges the offender with having a firearm 4711  
that is an automatic firearm or that was equipped with a firearm 4712  
muffler or suppressor on or about the offender's person or under 4713  
the offender's control while committing the offense and 4714  
specifies that the offender previously has been convicted of or 4715  
pleaded guilty to a specification of the type described in 4716  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 4717



the Revised Code; 4718

(v) A prison term of fifty-four months if the 4719  
specification is of the type described in division (D) of 4720  
section 2941.145 of the Revised Code that charges the offender 4721  
with having a firearm on or about the offender's person or under 4722  
the offender's control while committing the offense and 4723  
displaying the firearm, brandishing the firearm, indicating that 4724  
the offender possessed the firearm, or using the firearm to 4725  
facilitate the offense and that the offender previously has been 4726  
convicted of or pleaded guilty to a specification of the type 4727  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 4728  
2941.1412 of the Revised Code; 4729

(vi) A prison term of eighteen months if the specification 4730  
is of the type described in division (D) of section 2941.141 of 4731  
the Revised Code that charges the offender with having a firearm 4732  
on or about the offender's person or under the offender's 4733  
control while committing the offense and that the offender 4734  
previously has been convicted of or pleaded guilty to a 4735  
specification of the type described in section 2941.141, 4736  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 4737

(b) If a court imposes a prison term on an offender under 4738  
division (B)(1)(a) of this section, the prison term shall not be 4739  
reduced pursuant to section 2929.20, division (A)(2) or (3) of 4740  
section 2967.193 or 2967.194, or any other provision of Chapter 4741  
2967. or Chapter 5120. of the Revised Code. Except as provided 4742  
in division (B)(1)(g) of this section, a court shall not impose 4743  
more than one prison term on an offender under division (B)(1) 4744  
(a) of this section for felonies committed as part of the same 4745  
act or transaction. 4746

(c)(i) Except as provided in division (B)(1)(e) of this 4747

section, if an offender who is convicted of or pleads guilty to 4748  
a violation of section 2923.161 of the Revised Code or to a 4749  
felony that includes, as an essential element, purposely or 4750  
knowingly causing or attempting to cause the death of or 4751  
physical harm to another, also is convicted of or pleads guilty 4752  
to a specification of the type described in division (A) of 4753  
section 2941.146 of the Revised Code that charges the offender 4754  
with committing the offense by discharging a firearm from a 4755  
motor vehicle other than a manufactured home, the court, after 4756  
imposing a prison term on the offender for the violation of 4757  
section 2923.161 of the Revised Code or for the other felony 4758  
offense under division (A), (B) (2), or (B) (3) of this section, 4759  
shall impose an additional prison term of five years upon the 4760  
offender that shall not be reduced pursuant to section 2929.20, 4761  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 4762  
other provision of Chapter 2967. or Chapter 5120. of the Revised 4763  
Code. 4764

(ii) Except as provided in division (B) (1) (e) of this 4765  
section, if an offender who is convicted of or pleads guilty to 4766  
a violation of section 2923.161 of the Revised Code or to a 4767  
felony that includes, as an essential element, purposely or 4768  
knowingly causing or attempting to cause the death of or 4769  
physical harm to another, also is convicted of or pleads guilty 4770  
to a specification of the type described in division (C) of 4771  
section 2941.146 of the Revised Code that charges the offender 4772  
with committing the offense by discharging a firearm from a 4773  
motor vehicle other than a manufactured home and that the 4774  
offender previously has been convicted of or pleaded guilty to a 4775  
specification of the type described in section 2941.141, 4776  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 4777  
the court, after imposing a prison term on the offender for the 4778

violation of section 2923.161 of the Revised Code or for the 4779  
other felony offense under division (A), (B) (2), or (3) of this 4780  
section, shall impose an additional prison term of ninety months 4781  
upon the offender that shall not be reduced pursuant to section 4782  
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 4783  
or any other provision of Chapter 2967. or Chapter 5120. of the 4784  
Revised Code. 4785

(iii) A court shall not impose more than one additional 4786  
prison term on an offender under division (B) (1) (c) of this 4787  
section for felonies committed as part of the same act or 4788  
transaction. If a court imposes an additional prison term on an 4789  
offender under division (B) (1) (c) of this section relative to an 4790  
offense, the court also shall impose a prison term under 4791  
division (B) (1) (a) of this section relative to the same offense, 4792  
provided the criteria specified in that division for imposing an 4793  
additional prison term are satisfied relative to the offender 4794  
and the offense. 4795

(d) If an offender who is convicted of or pleads guilty to 4796  
an offense of violence that is a felony also is convicted of or 4797  
pleads guilty to a specification of the type described in 4798  
section 2941.1411 of the Revised Code that charges the offender 4799  
with wearing or carrying body armor while committing the felony 4800  
offense of violence, the court shall impose on the offender an 4801  
additional prison term of two years. The prison term so imposed 4802  
shall not be reduced pursuant to section 2929.20, division (A) 4803  
(2) or (3) of section 2967.193 or 2967.194, or any other 4804  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 4805  
A court shall not impose more than one prison term on an 4806  
offender under division (B) (1) (d) of this section for felonies 4807  
committed as part of the same act or transaction. If a court 4808  
imposes an additional prison term under division (B) (1) (a) or 4809

(c) of this section, the court is not precluded from imposing an 4810  
additional prison term under division (B) (1) (d) of this section. 4811

(e) The court shall not impose any of the prison terms 4812  
described in division (B) (1) (a) of this section or any of the 4813  
additional prison terms described in division (B) (1) (c) of this 4814  
section upon an offender for a violation of section 2923.12 or 4815  
2923.123 of the Revised Code. The court shall not impose any of 4816  
the prison terms described in division (B) (1) (a) or (b) of this 4817  
section upon an offender for a violation of section 2923.122 4818  
that involves a deadly weapon that is a firearm other than a 4819  
dangerous ordnance, section 2923.16, or section 2923.121 of the 4820  
Revised Code. The court shall not impose any of the prison terms 4821  
described in division (B) (1) (a) of this section or any of the 4822  
additional prison terms described in division (B) (1) (c) of this 4823  
section upon an offender for a violation of section 2923.13 of 4824  
the Revised Code unless all of the following apply: 4825

(i) The offender previously has been convicted of 4826  
aggravated murder, murder, or any felony of the first or second 4827  
degree. 4828

(ii) Less than five years have passed since the offender 4829  
was released from prison or post-release control, whichever is 4830  
later, for the prior offense. 4831

(f) (i) If an offender is convicted of or pleads guilty to 4832  
a felony that includes, as an essential element, causing or 4833  
attempting to cause the death of or physical harm to another and 4834  
also is convicted of or pleads guilty to a specification of the 4835  
type described in division (A) of section 2941.1412 of the 4836  
Revised Code that charges the offender with committing the 4837  
offense by discharging a firearm at a peace officer as defined 4838  
in section 2935.01 of the Revised Code or a corrections officer, 4839

as defined in section 2941.1412 of the Revised Code, the court, 4840  
after imposing a prison term on the offender for the felony 4841  
offense under division (A), (B) (2), or (B) (3) of this section, 4842  
shall impose an additional prison term of seven years upon the 4843  
offender that shall not be reduced pursuant to section 2929.20, 4844  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 4845  
other provision of Chapter 2967. or Chapter 5120. of the Revised 4846  
Code. 4847

(ii) If an offender is convicted of or pleads guilty to a 4848  
felony that includes, as an essential element, causing or 4849  
attempting to cause the death of or physical harm to another and 4850  
also is convicted of or pleads guilty to a specification of the 4851  
type described in division (B) of section 2941.1412 of the 4852  
Revised Code that charges the offender with committing the 4853  
offense by discharging a firearm at a peace officer, as defined 4854  
in section 2935.01 of the Revised Code, or a corrections 4855  
officer, as defined in section 2941.1412 of the Revised Code, 4856  
and that the offender previously has been convicted of or 4857  
pleaded guilty to a specification of the type described in 4858  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 4859  
the Revised Code, the court, after imposing a prison term on the 4860  
offender for the felony offense under division (A), (B) (2), or 4861  
(3) of this section, shall impose an additional prison term of 4862  
one hundred twenty-six months upon the offender that shall not 4863  
be reduced pursuant to section 2929.20, division (A) (2) or (3) 4864  
of section 2967.193 or 2967.194, or any other provision of 4865  
Chapter 2967. or 5120. of the Revised Code. 4866

(iii) If an offender is convicted of or pleads guilty to 4867  
two or more felonies that include, as an essential element, 4868  
causing or attempting to cause the death or physical harm to 4869  
another and also is convicted of or pleads guilty to a 4870

specification of the type described under division (B) (1) (f) of 4871  
this section in connection with two or more of the felonies of 4872  
which the offender is convicted or to which the offender pleads 4873  
guilty, the sentencing court shall impose on the offender the 4874  
prison term specified under division (B) (1) (f) of this section 4875  
for each of two of the specifications of which the offender is 4876  
convicted or to which the offender pleads guilty and, in its 4877  
discretion, also may impose on the offender the prison term 4878  
specified under that division for any or all of the remaining 4879  
specifications. If a court imposes an additional prison term on 4880  
an offender under division (B) (1) (f) of this section relative to 4881  
an offense, the court shall not impose a prison term under 4882  
division (B) (1) (a) or (c) of this section relative to the same 4883  
offense. 4884

(g) If an offender is convicted of or pleads guilty to two 4885  
or more felonies, if one or more of those felonies are 4886  
aggravated murder, murder, attempted aggravated murder, 4887  
attempted murder, aggravated robbery, felonious assault, or 4888  
rape, and if the offender is convicted of or pleads guilty to a 4889  
specification of the type described under division (B) (1) (a) of 4890  
this section in connection with two or more of the felonies, the 4891  
sentencing court shall impose on the offender the prison term 4892  
specified under division (B) (1) (a) of this section for each of 4893  
the two most serious specifications of which the offender is 4894  
convicted or to which the offender pleads guilty and, in its 4895  
discretion, also may impose on the offender the prison term 4896  
specified under that division for any or all of the remaining 4897  
specifications. 4898

(2) (a) If division (B) (2) (b) of this section does not 4899  
apply, the court may impose on an offender, in addition to the 4900  
longest prison term authorized or required for the offense or, 4901

for offenses for which division (A) (1) (a) or (2) (a) of this 4902  
section applies, in addition to the longest minimum prison term 4903  
authorized or required for the offense, an additional definite 4904  
prison term of one, two, three, four, five, six, seven, eight, 4905  
nine, or ten years if all of the following criteria are met: 4906

(i) The offender is convicted of or pleads guilty to a 4907  
specification of the type described in section 2941.149 of the 4908  
Revised Code that the offender is a repeat violent offender. 4909

(ii) The offense of which the offender currently is 4910  
convicted or to which the offender currently pleads guilty is 4911  
aggravated murder and the court does not impose a sentence of 4912  
~~death or~~ life imprisonment without parole, murder, terrorism and 4913  
the court does not impose a sentence of life imprisonment 4914  
without parole, any felony of the first degree that is an 4915  
offense of violence and the court does not impose a sentence of 4916  
life imprisonment without parole, or any felony of the second 4917  
degree that is an offense of violence and the trier of fact 4918  
finds that the offense involved an attempt to cause or a threat 4919  
to cause serious physical harm to a person or resulted in 4920  
serious physical harm to a person. 4921

(iii) The court imposes the longest prison term for the 4922  
offense or the longest minimum prison term for the offense, 4923  
whichever is applicable, that is not life imprisonment without 4924  
parole. 4925

(iv) The court finds that the prison terms imposed 4926  
pursuant to division (B) (2) (a) (iii) of this section and, if 4927  
applicable, division (B) (1) or (3) of this section are 4928  
inadequate to punish the offender and protect the public from 4929  
future crime, because the applicable factors under section 4930  
2929.12 of the Revised Code indicating a greater likelihood of 4931

recidivism outweigh the applicable factors under that section 4932  
indicating a lesser likelihood of recidivism. 4933

(v) The court finds that the prison terms imposed pursuant 4934  
to division (B) (2) (a) (iii) of this section and, if applicable, 4935  
division (B) (1) or (3) of this section are demeaning to the 4936  
seriousness of the offense, because one or more of the factors 4937  
under section 2929.12 of the Revised Code indicating that the 4938  
offender's conduct is more serious than conduct normally 4939  
constituting the offense are present, and they outweigh the 4940  
applicable factors under that section indicating that the 4941  
offender's conduct is less serious than conduct normally 4942  
constituting the offense. 4943

(b) The court shall impose on an offender the longest 4944  
prison term authorized or required for the offense or, for 4945  
offenses for which division (A) (1) (a) or (2) (a) of this section 4946  
applies, the longest minimum prison term authorized or required 4947  
for the offense, and shall impose on the offender an additional 4948  
definite prison term of one, two, three, four, five, six, seven, 4949  
eight, nine, or ten years if all of the following criteria are 4950  
met: 4951

(i) The offender is convicted of or pleads guilty to a 4952  
specification of the type described in section 2941.149 of the 4953  
Revised Code that the offender is a repeat violent offender. 4954

(ii) The offender within the preceding twenty years has 4955  
been convicted of or pleaded guilty to three or more offenses 4956  
described in division (CC) (1) of section 2929.01 of the Revised 4957  
Code, including all offenses described in that division of which 4958  
the offender is convicted or to which the offender pleads guilty 4959  
in the current prosecution and all offenses described in that 4960  
division of which the offender previously has been convicted or 4961



to which the offender previously pleaded guilty, whether 4962  
prosecuted together or separately. 4963

(iii) The offense or offenses of which the offender 4964  
currently is convicted or to which the offender currently pleads 4965  
guilty is aggravated murder and the court does not impose a 4966  
sentence of ~~death or~~ life imprisonment without parole, murder, 4967  
terrorism and the court does not impose a sentence of life 4968  
imprisonment without parole, any felony of the first degree that 4969  
is an offense of violence and the court does not impose a 4970  
sentence of life imprisonment without parole, or any felony of 4971  
the second degree that is an offense of violence and the trier 4972  
of fact finds that the offense involved an attempt to cause or a 4973  
threat to cause serious physical harm to a person or resulted in 4974  
serious physical harm to a person. 4975

(c) For purposes of division (B) (2) (b) of this section, 4976  
two or more offenses committed at the same time or as part of 4977  
the same act or event shall be considered one offense, and that 4978  
one offense shall be the offense with the greatest penalty. 4979

(d) A sentence imposed under division (B) (2) (a) or (b) of 4980  
this section shall not be reduced pursuant to section 2929.20, 4981  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 4982  
other provision of Chapter 2967. or Chapter 5120. of the Revised 4983  
Code. The offender shall serve an additional prison term imposed 4984  
under division (B) (2) (a) or (b) of this section consecutively to 4985  
and prior to the prison term imposed for the underlying offense. 4986

(e) When imposing a sentence pursuant to division (B) (2) 4987  
(a) or (b) of this section, the court shall state its findings 4988  
explaining the imposed sentence. 4989

(3) Except when an offender commits a violation of section 4990

2903.01 or 2907.02 of the Revised Code and the penalty imposed 4991  
for the violation is life imprisonment or commits a violation of 4992  
section 2903.02 of the Revised Code, if the offender commits a 4993  
violation of section 2925.03 or 2925.11 of the Revised Code and 4994  
that section classifies the offender as a major drug offender, 4995  
if the offender commits a violation of section 2925.05 of the 4996  
Revised Code and division (E)(1) of that section classifies the 4997  
offender as a major drug offender, if the offender commits a 4998  
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 4999  
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 5000  
division (C) or (D) of section 3719.172, division (E) of section 5001  
4729.51, or division (J) of section 4729.54 of the Revised Code 5002  
that includes the sale, offer to sell, or possession of a 5003  
schedule I or II controlled substance, with the exception of 5004  
marihuana, and the court imposing sentence upon the offender 5005  
finds that the offender is guilty of a specification of the type 5006  
described in division (A) of section 2941.1410 of the Revised 5007  
Code charging that the offender is a major drug offender, if the 5008  
court imposing sentence upon an offender for a felony finds that 5009  
the offender is guilty of corrupt activity with the most serious 5010  
offense in the pattern of corrupt activity being a felony of the 5011  
first degree, or if the offender is guilty of an attempted 5012  
violation of section 2907.02 of the Revised Code and, had the 5013  
offender completed the violation of section 2907.02 of the 5014  
Revised Code that was attempted, the offender would have been 5015  
subject to a sentence of life imprisonment or life imprisonment 5016  
without parole for the violation of section 2907.02 of the 5017  
Revised Code, the court shall impose upon the offender for the 5018  
felony violation a mandatory prison term determined as described 5019  
in this division that cannot be reduced pursuant to section 5020  
2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, 5021  
or any other provision of Chapter 2967. or 5120. of the Revised 5022

Code. The mandatory prison term shall be the maximum definite 5023  
prison term prescribed in division (A) (1) (b) of this section for 5024  
a felony of the first degree, except that for offenses for which 5025  
division (A) (1) (a) of this section applies, the mandatory prison 5026  
term shall be the longest minimum prison term prescribed in that 5027  
division for the offense. 5028

(4) If the offender is being sentenced for a third or 5029  
fourth degree felony OVI offense under division (G) (2) of 5030  
section 2929.13 of the Revised Code, the sentencing court shall 5031  
impose upon the offender a mandatory prison term in accordance 5032  
with that division. In addition to the mandatory prison term, if 5033  
the offender is being sentenced for a fourth degree felony OVI 5034  
offense, the court, notwithstanding division (A) (4) of this 5035  
section, may sentence the offender to a definite prison term of 5036  
not less than six months and not more than thirty months, and if 5037  
the offender is being sentenced for a third degree felony OVI 5038  
offense, the sentencing court may sentence the offender to an 5039  
additional prison term of any duration specified in division (A) 5040  
(3) of this section. In either case, the additional prison term 5041  
imposed shall be reduced by the sixty or one hundred twenty days 5042  
imposed upon the offender as the mandatory prison term. The 5043  
total of the additional prison term imposed under division (B) 5044  
(4) of this section plus the sixty or one hundred twenty days 5045  
imposed as the mandatory prison term shall equal a definite term 5046  
in the range of six months to thirty months for a fourth degree 5047  
felony OVI offense and shall equal one of the authorized prison 5048  
terms specified in division (A) (3) of this section for a third 5049  
degree felony OVI offense. If the court imposes an additional 5050  
prison term under division (B) (4) of this section, the offender 5051  
shall serve the additional prison term after the offender has 5052  
served the mandatory prison term required for the offense. In 5053

addition to the mandatory prison term or mandatory and 5054  
additional prison term imposed as described in division (B) (4) 5055  
of this section, the court also may sentence the offender to a 5056  
community control sanction under section 2929.16 or 2929.17 of 5057  
the Revised Code, but the offender shall serve all of the prison 5058  
terms so imposed prior to serving the community control 5059  
sanction. 5060

If the offender is being sentenced for a fourth degree 5061  
felony OVI offense under division (G) (1) of section 2929.13 of 5062  
the Revised Code and the court imposes a mandatory term of local 5063  
incarceration, the court may impose a prison term as described 5064  
in division (A) (1) of that section. 5065

(5) If an offender is convicted of or pleads guilty to a 5066  
violation of division (A) (1) or (2) of section 2903.06 of the 5067  
Revised Code and also is convicted of or pleads guilty to a 5068  
specification of the type described in section 2941.1414 of the 5069  
Revised Code that charges that the victim of the offense is a 5070  
peace officer, as defined in section 2935.01 of the Revised 5071  
Code, an investigator of the bureau of criminal identification 5072  
and investigation, as defined in section 2903.11 of the Revised 5073  
Code, or a firefighter or emergency medical worker, both as 5074  
defined in section 4123.026 of the Revised Code, the court shall 5075  
impose on the offender a prison term of five years. If a court 5076  
imposes a prison term on an offender under division (B) (5) of 5077  
this section, the prison term shall not be reduced pursuant to 5078  
section 2929.20, division (A) (2) or (3) of section 2967.193 or 5079  
2967.194, or any other provision of Chapter 2967. or Chapter 5080  
5120. of the Revised Code. A court shall not impose more than 5081  
one prison term on an offender under division (B) (5) of this 5082  
section for felonies committed as part of the same act. 5083

(6) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B) (6) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (6) of this section for felonies committed as part of the same act.

(7) (a) If an offender is convicted of or pleads guilty to a felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 involving a minor, or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1422 of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking, the court shall impose on the offender a mandatory prison term that is one of the following:

(i) If the offense is a felony of the first degree, a definite prison term of not less than five years and not greater than eleven years, except that if the offense is a felony of the

first degree committed on or after March 22, 2019, the court 5115  
shall impose as the minimum prison term a mandatory term of not 5116  
less than five years and not greater than eleven years; 5117

(ii) If the offense is a felony of the second or third 5118  
degree, a definite prison term of not less than three years and 5119  
not greater than the maximum prison term allowed for the offense 5120  
by division (A) (2) (b) or (3) of this section, except that if the 5121  
offense is a felony of the second degree committed on or after 5122  
March 22, 2019, the court shall impose as the minimum prison 5123  
term a mandatory term of not less than three years and not 5124  
greater than eight years; 5125

(iii) If the offense is a felony of the fourth or fifth 5126  
degree, a definite prison term that is the maximum prison term 5127  
allowed for the offense by division (A) of section 2929.14 of 5128  
the Revised Code. 5129

(b) The prison term imposed under division (B) (7) (a) of 5130  
this section shall not be reduced pursuant to section 2929.20, 5131  
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 5132  
other provision of Chapter 2967. of the Revised Code. A court 5133  
shall not impose more than one prison term on an offender under 5134  
division (B) (7) (a) of this section for felonies committed as 5135  
part of the same act, scheme, or plan. 5136

(8) If an offender is convicted of or pleads guilty to a 5137  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 5138  
Revised Code and also is convicted of or pleads guilty to a 5139  
specification of the type described in section 2941.1423 of the 5140  
Revised Code that charges that the victim of the violation was a 5141  
woman whom the offender knew was pregnant at the time of the 5142  
violation, notwithstanding the range prescribed in division (A) 5143  
of this section as the definite prison term or minimum prison 5144

term for felonies of the same degree as the violation, the court 5145  
shall impose on the offender a mandatory prison term that is 5146  
either a definite prison term of six months or one of the prison 5147  
terms prescribed in division (A) of this section for felonies of 5148  
the same degree as the violation, except that if the violation 5149  
is a felony of the first or second degree committed on or after 5150  
arch 22, 2019, the court shall impose as the minimum prison term 5151  
under division (A) (1) (a) or (2) (a) of this section a mandatory 5152  
term that is one of the terms prescribed in that division, 5153  
whichever is applicable, for the offense. 5154

(9) (a) If an offender is convicted of or pleads guilty to 5155  
a violation of division (A) (1) or (2) of section 2903.11 of the 5156  
Revised Code and also is convicted of or pleads guilty to a 5157  
specification of the type described in section 2941.1425 of the 5158  
Revised Code, the court shall impose on the offender a mandatory 5159  
prison term of six years if either of the following applies: 5160

(i) The violation is a violation of division (A) (1) of 5161  
section 2903.11 of the Revised Code and the specification 5162  
charges that the offender used an accelerant in committing the 5163  
violation and the serious physical harm to another or to 5164  
another's unborn caused by the violation resulted in a 5165  
permanent, serious disfigurement or permanent, substantial 5166  
incapacity; 5167

(ii) The violation is a violation of division (A) (2) of 5168  
section 2903.11 of the Revised Code and the specification 5169  
charges that the offender used an accelerant in committing the 5170  
violation, that the violation caused physical harm to another or 5171  
to another's unborn, and that the physical harm resulted in a 5172  
permanent, serious disfigurement or permanent, substantial 5173  
incapacity. 5174

(b) If a court imposes a prison term on an offender under 5175  
division (B) (9) (a) of this section, the prison term shall not be 5176  
reduced pursuant to section 2929.20, division (A) (2) or (3) of 5177  
section 2967.193 or 2967.194, or any other provision of Chapter 5178  
2967. or Chapter 5120. of the Revised Code. A court shall not 5179  
impose more than one prison term on an offender under division 5180  
(B) (9) of this section for felonies committed as part of the 5181  
same act. 5182

(c) The provisions of divisions (B) (9) and (C) (6) of this 5183  
section and of division (D) (2) of section 2903.11, division (F) 5184  
(20) of section 2929.13, and section 2941.1425 of the Revised 5185  
Code shall be known as "Judy's Law." 5186

(10) If an offender is convicted of or pleads guilty to a 5187  
violation of division (A) of section 2903.11 of the Revised Code 5188  
and also is convicted of or pleads guilty to a specification of 5189  
the type described in section 2941.1426 of the Revised Code that 5190  
charges that the victim of the offense suffered permanent 5191  
disabling harm as a result of the offense and that the victim 5192  
was under ten years of age at the time of the offense, 5193  
regardless of whether the offender knew the age of the victim, 5194  
the court shall impose upon the offender an additional definite 5195  
prison term of six years. A prison term imposed on an offender 5196  
under division (B) (10) of this section shall not be reduced 5197  
pursuant to section 2929.20, division (A) (2) or (3) of section 5198  
2967.193 or 2967.194, or any other provision of Chapter 2967. or 5199  
Chapter 5120. of the Revised Code. If a court imposes an 5200  
additional prison term on an offender under this division 5201  
relative to a violation of division (A) of section 2903.11 of 5202  
the Revised Code, the court shall not impose any other 5203  
additional prison term on the offender relative to the same 5204  
offense. 5205



(11) If an offender is convicted of or pleads guilty to a felony violation of section 2925.03 or 2925.05 of the Revised Code or a felony violation of section 2925.11 of the Revised Code for which division (C) (11) of that section applies in determining the sentence for the violation, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound, and if the offender also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that charges that the offender is a major drug offender, in addition to any other penalty imposed for the violation, the court shall impose on the offender a mandatory prison term of three, four, five, six, seven, or eight years. If a court imposes a prison term on an offender under division (B) (11) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (11) of this section for felonies committed as part of the same act.

(C) (1) (a) Subject to division (C) (1) (b) of this section, if a mandatory prison term is imposed upon an offender pursuant to division (B) (1) (a) of this section for having a firearm on or about the offender's person or under the offender's control while committing a felony, if a mandatory prison term is imposed upon an offender pursuant to division (B) (1) (c) of this section for committing a felony specified in that division by discharging a firearm from a motor vehicle, or if both types of mandatory prison terms are imposed, the offender shall serve any mandatory prison term imposed under either division

consecutively to any other mandatory prison term imposed under 5237  
either division or under division (B) (1) (d) of this section, 5238  
consecutively to and prior to any prison term imposed for the 5239  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 5240  
this section or any other section of the Revised Code, and 5241  
consecutively to any other prison term or mandatory prison term 5242  
previously or subsequently imposed upon the offender. 5243

(b) If a mandatory prison term is imposed upon an offender 5244  
pursuant to division (B) (1) (d) of this section for wearing or 5245  
carrying body armor while committing an offense of violence that 5246  
is a felony, the offender shall serve the mandatory term so 5247  
imposed consecutively to any other mandatory prison term imposed 5248  
under that division or under division (B) (1) (a) or (c) of this 5249  
section, consecutively to and prior to any prison term imposed 5250  
for the underlying felony under division (A), (B) (2), or (B) (3) 5251  
of this section or any other section of the Revised Code, and 5252  
consecutively to any other prison term or mandatory prison term 5253  
previously or subsequently imposed upon the offender. 5254

(c) If a mandatory prison term is imposed upon an offender 5255  
pursuant to division (B) (1) (f) of this section, the offender 5256  
shall serve the mandatory prison term so imposed consecutively 5257  
to and prior to any prison term imposed for the underlying 5258  
felony under division (A), (B) (2), or (B) (3) of this section or 5259  
any other section of the Revised Code, and consecutively to any 5260  
other prison term or mandatory prison term previously or 5261  
subsequently imposed upon the offender. 5262

(d) If a mandatory prison term is imposed upon an offender 5263  
pursuant to division (B) (7) or (8) of this section, the offender 5264  
shall serve the mandatory prison term so imposed consecutively 5265  
to any other mandatory prison term imposed under that division 5266

or under any other provision of law and consecutively to any 5267  
other prison term or mandatory prison term previously or 5268  
subsequently imposed upon the offender. 5269

(e) If a mandatory prison term is imposed upon an offender 5270  
pursuant to division (B)(11) of this section, the offender shall 5271  
serve the mandatory prison term consecutively to any other 5272  
mandatory prison term imposed under that division, consecutively 5273  
to and prior to any prison term imposed for the underlying 5274  
felony, and consecutively to any other prison term or mandatory 5275  
prison term previously or subsequently imposed upon the 5276  
offender. 5277

(2) If an offender who is an inmate in a jail, prison, or 5278  
other residential detention facility violates section 2917.02, 5279  
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 5280  
(2) of section 2921.34 of the Revised Code, if an offender who 5281  
is under detention at a detention facility commits a felony 5282  
violation of section 2923.131 of the Revised Code, or if an 5283  
offender who is an inmate in a jail, prison, or other 5284  
residential detention facility or is under detention at a 5285  
detention facility commits another felony while the offender is 5286  
an escapee in violation of division (A)(1) or (2) of section 5287  
2921.34 of the Revised Code, any prison term imposed upon the 5288  
offender for one of those violations shall be served by the 5289  
offender consecutively to the prison term or term of 5290  
imprisonment the offender was serving when the offender 5291  
committed that offense and to any other prison term previously 5292  
or subsequently imposed upon the offender. 5293

(3) If a prison term is imposed for a violation of 5294  
division (B) of section 2911.01 of the Revised Code, a violation 5295  
of division (A) of section 2913.02 of the Revised Code in which 5296

the stolen property is a firearm or dangerous ordnance, or a 5297  
felony violation of division (B) of section 2921.331 of the 5298  
Revised Code, the offender shall serve that prison term 5299  
consecutively to any other prison term or mandatory prison term 5300  
previously or subsequently imposed upon the offender. 5301

(4) If multiple prison terms are imposed on an offender 5302  
for convictions of multiple offenses, the court may require the 5303  
offender to serve the prison terms consecutively if the court 5304  
finds that the consecutive service is necessary to protect the 5305  
public from future crime or to punish the offender and that 5306  
consecutive sentences are not disproportionate to the 5307  
seriousness of the offender's conduct and to the danger the 5308  
offender poses to the public, and if the court also finds any of 5309  
the following: 5310

(a) The offender committed one or more of the multiple 5311  
offenses while the offender was awaiting trial or sentencing, 5312  
was under a sanction imposed pursuant to section 2929.16, 5313  
2929.17, or 2929.18 of the Revised Code, or was under post- 5314  
release control for a prior offense. 5315

(b) At least two of the multiple offenses were committed 5316  
as part of one or more courses of conduct, and the harm caused 5317  
by two or more of the multiple offenses so committed was so 5318  
great or unusual that no single prison term for any of the 5319  
offenses committed as part of any of the courses of conduct 5320  
adequately reflects the seriousness of the offender's conduct. 5321

(c) The offender's history of criminal conduct 5322  
demonstrates that consecutive sentences are necessary to protect 5323  
the public from future crime by the offender. 5324

(5) If a mandatory prison term is imposed upon an offender 5325

pursuant to division (B) (5) or (6) of this section, the offender 5326  
shall serve the mandatory prison term consecutively to and prior 5327  
to any prison term imposed for the underlying violation of 5328  
division (A) (1) or (2) of section 2903.06 of the Revised Code 5329  
pursuant to division (A) of this section or section 2929.142 of 5330  
the Revised Code. If a mandatory prison term is imposed upon an 5331  
offender pursuant to division (B) (5) of this section, and if a 5332  
mandatory prison term also is imposed upon the offender pursuant 5333  
to division (B) (6) of this section in relation to the same 5334  
violation, the offender shall serve the mandatory prison term 5335  
imposed pursuant to division (B) (5) of this section 5336  
consecutively to and prior to the mandatory prison term imposed 5337  
pursuant to division (B) (6) of this section and consecutively to 5338  
and prior to any prison term imposed for the underlying 5339  
violation of division (A) (1) or (2) of section 2903.06 of the 5340  
Revised Code pursuant to division (A) of this section or section 5341  
2929.142 of the Revised Code. 5342

(6) If a mandatory prison term is imposed on an offender 5343  
pursuant to division (B) (9) of this section, the offender shall 5344  
serve the mandatory prison term consecutively to and prior to 5345  
any prison term imposed for the underlying violation of division 5346  
(A) (1) or (2) of section 2903.11 of the Revised Code and 5347  
consecutively to and prior to any other prison term or mandatory 5348  
prison term previously or subsequently imposed on the offender. 5349

(7) If a mandatory prison term is imposed on an offender 5350  
pursuant to division (B) (10) of this section, the offender shall 5351  
serve that mandatory prison term consecutively to and prior to 5352  
any prison term imposed for the underlying felonious assault. 5353  
Except as otherwise provided in division (C) of this section, 5354  
any other prison term or mandatory prison term previously or 5355  
subsequently imposed upon the offender may be served 5356

concurrently with, or consecutively to, the prison term imposed 5357  
pursuant to division (B) (10) of this section. 5358

(8) Any prison term imposed for a violation of section 5359  
2903.04 of the Revised Code that is based on a violation of 5360  
section 2925.03 or 2925.11 of the Revised Code or on a violation 5361  
of section 2925.05 of the Revised Code that is not funding of 5362  
marihuana trafficking shall run consecutively to any prison term 5363  
imposed for the violation of section 2925.03 or 2925.11 of the 5364  
Revised Code or for the violation of section 2925.05 of the 5365  
Revised Code that is not funding of marihuana trafficking. 5366

(9) When consecutive prison terms are imposed pursuant to 5367  
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 5368  
division (H) (1) or (2) of this section, subject to division (C) 5369  
(10) of this section, the term to be served is the aggregate of 5370  
all of the terms so imposed. 5371

(10) When a court sentences an offender to a non-life 5372  
felony indefinite prison term, any definite prison term or 5373  
mandatory definite prison term previously or subsequently 5374  
imposed on the offender in addition to that indefinite sentence 5375  
that is required to be served consecutively to that indefinite 5376  
sentence shall be served prior to the indefinite sentence. 5377

(11) If a court is sentencing an offender for a felony of 5378  
the first or second degree, if division (A) (1) (a) or (2) (a) of 5379  
this section applies with respect to the sentencing for the 5380  
offense, and if the court is required under the Revised Code 5381  
section that sets forth the offense or any other Revised Code 5382  
provision to impose a mandatory prison term for the offense, the 5383  
court shall impose the required mandatory prison term as the 5384  
minimum term imposed under division (A) (1) (a) or (2) (a) of this 5385  
section, whichever is applicable. 5386

(D) (1) If a court imposes a prison term, other than a term 5387  
of life imprisonment, for a felony of the first degree, for a 5388  
felony of the second degree, for a felony sex offense, or for a 5389  
felony of the third degree that is an offense of violence and 5390  
that is not a felony sex offense, it shall include in the 5391  
sentence a requirement that the offender be subject to a period 5392  
of post-release control after the offender's release from 5393  
imprisonment, in accordance with section 2967.28 of the Revised 5394  
Code. If a court imposes a sentence including a prison term of a 5395  
type described in this division on or after July 11, 2006, the 5396  
failure of a court to include a post-release control requirement 5397  
in the sentence pursuant to this division does not negate, 5398  
limit, or otherwise affect the mandatory period of post-release 5399  
control that is required for the offender under division (B) of 5400  
section 2967.28 of the Revised Code. Section 2929.191 of the 5401  
Revised Code applies if, prior to July 11, 2006, a court imposed 5402  
a sentence including a prison term of a type described in this 5403  
division and failed to include in the sentence pursuant to this 5404  
division a statement regarding post-release control. 5405

(2) If a court imposes a prison term for a felony of the 5406  
third, fourth, or fifth degree that is not subject to division 5407  
(D) (1) of this section, it shall include in the sentence a 5408  
requirement that the offender be subject to a period of post- 5409  
release control after the offender's release from imprisonment, 5410  
in accordance with that division, if the parole board determines 5411  
that a period of post-release control is necessary. Section 5412  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 5413  
a court imposed a sentence including a prison term of a type 5414  
described in this division and failed to include in the sentence 5415  
pursuant to this division a statement regarding post-release 5416  
control. 5417

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

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

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

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

(4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after January 1, 2008, and that section requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and



division ~~(A) (2) (b) (ii) of section 2929.022, division (A) (1) (e),~~ 5447  
~~(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1)~~ 5448  
~~(a) (iv) of section 2929.03, or division (A) or (B) (C) of~~ 5449  
section ~~2929.06~~ 2929.02 of the Revised Code requires the court 5450  
to sentence the offender pursuant to division (B) (3) of section 5451  
2971.03 of the Revised Code. 5452

(6) A person is convicted of or pleads guilty to murder 5453  
committed on or after January 1, 2008, and division ~~(B) (2)~~ (C) 5454  
(1) of section 2929.02 of the Revised Code requires the court to 5455  
sentence the offender pursuant to section 2971.03 of the Revised 5456  
Code. 5457

(F) If a person who has been convicted of or pleaded 5458  
guilty to a felony is sentenced to a prison term or term of 5459  
imprisonment under this section, ~~sections~~ section 2929.02 to 5460  
~~2929.06 of the Revised Code, section 2929.142 of the Revised~~ 5461  
~~Code, section or~~ 2971.03 of the Revised Code, or any other 5462  
provision of law, section 5120.163 of the Revised Code applies 5463  
regarding the person while the person is confined in a state 5464  
correctional institution. 5465

(G) If an offender who is convicted of or pleads guilty to 5466  
a felony that is an offense of violence also is convicted of or 5467  
pleads guilty to a specification of the type described in 5468  
section 2941.142 of the Revised Code that charges the offender 5469  
with having committed the felony while participating in a 5470  
criminal gang, the court shall impose upon the offender an 5471  
additional prison term of one, two, or three years. 5472

(H) (1) If an offender who is convicted of or pleads guilty 5473  
to aggravated murder, murder, or a felony of the first, second, 5474  
or third degree that is an offense of violence also is convicted 5475  
of or pleads guilty to a specification of the type described in 5476

section 2941.143 of the Revised Code that charges the offender 5477  
with having committed the offense in a school safety zone or 5478  
towards a person in a school safety zone, the court shall impose 5479  
upon the offender an additional prison term of two years. The 5480  
offender shall serve the additional two years consecutively to 5481  
and prior to the prison term imposed for the underlying offense. 5482

(2) (a) If an offender is convicted of or pleads guilty to 5483  
a felony violation of section 2907.22, 2907.24, 2907.241, or 5484  
2907.25 of the Revised Code and to a specification of the type 5485  
described in section 2941.1421 of the Revised Code and if the 5486  
court imposes a prison term on the offender for the felony 5487  
violation, the court may impose upon the offender an additional 5488  
prison term as follows: 5489

(i) Subject to division (H) (2) (a) (ii) of this section, an 5490  
additional prison term of one, two, three, four, five, or six 5491  
months; 5492

(ii) If the offender previously has been convicted of or 5493  
pleaded guilty to one or more felony or misdemeanor violations 5494  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 5495  
the Revised Code and also was convicted of or pleaded guilty to 5496  
a specification of the type described in section 2941.1421 of 5497  
the Revised Code regarding one or more of those violations, an 5498  
additional prison term of one, two, three, four, five, six, 5499  
seven, eight, nine, ten, eleven, or twelve months. 5500

(b) In lieu of imposing an additional prison term under 5501  
division (H) (2) (a) of this section, the court may directly 5502  
impose on the offender a sanction that requires the offender to 5503  
wear a real-time processing, continual tracking electronic 5504  
monitoring device during the period of time specified by the 5505  
court. The period of time specified by the court shall equal the 5506

duration of an additional prison term that the court could have 5507  
imposed upon the offender under division (H) (2) (a) of this 5508  
section. A sanction imposed under this division shall commence 5509  
on the date specified by the court, provided that the sanction 5510  
shall not commence until after the offender has served the 5511  
prison term imposed for the felony violation of section 2907.22, 5512  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 5513  
residential sanction imposed for the violation under section 5514  
2929.16 of the Revised Code. A sanction imposed under this 5515  
division shall be considered to be a community control sanction 5516  
for purposes of section 2929.15 of the Revised Code, and all 5517  
provisions of the Revised Code that pertain to community control 5518  
sanctions shall apply to a sanction imposed under this division, 5519  
except to the extent that they would by their nature be clearly 5520  
inapplicable. The offender shall pay all costs associated with a 5521  
sanction imposed under this division, including the cost of the 5522  
use of the monitoring device. 5523

(I) At the time of sentencing, the court may recommend the 5524  
offender for placement in a program of shock incarceration under 5525  
section 5120.031 of the Revised Code or for placement in an 5526  
intensive program prison under section 5120.032 of the Revised 5527  
Code, disapprove placement of the offender in a program of shock 5528  
incarceration or an intensive program prison of that nature, or 5529  
make no recommendation on placement of the offender. In no case 5530  
shall the department of rehabilitation and correction place the 5531  
offender in a program or prison of that nature unless the 5532  
department determines as specified in section 5120.031 or 5533  
5120.032 of the Revised Code, whichever is applicable, that the 5534  
offender is eligible for the placement. 5535

If the court disapproves placement of the offender in a 5536  
program or prison of that nature, the department of 5537

rehabilitation and correction shall not place the offender in 5538  
any program of shock incarceration or intensive program prison. 5539

If the court recommends placement of the offender in a 5540  
program of shock incarceration or in an intensive program 5541  
prison, and if the offender is subsequently placed in the 5542  
recommended program or prison, the department shall notify the 5543  
court of the placement and shall include with the notice a brief 5544  
description of the placement. 5545

If the court recommends placement of the offender in a 5546  
program of shock incarceration or in an intensive program prison 5547  
and the department does not subsequently place the offender in 5548  
the recommended program or prison, the department shall send a 5549  
notice to the court indicating why the offender was not placed 5550  
in the recommended program or prison. 5551

If the court does not make a recommendation under this 5552  
division with respect to an offender and if the department 5553  
determines as specified in section 5120.031 or 5120.032 of the 5554  
Revised Code, whichever is applicable, that the offender is 5555  
eligible for placement in a program or prison of that nature, 5556  
the department shall screen the offender and determine if there 5557  
is an available program of shock incarceration or an intensive 5558  
program prison for which the offender is suited. If there is an 5559  
available program of shock incarceration or an intensive program 5560  
prison for which the offender is suited, the department shall 5561  
notify the court of the proposed placement of the offender as 5562  
specified in section 5120.031 or 5120.032 of the Revised Code 5563  
and shall include with the notice a brief description of the 5564  
placement. The court shall have ten days from receipt of the 5565  
notice to disapprove the placement. 5566

(J) If a person is convicted of or pleads guilty to 5567

aggravated vehicular homicide in violation of division (A) (1) of 5568  
section 2903.06 of the Revised Code and division (B) (2) (c) of 5569  
that section applies, the person shall be sentenced pursuant to 5570  
section 2929.142 of the Revised Code. 5571

(K) (1) The court shall impose an additional mandatory 5572  
prison term of two, three, four, five, six, seven, eight, nine, 5573  
ten, or eleven years on an offender who is convicted of or 5574  
pleads guilty to a violent felony offense if the offender also 5575  
is convicted of or pleads guilty to a specification of the type 5576  
described in section 2941.1424 of the Revised Code that charges 5577  
that the offender is a violent career criminal and had a firearm 5578  
on or about the offender's person or under the offender's 5579  
control while committing the presently charged violent felony 5580  
offense and displayed or brandished the firearm, indicated that 5581  
the offender possessed a firearm, or used the firearm to 5582  
facilitate the offense. The offender shall serve the prison term 5583  
imposed under this division consecutively to and prior to the 5584  
prison term imposed for the underlying offense. The prison term 5585  
shall not be reduced pursuant to section 2929.20, division (A) 5586  
(2) or (3) of section 2967.193 or 2967.194, or any other 5587  
provision of Chapter 2967. or 5120. of the Revised Code. A court 5588  
may not impose more than one sentence under division (B) (2) (a) 5589  
of this section and this division for acts committed as part of 5590  
the same act or transaction. 5591

(2) As used in division (K) (1) of this section, "violent 5592  
career criminal" and "violent felony offense" have the same 5593  
meanings as in section 2923.132 of the Revised Code. 5594

(L) If an offender receives or received a sentence of life 5595  
imprisonment without parole, a sentence of life imprisonment, a 5596  
definite sentence, or a sentence to an indefinite prison term 5597

under this chapter for a felony offense that was committed when 5598  
the offender was under eighteen years of age, the offender's 5599  
parole eligibility shall be determined under section 2967.132 of 5600  
the Revised Code. 5601

**Sec. 2929.61.** (A) Persons charged with an offense that was 5602  
formerly a capital offense and that was committed prior to 5603  
January 1, 1974, shall be prosecuted under the law as it existed 5604  
at the time the offense was committed, and, if convicted, shall 5605  
be imprisoned for life, except that whenever the statute under 5606  
which any such person is prosecuted provides for a lesser 5607  
penalty under the circumstances of the particular case, such 5608  
lesser penalty shall be imposed. 5609

(B) Persons charged with an offense, other than an offense 5610  
that was formerly a capital offense, that was committed prior to 5611  
January 1, 1974, shall be prosecuted under the law as it existed 5612  
at the time the offense was committed. Persons convicted or 5613  
sentenced on or after January 1, 1974, for an offense committed 5614  
prior to January 1, 1974, shall be sentenced according to the 5615  
penalty for commission of the substantially equivalent offense 5616  
under Amended Substitute House Bill 511 of the 109th General 5617  
Assembly. If the offense for which sentence is being imposed 5618  
does not have a substantial equivalent under that act, or if 5619  
that act provides a more severe penalty than that originally 5620  
prescribed for the offense of which the person is convicted, 5621  
then sentence shall be imposed under the law as it existed prior 5622  
to January 1, 1974. 5623

(C) Persons charged with an offense that is a felony of 5624  
the third or fourth degree and that was committed on or after 5625  
January 1, 1974, and before July 1, 1983, shall be prosecuted 5626  
under the law as it existed at the time the offense was 5627

committed. Persons convicted or sentenced on or after July 1, 5628  
1983, for an offense that is a felony of the third or fourth 5629  
degree and that was committed on or after January 1, 1974, and 5630  
before July 1, 1983, shall be notified by the court sufficiently 5631  
in advance of sentencing that they may choose to be sentenced 5632  
pursuant to either the law in effect at the time of the 5633  
commission of the offense or the law in effect at the time of 5634  
sentencing. This notice shall be written and shall include the 5635  
differences between and possible effects of the alternative 5636  
sentence forms and the effect of the person's refusal to choose. 5637  
The person to be sentenced shall then inform the court in 5638  
writing of the person's choice, and shall be sentenced 5639  
accordingly. Any person choosing to be sentenced pursuant to the 5640  
law in effect at the time of the commission of an offense that 5641  
is a felony of the third or fourth degree shall then be eligible 5642  
for parole, and this person cannot at a later date have the 5643  
person's sentence converted to a definite sentence. If the 5644  
person refuses to choose between the two possible sentences, the 5645  
person shall be sentenced pursuant to the law in effect at the 5646  
time of the commission of the offense. 5647

(D) Persons charged with an offense that was a felony of 5648  
the first or second degree at the time it was committed, that 5649  
was committed on or after January 1, 1974, and that was 5650  
committed prior to July 1, 1983, shall be prosecuted for that 5651  
offense and, if convicted, shall be sentenced under the law as 5652  
it existed at the time the offense was committed. 5653

(E) Persons charged with an offense that is a felony of 5654  
the first or second degree that was committed prior to ~~the~~ 5655  
~~effective date~~ March 22, 2019, of this amendment shall be 5656  
prosecuted for that offense and, if convicted, shall be 5657  
sentenced under the law as it existed at the time the offense 5658

was committed. 5659

**Sec. 2930.19.** (A) (1) A victim, victim's representative, or 5660  
victim's attorney, if applicable, or the prosecutor, on request 5661  
of the victim, has standing as a matter of right to assert, or 5662  
to challenge an order denying, the rights of the victim provided 5663  
by law in any judicial or administrative proceeding. The trial 5664  
court shall act promptly on a request to enforce, or on a 5665  
challenge of an order denying, the rights of the victim. In any 5666  
case, the trial court shall hear the matter within ten days of 5667  
the assertion of the victim's rights. The reasons for any 5668  
decision denying relief under this section shall be clearly 5669  
stated on the record or in a judgment entry. 5670

(2) (a) If the trial court denies the relief sought under 5671  
division (A) (1) of this section, the trial court shall do all of 5672  
the following: 5673

(i) Provide the victim, the victim's representative, if 5674  
applicable, the victim's attorney, if applicable, and the 5675  
parties with notice of the decision and a copy of the judgment 5676  
entry; 5677

(ii) Provide the victim, the victim's representative, if 5678  
applicable, and the victim's attorney, if applicable, with the 5679  
following statement along with the judgment entry: 5680

"NOTICE 5681

The victim, the victim's attorney, if applicable, or the 5682  
prosecutor on request of the victim, may appeal this decision or 5683  
petition to the court of appeals for an extraordinary writ. If 5684  
such an interlocutory appeal or extraordinary writ is sought 5685  
while the case is still pending in the trial court, it shall be 5686  
initiated no later than fourteen days after notice of the 5687



decision was provided to the victim by telephone or electronic 5688  
mail to the latest telephone number or electronic mail address 5689  
provided by the victim. The prosecutor or the prosecutor's 5690  
designee shall provide the notice to the victim and the notice 5691  
shall be memorialized in a manner sufficient to prove to the 5692  
court the prosecutor or prosecutor's designee sent the notice. 5693  
The court shall dismiss any such interlocutory appeal or 5694  
petition as untimely if it does not comply with this fourteen- 5695  
day limit." 5696

(b) (i) If the court denies the relief sought, the victim 5697  
or the victim's attorney, if applicable, or the prosecutor on 5698  
request of the victim, may appeal or, if the victim has no 5699  
remedy on appeal, petition the court of appeals or supreme court 5700  
for an extraordinary writ, and the victim has standing to assert 5701  
a right of limited appeal as it pertains to the decisions 5702  
impacting the rights of the victim. An interlocutory appeal 5703  
filed under this section shall be filed not later than fourteen 5704  
days after notice was provided to the victim as described in 5705  
division (A) (1) of this section, and such an appeal divests the 5706  
trial court of jurisdiction of the portion of the case 5707  
implicating the victim's rights until the interlocutory appeal 5708  
is resolved by the appellate court. 5709

(ii) Upon the filing of an interlocutory appeal, the trial 5710  
court shall transmit those portions of the transcript necessary 5711  
for consideration of the issues to be reviewed by the court of 5712  
appeals within five business days. Once the transcript is 5713  
received by the court of appeals, the party that initiated the 5714  
appeal shall have eight days to file a merit brief. Once the 5715  
merit brief is filed, the appellee shall have eight days to file 5716  
a response brief. The court of appeals shall decide the entire 5717  
appeal not later than thirty-five days after the appeal is 5718

filed. Notwithstanding these limits, the litigants, with the approval of the court, may stipulate to a different period of time for the briefing and issuance of the decision and judgment on the appeal. The victim, the victim's attorney, the prosecutor, or the defendant may notify the supreme court if a court of appeals has failed to issue a judgment in accordance with the stipulated period of time. Such notifications are public records.

(iii) Nothing in this section shall be interpreted as applying to a direct appeal that is filed after the court sentences the defendant. A victim who wishes to appeal from an order that is final on its entry after the court sentences the defendant shall file the notice of appeal within thirty days of that entry.

(c) If the victim or victim's attorney, if applicable, petitions for an extraordinary writ, the court of appeals or the supreme court shall enter an order establishing an expedited schedule for the filing of an answer, the submission of evidence, the filing of briefing by the litigants, and the entry of decision and judgment and shall place the petition on its accelerated calendar. The court of appeals or the supreme court shall immediately notify the trial court of the petition, and the trial court shall transmit to the court of appeals or the supreme court those portions of the transcript necessary for the consideration of the issues to be reviewed by the applicable appellate court within five business days of the filing of the appeal or petition. The court shall enter judgment within forty-five days after the petition for an extraordinary writ is filed. Notwithstanding these limits, the litigants, with the approval of the court, may stipulate to a different period of time for the briefing and issuance of the decision and judgment in the

action. The victim, the victim's attorney, the prosecutor, or 5750  
the defendant may notify the supreme court if a court of appeals 5751  
has failed to issue a judgment in accordance with the stipulated 5752  
period of time. Such notifications are a public record. 5753

(d) If any interlocutory appeal is pursued to the supreme 5754  
court, the supreme court shall enter an order establishing an 5755  
expedited schedule for its proceedings, including, as 5756  
applicable, the filing of jurisdictional memoranda and ruling 5757  
thereon, the transmission of the record, the filing of briefing 5758  
by the litigants, oral argument if permitted, and the entry of 5759  
decision and judgment and shall place the appeal on its 5760  
accelerated calendar. The court shall enter judgment within 5761  
sixty days after the appeal is filed. The supreme court shall 5762  
immediately notify the trial court of the appeal, and the trial 5763  
court shall transmit to the court of appeals or the supreme 5764  
court those portions of the transcript necessary for 5765  
consideration of the issues to be reviewed by the applicable 5766  
appellate court within five business days of the filing of the 5767  
appeal. Notwithstanding these limits, the litigants, with the 5768  
approval of the court, may stipulate to a different period of 5769  
time for the supreme court's proceedings and for the issuance of 5770  
the supreme court's decision and judgment in the case. 5771

(e) Nothing in this division applies to a direct appeal 5772  
that is filed by the victim after the court sentences the 5773  
defendant. A victim who wishes to appeal from an appellate entry 5774  
shall file the appropriate notice of appeal to the supreme court 5775  
within thirty days of the entry. 5776

(B) (1) A victim of a criminal offense or delinquent act 5777  
has the right to be represented by an attorney. Nothing in this 5778  
section creates a right to an attorney at public expense for a 5779

victim. If a victim is represented by an attorney, the court shall notify the victim's attorney in the same manner in which the parties are notified under applicable law or rule. The victim's attorney shall be included in all bench conferences, meetings in chambers, and sidebars with the trial court that directly involve a decision implicating that victim's rights as enumerated in Ohio Constitution, Article I, Section 10a. Nothing in this section shall be construed as making a victim a party to the case.

(2) A defendant has a right to respond and be represented by an attorney for appeals and writs the victim, the victim's attorney, if applicable, or the prosecutor may file pursuant to this section. An indigent defendant has the right to appointed counsel for appeals and writs filed pursuant to this section. If, as an indigent person, a defendant is unable to employ counsel, the defendant is entitled to have counsel provided pursuant to Chapter 120. of the Revised Code. The court shall notify the defendant and the defendant's attorney in the same manner that the parties are notified under applicable law or rule.

(C) The failure of a public official or public agency or the public official's or public agency's designee to comply with the requirements of this chapter does not give rise to a claim for damages against that public official or public agency or that public official's or public agency's designee, except that a public agency as an employer may be held responsible for a violation of section 2930.18 of the Revised Code.

(D) The failure of any person or entity to provide a right, privilege, or notice to a victim under this chapter does not constitute grounds for declaring a mistrial or new trial,

for setting aside a conviction, sentence, adjudication, or 5810  
disposition, or for granting postconviction release to a 5811  
defendant or alleged juvenile offender. 5812

~~(E) If there is a conflict between a provision in this 5813  
chapter and a specific statute governing the procedure in a case 5814  
involving a capital offense, the specific statute supersedes the 5815  
provision in this chapter. 5816~~

~~(F)~~ A defendant or juvenile offender may not raise the 5817  
failure to afford a right to a victim as error in any legal 5818  
argument to provide an advantage to that defendant or juvenile 5819  
offender in any motion, including a dispositive motion, motion 5820  
for new trial, or motion to have a conviction, sentence, or 5821  
disposition set aside, in any petition for post-conviction 5822  
relief, or in any assignment of error on appeal. 5823

~~(G)~~ (F) If the victim of a criminal offense or delinquent 5824  
act is incarcerated in a state or local correctional facility or 5825  
is in the legal custody of the department of youth services, the 5826  
victim's rights under this chapter may be modified by court 5827  
order to prevent any security risk, hardship, or undue burden 5828  
upon a public official or public agency with a duty under this 5829  
chapter. 5830

~~(H)~~ (G) As used in this section, "post-conviction release" 5831  
means judicial release, early release, and parole, but does not 5832  
mean relief pursuant to a federal petition in habeas corpus. 5833

**Sec. 2937.222.** (A) On the motion of the prosecuting 5834  
attorney or on the judge's own motion, the judge shall hold a 5835  
hearing to determine whether an accused person charged with 5836  
aggravated murder ~~when it is not a capital offense~~, murder, a 5837  
felony of the first or second degree, a violation of section 5838

2903.06 of the Revised Code, a violation of section 2903.211 of 5839  
the Revised Code that is a felony, or a felony OVI offense shall 5840  
be denied bail. The judge shall order that the accused be 5841  
detained until the conclusion of the hearing. Except for good 5842  
cause, a continuance on the motion of the state shall not exceed 5843  
three court days. Except for good cause, a continuance on the 5844  
motion of the accused shall not exceed five court days unless 5845  
the motion of the accused waives in writing the five-day limit 5846  
and states in writing a specific period for which the accused 5847  
requests a continuance. A continuance granted upon a motion of 5848  
the accused that waives in writing the five-day limit shall not 5849  
exceed five court days after the period of continuance requested 5850  
in the motion. 5851

At the hearing, the accused has the right to be 5852  
represented by counsel and, if the accused is indigent, to have 5853  
counsel appointed. The judge shall afford the accused an 5854  
opportunity to testify, to present witnesses and other 5855  
information, and to cross-examine witnesses who appear at the 5856  
hearing. The rules concerning admissibility of evidence in 5857  
criminal trials do not apply to the presentation and 5858  
consideration of information at the hearing. Regardless of 5859  
whether the hearing is being held on the motion of the 5860  
prosecuting attorney or on the court's own motion, the state has 5861  
the burden of proving that the proof is evident or the 5862  
presumption great that the accused committed the offense with 5863  
which the accused is charged, of proving that the accused poses 5864  
a substantial risk of serious physical harm to any person or to 5865  
the community, and of proving that no release conditions will 5866  
reasonably assure the safety of that person and the community. 5867

The judge may reopen the hearing at any time before trial 5868  
if the judge finds that information exists that was not known to 5869

the movant at the time of the hearing and that that information 5870  
has a material bearing on whether bail should be denied. If a 5871  
municipal court or county court enters an order denying bail, a 5872  
judge of the court of common pleas having jurisdiction over the 5873  
case may continue that order or may hold a hearing pursuant to 5874  
this section to determine whether to continue that order. 5875

(B) No accused person shall be denied bail pursuant to 5876  
this section unless the judge finds by clear and convincing 5877  
evidence that the proof is evident or the presumption great that 5878  
the accused committed the offense described in division (A) of 5879  
this section with which the accused is charged, finds by clear 5880  
and convincing evidence that the accused poses a substantial 5881  
risk of serious physical harm to any person or to the community, 5882  
and finds by clear and convincing evidence that no release 5883  
conditions will reasonably assure the safety of that person and 5884  
the community. 5885

(C) The judge, in determining whether the accused person 5886  
described in division (A) of this section poses a substantial 5887  
risk of serious physical harm to any person or to the community 5888  
and whether there are conditions of release that will reasonably 5889  
assure the safety of that person and the community, shall 5890  
consider all available information regarding all of the 5891  
following: 5892

(1) The nature and circumstances of the offense charged, 5893  
including whether the offense is an offense of violence or 5894  
involves alcohol or a drug of abuse; 5895

(2) The weight of the evidence against the accused; 5896

(3) The history and characteristics of the accused, 5897  
including, but not limited to, both of the following: 5898

(a) The character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, and criminal history of the accused;	5899 5900 5901 5902
(b) Whether, at the time of the current alleged offense or at the time of the arrest of the accused, the accused was on probation, parole, post-release control, or other release pending trial, sentencing, appeal, or completion of sentence for the commission of an offense under the laws of this state, another state, or the United States or under a municipal ordinance.	5903 5904 5905 5906 5907 5908 5909
(4) The nature and seriousness of the danger to any person or the community that would be posed by the person's release.	5910 5911
(D) (1) An order of the court of common pleas denying bail pursuant to this section is a final appealable order. In an appeal pursuant to division (D) of this section, the court of appeals shall do all of the following:	5912 5913 5914 5915
(a) Give the appeal priority on its calendar;	5916
(b) Liberally modify or dispense with formal requirements in the interest of a speedy and just resolution of the appeal;	5917 5918
(c) Decide the appeal expeditiously;	5919
(d) Promptly enter its judgment affirming or reversing the order denying bail.	5920 5921
(2) The pendency of an appeal under this section does not deprive the court of common pleas of jurisdiction to conduct further proceedings in the case or to further consider the order denying bail in accordance with this section. If, during the pendency of an appeal under division (D) of this section, the	5922 5923 5924 5925 5926



court of common pleas sets aside or terminates the order denying 5927  
bail, the court of appeals shall dismiss the appeal. 5928

(E) As used in this section: 5929

(1) "Court day" has the same meaning as in section 5122.01 5930  
of the Revised Code. 5931

(2) "Felony OVI offense" means a third degree felony OVI 5932  
offense and a fourth degree felony OVI offense. 5933

(3) "Fourth degree felony OVI offense" and "third degree 5934  
felony OVI offense" have the same meanings as in section 2929.01 5935  
of the Revised Code. 5936

**Sec. 2941.021.** Any criminal offense which is not 5937  
punishable by ~~death or~~ life imprisonment may be prosecuted by 5938  
information filed in the common pleas court by the prosecuting 5939  
attorney if the defendant, after ~~he has~~ having been advised by 5940  
the court of the nature of the charge against ~~him~~ the defendant 5941  
and of ~~his~~ the defendant's rights under the constitution, is 5942  
represented by counsel or has affirmatively waived counsel by 5943  
waiver in writing and in open court, waives in writing and in 5944  
open court prosecution by indictment. 5945

**Sec. 2941.14.** ~~(A)~~ In an indictment for aggravated murder, 5946  
murder, or voluntary or involuntary manslaughter, the manner in 5947  
which, or the means by which the death was caused need not be 5948  
set forth. 5949

~~(B) Imposition of the death penalty for aggravated murder~~ 5950  
~~is precluded unless the indictment or count in the indictment~~ 5951  
~~charging the offense specifies one or more of the aggravating~~ 5952  
~~circumstances listed in division (A) of section 2929.04 of the~~ 5953  
~~Revised Code. If more than one aggravating circumstance is~~ 5954  
~~specified to an indictment or count, each shall be in a~~ 5955

~~separately numbered specification, and if an aggravating  
circumstance is specified to a count in an indictment containing  
more than one count, such specification shall be identified as  
to the count to which it applies.~~ 5956  
5957  
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5959

~~(C) A specification to an indictment or count in an  
indictment charging aggravated murder shall be stated at the end  
of the body of the indictment or count, and may be in  
substantially the following form:~~ 5960  
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5963

~~"SPECIFICATION (or, SPECIFICATION 1, SPECIFICATION TO THE  
FIRST COUNT, or SPECIFICATION 1 TO THE FIRST COUNT). The Grand  
Jurors further find and specify that (set forth the applicable  
aggravating circumstance listed in divisions (A) (1) to (10) of  
section 2929.04 of the Revised Code. The aggravating  
circumstance may be stated in the words of the subdivision in  
which it appears, or in words sufficient to give the accused  
notice of the same)."~~ 5964  
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**Sec. 2941.148.** (A) (1) The application of Chapter 2971. of 5972  
the Revised Code to an offender is precluded unless one of the 5973  
following applies: 5974

(a) The offender is charged with a violent sex offense, 5975  
and the indictment, count in the indictment, or information 5976  
charging the violent sex offense also includes a specification 5977  
that the offender is a sexually violent predator, or the 5978  
offender is charged with a designated homicide, assault, or 5979  
kidnapping offense, and the indictment, count in the indictment, 5980  
or information charging the designated homicide, assault, or 5981  
kidnapping offense also includes both a specification of the 5982  
type described in section 2941.147 of the Revised Code and a 5983  
specification that the offender is a sexually violent predator. 5984

(b) The offender is convicted of or pleads guilty to a violation of division (A) (1) (b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and division (B) of section 2907.02 of the Revised Code does not prohibit the court from sentencing the offender pursuant to section 2971.03 of the Revised Code.

(c) The offender is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.

(d) The offender is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code and to a specification of the type described in section 2941.147 of the Revised Code, and section 2905.01 of the Revised Code requires a court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(e) The offender is convicted of or pleads guilty to aggravated murder and to a specification of the type described in section 2941.147 of the Revised Code, and division ~~(A) (2) (b) (ii) of section 2929.022, division (A) (1) (c), (C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (a) (iv) of section 2929.03, or division (A) or (B) (C) of section 2929.06-2929.02~~ of the Revised Code requires a court to sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code.

(f) The offender is convicted of or pleads guilty to murder and to a specification of the type described in section 2941.147 of the Revised Code, and division ~~(B) (2) (C) (1)~~ of section 2929.02 of the Revised Code requires a court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(2) A specification required under division (A) (1) (a) of 6015  
this section that an offender is a sexually violent predator 6016  
shall be stated at the end of the body of the indictment, count, 6017  
or information and shall be stated in substantially the 6018  
following form: 6019

"Specification (or, specification to the first count). The 6020  
grand jury (or insert the person's or prosecuting attorney's 6021  
name when appropriate) further find and specify that the 6022  
offender is a sexually violent predator." 6023

(B) In determining for purposes of this section whether a 6024  
person is a sexually violent predator, all of the factors set 6025  
forth in divisions (H) (1) to (6) of section 2971.01 of the 6026  
Revised Code that apply regarding the person may be considered 6027  
as evidence tending to indicate that it is likely that the 6028  
person will engage in the future in one or more sexually violent 6029  
offenses. 6030

(C) As used in this section, "designated homicide, 6031  
assault, or kidnapping offense," "violent sex offense," and 6032  
"sexually violent predator" have the same meanings as in section 6033  
2971.01 of the Revised Code. 6034

**Sec. 2941.401.** When a person has entered upon a term of 6035  
imprisonment in a correctional institution of this state, and 6036  
when during the continuance of the term of imprisonment there is 6037  
pending in this state any untried indictment, information, or 6038  
complaint against the prisoner, ~~he~~ the prisoner shall be brought 6039  
to trial within one hundred eighty days after ~~he~~ the prisoner 6040  
causes to be delivered to the prosecuting attorney and the 6041  
appropriate court in which the matter is pending, written notice 6042  
of the place of ~~his~~ the prisoner's imprisonment and a request 6043  
for a final disposition to be made of the matter, except that 6044

for good cause shown in open court, with the prisoner or ~~his~~ the 6045  
prisoner's counsel present, the court may grant any necessary or 6046  
reasonable continuance. The request of the prisoner shall be 6047  
accompanied by a certificate of the warden or superintendent 6048  
having custody of the prisoner, stating the term of commitment 6049  
under which the prisoner is being held, the time served and 6050  
remaining to be served on the sentence, the amount of good time 6051  
earned, the time of parole eligibility of the prisoner, and any 6052  
decisions of the adult parole authority relating to the 6053  
prisoner. 6054

The written notice and request for final disposition shall 6055  
be given or sent by the prisoner to the warden or superintendent 6056  
having custody of ~~him~~ the prisoner, who shall promptly forward 6057  
it with the certificate to the appropriate prosecuting attorney 6058  
and court by registered or certified mail, return receipt 6059  
requested. 6060

The warden or superintendent having custody of the 6061  
prisoner shall promptly inform ~~him~~ the prisoner in writing of 6062  
the source and contents of any untried indictment, information, 6063  
or complaint against ~~him~~ the prisoner, concerning which the 6064  
warden or superintendent has knowledge, and of ~~his~~ the 6065  
prisoner's right to make a request for final disposition 6066  
thereof. 6067

Escape from custody by the prisoner, subsequent to ~~his~~ the 6068  
prisoner's execution of the request for final disposition, voids 6069  
the request. 6070

If the action is not brought to trial within the time 6071  
provided, subject to continuance allowed pursuant to this 6072  
section, no court any longer has jurisdiction thereof, the 6073  
indictment, information, or complaint is void, and the court 6074

shall enter an order dismissing the action with prejudice. 6075

This section does not apply to any person adjudged to be 6076  
mentally ill or who is under sentence of life imprisonment ~~or~~ 6077  
~~death, or to any prisoner under sentence of death.~~ 6078

**Sec. 2941.43.** If the convict referred to in section 6079  
2941.40 of the Revised Code is acquitted, ~~he~~ the convict shall 6080  
be forthwith returned by the sheriff to the state correctional 6081  
institution to serve out the remainder of ~~his~~ the convict's 6082  
sentence. If ~~he~~ the convict is sentenced to imprisonment in a 6083  
state correctional institution, ~~he~~ the convict shall be returned 6084  
to the state correctional institution by the sheriff to serve 6085  
~~his new~~ the convict's term. If ~~he is sentenced to death, the~~ 6086  
~~death sentence shall be executed as if he were not under~~ 6087  
~~sentence of imprisonment in a state correctional institution.~~ 6088

**Sec. 2941.51.** (A) Counsel appointed to a case or selected 6089  
by an indigent person under division (E) of section 120.16 or 6090  
division (E) of section 120.26 of the Revised Code, or otherwise 6091  
appointed by the court, except for counsel appointed by the 6092  
court to provide legal representation for a person charged with 6093  
a violation of an ordinance of a municipal corporation, shall be 6094  
paid for their services by the county the compensation and 6095  
expenses that the trial court approves. Each request for payment 6096  
shall include a financial disclosure form completed by the 6097  
indigent person on a form prescribed by the state public 6098  
defender. Compensation and expenses shall not exceed the amounts 6099  
fixed by the board of county commissioners pursuant to division 6100  
(B) of this section. 6101

(B) The board of county commissioners shall establish a 6102  
schedule of fees by case or on an hourly basis to be paid by the 6103  
county for legal services provided by appointed counsel. Prior 6104

to establishing such schedule, the board shall request the bar 6105  
association or associations of the county to submit a proposed 6106  
~~schedule for cases other than capital cases.~~ The schedule 6107  
submitted shall be subject to the review, amendment, and 6108  
approval of the board of county commissioners, ~~except with~~ 6109  
~~respect to capital cases. With respect to capital cases, the~~ 6110  
~~schedule shall provide for fees by case or on an hourly basis to~~ 6111  
~~be paid to counsel in the amount or at the rate set by the~~ 6112  
~~capital case attorney fee council pursuant to division (D) of~~ 6113  
~~section 120.33 of the Revised Code, and the board of county~~ 6114  
~~commissioners shall approve that amount or rate.~~ 6115

~~With respect to capital cases, counsel shall be paid~~ 6116  
~~compensation and expenses in accordance with the amount or at~~ 6117  
~~the rate set by the capital case attorney fee council pursuant~~ 6118  
~~to division (D) of section 120.33 of the Revised Code.~~ 6119

(C) In a case where counsel have been appointed to conduct 6120  
an appeal under Chapter 120. of the Revised Code, such 6121  
compensation shall be fixed by the court of appeals or the 6122  
supreme court, as provided in divisions (A) and (B) of this 6123  
section. 6124

(D) The fees and expenses approved by the court under this 6125  
section shall not be taxed as part of the costs and shall be 6126  
paid by the county. However, if the person represented has, or 6127  
reasonably may be expected to have, the means to meet some part 6128  
of the cost of the services rendered to the person, the person 6129  
shall pay the county an amount that the person reasonably can be 6130  
expected to pay. Pursuant to section 120.04 of the Revised Code, 6131  
the county shall pay to the state public defender a percentage 6132  
of the payment received from the person in an amount 6133  
proportionate to the percentage of the costs of the person's 6134

case that were paid to the county by the state public defender 6135  
pursuant to this section. The money paid to the state public 6136  
defender shall be credited to the client payment fund created 6137  
pursuant to division (B) (5) of section 120.04 of the Revised 6138  
Code. 6139

(E) The county auditor shall draw a warrant on the county 6140  
treasurer for the payment of such counsel in the amount fixed by 6141  
the court, plus the expenses that the court fixes and certifies 6142  
to the auditor. The county auditor shall report periodically, 6143  
but not less than annually, to the board of county commissioners 6144  
and to the Ohio public defender commission the amounts paid out 6145  
pursuant to the approval of the court under this section,~~—~~ 6146  
~~separately stating costs and expenses that are reimbursable—~~ 6147  
~~under section 120.35 of the Revised Code.~~ The board, after 6148  
review and approval of the auditor's report, may then certify it 6149  
to the state public defender for reimbursement. The request for 6150  
reimbursement shall be accompanied by a financial disclosure 6151  
form completed by each indigent person for whom counsel was 6152  
provided on a form prescribed by the state public defender. The 6153  
state public defender shall review the report and, in accordance 6154  
with the standards, guidelines, and maximums established 6155  
pursuant to divisions (B) (7) and (8) of section 120.04 of the 6156  
Revised Code and the payment determination provisions of section 6157  
120.34 of the Revised Code, pay the cost,~~other than costs and—~~ 6158  
~~expenses that are reimbursable under section 120.35 of the—~~ 6159  
~~Revised Code, if any,—~~ of paying appointed counsel in each county 6160  
~~and pay costs and expenses that are reimbursable under section—~~ 6161  
~~120.35 of the Revised Code, if any,~~ to the board. The amount of 6162  
payments the state public defender is to make shall be 6163  
determined as specified in section 120.34 of the Revised Code. 6164

(F) If any county system for paying appointed counsel 6165



fails to maintain the standards for the conduct of the system 6166  
established by the rules of the Ohio public defender commission 6167  
pursuant to divisions (B) and (C) of section 120.03 of the 6168  
Revised Code or the standards established by the state public 6169  
defender pursuant to division (B) (7) of section 120.04 of the 6170  
Revised Code, the commission shall notify the board of county 6171  
commissioners of the county that the county system for paying 6172  
appointed counsel has failed to comply with its rules. Unless 6173  
the board corrects the conduct of its appointed counsel system 6174  
to comply with the rules within ninety days after the date of 6175  
the notice, the state public defender may deny all or part of 6176  
the county's reimbursement from the state provided for in this 6177  
section. 6178

**Sec. 2945.06.** In any case in which a defendant waives ~~his~~ 6179  
the defendant's right to trial by jury and elects to be tried by 6180  
the court under section 2945.05 of the Revised Code, any judge 6181  
of the court in which the cause is pending shall proceed to 6182  
hear, try, and determine the cause in accordance with the rules 6183  
and in like manner as if the cause were being tried before a 6184  
jury. ~~If the accused is charged with an offense punishable with~~ 6185  
~~death, he shall be tried by a court to be composed of three~~ 6186  
~~judges, consisting of the judge presiding at the time in the~~ 6187  
~~trial of criminal cases and two other judges to be designated by~~ 6188  
~~the presiding judge or chief justice of that court, and in case~~ 6189  
~~there is neither a presiding judge nor a chief justice, by the~~ 6190  
~~chief justice of the supreme court. The judges or a majority of~~ 6191  
~~them may decide all questions of fact and law arising upon the~~ 6192  
~~trial; however the accused shall not be found guilty or not~~ 6193  
~~guilty of any offense unless the judges unanimously find the~~ 6194  
~~accused guilty or not guilty. If the accused pleads guilty of~~ 6195  
~~aggravated murder, a court composed of three judges shall~~ 6196

~~examine the witnesses, determine whether the accused is guilty of aggravated murder or any other offense, and pronounce sentence accordingly. The court shall follow the procedures contained in sections 2929.03 and 2929.04 of the Revised Code in all cases in which the accused is charged with an offense punishable by death. If in the composition of the court it is necessary that a judge from another county be assigned by the chief justice, the judge from another county shall be compensated for his services as provided by section 141.07 of the Revised Code.~~

**Sec. 2945.10.** The trial of an issue upon an indictment or information shall proceed before the trial court or jury as follows:

(A) Counsel for the state must first state the case for the prosecution, and may briefly state the evidence by which the counsel for the state expects to sustain it.

(B) The defendant or the defendant's counsel must then state the defense, and may briefly state the evidence which the defendant or the defendant's counsel expects to offer in support of it.

(C) The state must first produce its evidence and the defendant shall then produce the defendant's evidence.

(D) The state will then be confined to rebutting evidence, but the court, for good reason, in furtherance of justice, may permit evidence to be offered by either side out of its order.

(E) When the evidence is concluded, ~~one of the following applies regarding jury instructions:~~

~~(1) In a capital case that is being heard by a jury, the court shall prepare written instructions to the jury on the~~

~~points of law, shall provide copies of the written instructions— 6226  
to the jury before orally instructing the jury, and shall permit 6227  
the jury to retain and consult the instructions during the 6228  
court's presentation of the oral instructions and during the 6229  
jury's deliberations. 6230~~

~~(2) In a case that is not a capital case, either party may 6231  
request instructions to the jury on the points of law, which 6232  
instructions shall be reduced to writing if either party 6233  
requests it. 6234~~

(F) When the evidence is concluded, unless the case is 6235  
submitted without argument, the counsel for the state shall 6236  
commence, the defendant or the defendant's counsel follow, and 6237  
the counsel for the state conclude the argument to the jury. 6238

(G) The court, after the argument is concluded and before 6239  
proceeding with other business, shall forthwith charge the jury. 6240  
Such charge shall be reduced to writing by the court if either 6241  
party requests it before the argument to the jury is commenced. 6242  
Such charge, or other charge or instruction provided for in this 6243  
section, when so written and given, shall not be orally 6244  
qualified, modified, or explained to the jury by the court. 6245  
Written charges and instructions shall be taken by the jury in 6246  
their retirement and returned with their verdict into court and 6247  
remain on file with the papers of the case. 6248

The court may deviate from the order of proceedings listed 6249  
in this section. 6250

**Sec. 2945.13.** When two or more persons are jointly 6251  
indicted for a felony, ~~except a capital offense,~~ they shall be 6252  
tried jointly unless the court, for good cause shown on 6253  
application therefor by the prosecuting attorney or one or more 6254

of said defendants, orders one or more of said defendants to be 6255  
tried separately. 6256

**Sec. 2945.21.** (A) (1) In criminal cases in which there is 6257  
only one defendant, each party, in addition to the challenges 6258  
for cause authorized by law, may peremptorily challenge three of 6259  
the jurors in misdemeanor cases ~~and, four of the jurors in~~ 6260  
felony cases other than ~~capital~~ cases that may subject the 6261  
defendant to a sentence of life imprisonment, and six of the 6262  
jurors in cases that may subject the defendant to a sentence of 6263  
life imprisonment. If there is more than one defendant, each 6264  
defendant may peremptorily challenge the same number of jurors 6265  
as if ~~he~~ the defendant were the sole defendant. 6266

~~(2) Notwithstanding Criminal Rule 24, in capital cases in-~~ 6267  
~~which there is only one defendant, each party, in addition to~~ 6268  
~~the challenges for cause authorized by law, may peremptorily~~ 6269  
~~challenge twelve of the jurors. If there is more than one~~ 6270  
~~defendant, each defendant may peremptorily challenge the same~~ 6271  
~~number of jurors as if he were the sole defendant.~~ 6272

~~(3)~~ In any case in which there are multiple defendants, 6273  
the prosecuting attorney may peremptorily challenge a number of 6274  
jurors equal to the total number of peremptory challenges 6275  
allowed to all of the defendants. 6276

(B) If any indictments, informations, or complaints are 6277  
consolidated for trial, the consolidated cases shall be 6278  
considered, for purposes of exercising peremptory challenges, as 6279  
though the defendants or offenses had been joined in the same 6280  
indictment, information, or complaint. 6281

(C) The exercise of peremptory challenges authorized by 6282  
this section shall be in accordance with the procedures of 6283

Criminal Rule 24. 6284

**Sec. 2945.25.** A person called as a juror in a criminal 6285  
case may be challenged for the following causes: 6286

(A) That the person was a member of the grand jury that 6287  
found the indictment in the case; 6288

(B) That the person is possessed of a state of mind 6289  
evinced enmity or bias toward the defendant or the state; but 6290  
no person summoned as a juror shall be disqualified by reason of 6291  
a previously formed or expressed opinion with reference to the 6292  
guilt or innocence of the accused, if the court is satisfied, 6293  
from examination of the juror or from other evidence, that the 6294  
juror will render an impartial verdict according to the law and 6295  
the evidence submitted to the jury at the trial; 6296

~~(C) In the trial of a capital offense, that the person 6297  
unequivocally states that under no circumstances will the person 6298  
follow the instructions of a trial judge and consider fairly the 6299  
imposition of a sentence of death in a particular case. A 6300  
prospective juror's conscientious or religious opposition to the 6301  
death penalty in and of itself is not grounds for a challenge 6302  
for cause. All parties shall be given wide latitude in voir dire 6303  
questioning in this regard. 6304~~

~~(D)~~ That the person is related by consanguinity or 6305  
affinity within the fifth degree to the person alleged to be 6306  
injured or attempted to be injured by the offense charged, or to 6307  
the person on whose complaint the prosecution was instituted, or 6308  
to the defendant; 6309

~~(E)~~ (D) That the person served on a petit jury drawn in 6310  
the same cause against the same defendant, and that jury was 6311  
discharged after hearing the evidence or rendering a verdict on 6312

the evidence that was set aside; 6313

~~(F)~~ (E) That the person served as a juror in a civil case 6314  
brought against the defendant for the same act; 6315

~~(G)~~ (F) That the person has been subpoenaed in good faith 6316  
as a witness in the case; 6317

~~(H)~~ (G) That the person has chronic alcoholism, or a drug 6318  
dependency; 6319

~~(I)~~ (H) That the person has been convicted of a crime that 6320  
by law disqualifies the person from serving on a jury; 6321

~~(J)~~ (I) That the person has an action pending between the 6322  
person and the state or the defendant; 6323

~~(K)~~ (J) That the person or the person's spouse is a party 6324  
to another action then pending in any court in which an attorney 6325  
in the cause then on trial is an attorney, either for or against 6326  
the person; 6327

~~(L)~~ (K) That the person is the person alleged to be 6328  
injured or attempted to be injured by the offense charged, or is 6329  
the person on whose complaint the prosecution was instituted, or 6330  
the defendant; 6331

~~(M)~~ (L) That the person is the employer or employee, or 6332  
the spouse, parent, son, or daughter of the employer or 6333  
employee, or the counselor, agent, or attorney of any person 6334  
included in division ~~(L)~~ (K) of this section; 6335

~~(N)~~ (M) That English is not the person's native language, 6336  
and the person's knowledge of English is insufficient to permit 6337  
the person to understand the facts and law in the case; 6338

~~(O)~~ (N) That the person otherwise is unsuitable for any 6339

other cause to serve as a juror. 6340

The validity of each challenge listed in this section 6341  
shall be determined by the court. 6342

**Sec. 2945.33.** When a cause is finally submitted the jurors 6343  
must be kept together in a convenient place under the charge of 6344  
an officer until they agree upon a verdict, or are discharged by 6345  
the court. The court, ~~except in cases where the offense charged~~ 6346  
~~may be punishable by death,~~ may permit the jurors to separate 6347  
during the adjournment of court overnight, under proper 6348  
cautions, or under supervision of an officer. Such officer shall 6349  
not permit a communication to be made to them, nor make any 6350  
himself communication to them except to ask if they have agreed 6351  
upon a verdict, unless he the officer does so by order of the 6352  
court. Such officer shall not communicate to any person, before 6353  
the verdict is delivered, any matter in relation to their 6354  
deliberation. Upon the trial of any prosecution for misdemeanor, 6355  
the court may permit the jury to separate during their 6356  
deliberation, or upon adjournment of the court overnight. 6357

~~In cases where the offense charged may be punished by~~ 6358  
~~death, after the case is finally submitted to the jury, the~~ 6359  
~~jurors shall be kept in charge of the proper officer and proper~~ 6360  
~~arrangements for their care and maintenance shall be made as~~ 6361  
~~under section 2945.31 of the Revised Code.~~ 6362

**Sec. 2945.38.** (A) If the issue of a defendant's competence 6363  
to stand trial is raised and if the court, upon conducting the 6364  
hearing provided for in section 2945.37 of the Revised Code, 6365  
finds that the defendant is competent to stand trial, the 6366  
defendant shall be proceeded against as provided by law. If the 6367  
court finds the defendant competent to stand trial and the 6368  
defendant is receiving psychotropic drugs or other medication, 6369

the court may authorize the continued administration of the 6370  
drugs or medication or other appropriate treatment in order to 6371  
maintain the defendant's competence to stand trial, unless the 6372  
defendant's attending physician advises the court against 6373  
continuation of the drugs, other medication, or treatment. 6374

(B) (1) (a) (i) If the defendant has been charged with a 6375  
felony offense or a misdemeanor offense of violence for which 6376  
the prosecutor has not recommended the procedures under division 6377  
(B) (1) (a) (vi) of this section and if, after taking into 6378  
consideration all relevant reports, information, and other 6379  
evidence, the court finds that the defendant is incompetent to 6380  
stand trial and that there is a substantial probability that the 6381  
defendant will become competent to stand trial within one year 6382  
if the defendant is provided with a course of treatment, the 6383  
court shall order the defendant to undergo treatment. 6384

(ii) If the defendant has been charged with a felony 6385  
offense and if, after taking into consideration all relevant 6386  
reports, information, and other evidence, the court finds that 6387  
the defendant is incompetent to stand trial, but the court is 6388  
unable at that time to determine whether there is a substantial 6389  
probability that the defendant will become competent to stand 6390  
trial within one year if the defendant is provided with a course 6391  
of treatment, the court shall order continuing evaluation and 6392  
treatment of the defendant for a period not to exceed four 6393  
months to determine whether there is a substantial probability 6394  
that the defendant will become competent to stand trial within 6395  
one year if the defendant is provided with a course of 6396  
treatment. 6397

(iii) If the defendant has not been charged with a felony 6398  
offense but has been charged with a misdemeanor offense of 6399



violence and if, after taking into consideration all relevant 6400  
reports, information, and other evidence, the court finds that 6401  
the defendant is incompetent to stand trial, but the court is 6402  
unable at that time to determine whether there is a substantial 6403  
probability that the defendant will become competent to stand 6404  
trial within the time frame permitted under division (C) (1) of 6405  
this section, the court may order continuing evaluation and 6406  
treatment of the defendant for a period not to exceed the 6407  
maximum period permitted under that division. 6408

(iv) If the defendant has not been charged with a felony 6409  
offense or a misdemeanor offense of violence, but has been 6410  
charged with a misdemeanor offense that is not a misdemeanor 6411  
offense of violence and if, after taking into consideration all 6412  
relevant reports, information, and other evidence, the court 6413  
finds that the defendant is incompetent to stand trial, but the 6414  
court is unable at that time to determine whether there is a 6415  
substantial probability that the defendant will become competent 6416  
to stand trial within the time frame permitted under division 6417  
(C) (1) of this section, the court shall dismiss the charges and 6418  
follow the process outlined in division (B) (1) (a) (v) (I) of this 6419  
section. 6420

(v) If the defendant has not been charged with a felony 6421  
offense or a misdemeanor offense of violence, or if the 6422  
defendant has been charged with a misdemeanor offense of 6423  
violence and the prosecutor has recommended the procedures under 6424  
division (B) (1) (a) (vi) of this section, and if, after taking 6425  
into consideration all relevant reports, information, and other 6426  
evidence, the trial court finds that the defendant is 6427  
incompetent to stand trial, the trial court shall do one of the 6428  
following: 6429

(I) Dismiss the charges pending against the defendant. A 6430  
dismissal under this division is not a bar to further 6431  
prosecution based on the same conduct. Upon dismissal of the 6432  
charges, the trial court shall discharge the defendant unless 6433  
the court or prosecutor, after consideration of the requirements 6434  
of section 5122.11 of the Revised Code, files an affidavit in 6435  
probate court alleging that the defendant is a mentally ill 6436  
person subject to court order or a person with an intellectual 6437  
disability subject to institutionalization by court order. If an 6438  
affidavit is filed in probate court, the trial court may detain 6439  
the defendant for ten days pending a hearing in the probate 6440  
court and shall send to the probate court copies of all written 6441  
reports of the defendant's mental condition that were prepared 6442  
pursuant to section 2945.371 of the Revised Code. The trial 6443  
court or prosecutor shall specify in the appropriate space on 6444  
the affidavit that the defendant is a person described in this 6445  
subdivision. 6446

(II) Order the defendant to undergo outpatient competency 6447  
restoration treatment at a facility operated or certified by the 6448  
department of mental health and addiction services as being 6449  
qualified to treat mental illness, at a public or community 6450  
mental health facility, or in the care of a psychiatrist or 6451  
other mental health professional. If a defendant who has been 6452  
released on bail or recognizance refuses to comply with court- 6453  
ordered outpatient treatment under this division, the court may 6454  
dismiss the charges pending against the defendant and proceed 6455  
under division (B) (1) (a) (v) (I) of this section or may amend the 6456  
conditions of bail or recognizance and order the sheriff to take 6457  
the defendant into custody and deliver the defendant to a 6458  
center, program, or facility operated or certified by the 6459  
department of mental health and addiction services for 6460

treatment. 6461

(vi) If the defendant has not been charged with a felony 6462  
offense but has been charged with a misdemeanor offense of 6463  
violence and after taking into consideration all relevant 6464  
reports, information, and other evidence, the court finds that 6465  
the defendant is incompetent to stand trial, the prosecutor in 6466  
the case may recommend that the court follow the procedures 6467  
prescribed in division (B) (1) (a) (v) of this section. If the 6468  
prosecutor does not make such a recommendation, the court shall 6469  
follow the procedures in division (B) (1) (a) (i) of this section. 6470

(b) The court order for the defendant to undergo treatment 6471  
or continuing evaluation and treatment under division (B) (1) (a) 6472  
of this section shall specify that the defendant, if determined 6473  
to require mental health treatment or continuing evaluation and 6474  
treatment, either shall be committed to the department of mental 6475  
health and addiction services for treatment or continuing 6476  
evaluation and treatment at a hospital, facility, or agency, as 6477  
determined to be clinically appropriate by the department of 6478  
mental health and addiction services or shall be committed to a 6479  
facility certified by the department of mental health and 6480  
addiction services as being qualified to treat mental illness, 6481  
to a public or community mental health facility, or to a 6482  
psychiatrist or another mental health professional for treatment 6483  
or continuing evaluation and treatment. Prior to placing the 6484  
defendant, the department of mental health and addiction 6485  
services shall obtain court approval for that placement 6486  
following a hearing. The court order for the defendant to 6487  
undergo treatment or continuing evaluation and treatment under 6488  
division (B) (1) (a) of this section shall specify that the 6489  
defendant, if determined to require treatment or continuing 6490  
evaluation and treatment for an intellectual disability, shall 6491

receive treatment or continuing evaluation and treatment at an 6492  
institution or facility operated by the department of 6493  
developmental disabilities, at a facility certified by the 6494  
department of developmental disabilities as being qualified to 6495  
treat intellectual disabilities, at a public or private 6496  
intellectual disabilities facility, or by a psychiatrist or 6497  
another intellectual disabilities professional. In any case, the 6498  
order may restrict the defendant's freedom of movement as the 6499  
court considers necessary. The prosecutor in the defendant's 6500  
case shall send to the chief clinical officer of the hospital, 6501  
facility, or agency where the defendant is placed by the 6502  
department of mental health and addiction services, or to the 6503  
managing officer of the institution, the director of the program 6504  
or facility, or the person to which the defendant is committed, 6505  
copies of relevant police reports and other background 6506  
information that pertains to the defendant and is available to 6507  
the prosecutor unless the prosecutor determines that the release 6508  
of any of the information in the police reports or any of the 6509  
other background information to unauthorized persons would 6510  
interfere with the effective prosecution of any person or would 6511  
create a substantial risk of harm to any person. 6512

In determining the place of commitment, the court shall 6513  
consider the extent to which the person is a danger to the 6514  
person and to others, the need for security, the availability of 6515  
housing and supportive services, including outpatient mental 6516  
health services in the community, and the type of crime involved 6517  
and shall order the least restrictive alternative available that 6518  
is consistent with public safety and treatment goals. In 6519  
weighing these factors, the court shall give preference to 6520  
protecting public safety and the availability of housing and 6521  
supportive services. 6522

(c) If the defendant is found incompetent to stand trial, 6523  
if the chief clinical officer of the hospital, facility, or 6524  
agency where the defendant is placed, or the managing officer of 6525  
the institution, the director of the program or facility, or the 6526  
person to which the defendant is committed for treatment or 6527  
continuing evaluation and treatment under division (B) (1) (b) of 6528  
this section determines that medication is necessary to restore 6529  
the defendant's competency to stand trial, and if the defendant 6530  
lacks the capacity to give informed consent or refuses 6531  
medication, the chief clinical officer of the hospital, 6532  
facility, or agency where the defendant is placed, or the 6533  
managing officer of the institution, the director of the program 6534  
or facility, or the person to which the defendant is committed 6535  
for treatment or continuing evaluation and treatment may 6536  
petition the court for authorization for the involuntary 6537  
administration of medication. The court shall hold a hearing on 6538  
the petition within five days of the filing of the petition if 6539  
the petition was filed in a municipal court or a county court 6540  
regarding an incompetent defendant charged with a misdemeanor or 6541  
within ten days of the filing of the petition if the petition 6542  
was filed in a court of common pleas regarding an incompetent 6543  
defendant charged with a felony offense. Following the hearing, 6544  
the court may authorize the involuntary administration of 6545  
medication or may dismiss the petition. 6546

(2) If the court finds that the defendant is incompetent 6547  
to stand trial and that, even if the defendant is provided with 6548  
a course of treatment, there is not a substantial probability 6549  
that the defendant will become competent to stand trial within 6550  
one year, the court shall order the discharge of the defendant, 6551  
unless upon motion of the prosecutor or on its own motion, the 6552  
court either seeks to retain jurisdiction over the defendant 6553

pursuant to section 2945.39 of the Revised Code or files an affidavit in the probate court for the civil commitment of the defendant pursuant to Chapter 5122. or 5123. of the Revised Code alleging that the defendant is a person with a mental illness subject to court order or a person with an intellectual disability subject to institutionalization by court order. If an affidavit is filed in the probate court, the trial court shall send to the probate court copies of all written reports of the defendant's mental condition that were prepared pursuant to section 2945.371 of the Revised Code.

The trial court may issue the temporary order of detention that a probate court may issue under section 5122.11 or 5123.71 of the Revised Code, to remain in effect until the probable cause or initial hearing in the probate court. Further proceedings in the probate court are civil proceedings governed by Chapter 5122. or 5123. of the Revised Code.

(C) No defendant shall be required to undergo treatment, including any continuing evaluation and treatment, under division (B) (1) of this section for longer than whichever of the following periods is applicable:

(1) One year, if the most serious offense with which the defendant is charged is one of the following offenses:

(a) Aggravated murder, murder, or an offense of violence for which a sentence of ~~death or~~ life imprisonment may be imposed;

(b) An offense of violence that is a felony of the first or second degree;

(c) A conspiracy to commit, an attempt to commit, or complicity in the commission of an offense described in division

(C) (1) (a) or (b) of this section if the conspiracy, attempt, or complicity is a felony of the first or second degree. 6583  
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(2) Six months, if the most serious offense with which the defendant is charged is a felony other than a felony described in division (C) (1) of this section; 6585  
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(3) Sixty days, if the most serious offense with which the defendant is charged is a misdemeanor of the first or second degree; 6588  
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(4) Thirty days, if the most serious offense with which the defendant is charged is a misdemeanor of the third or fourth degree, a minor misdemeanor, or an unclassified misdemeanor. 6591  
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(D) Any defendant who is committed pursuant to this section shall not voluntarily admit the defendant or be voluntarily admitted to a hospital or institution pursuant to section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised Code. 6594  
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(E) Except as otherwise provided in this division, a defendant who is charged with an offense and is committed by the court under this section to the department of mental health and addiction services or is committed to an institution or facility for the treatment of intellectual disabilities shall not be granted unsupervised on-grounds movement, supervised off-grounds movement, or nonsecured status except in accordance with the court order. The court may grant a defendant supervised off-grounds movement to obtain medical treatment or specialized habilitation treatment services if the person who supervises the treatment or the continuing evaluation and treatment of the defendant ordered under division (B) (1) (a) of this section informs the court that the treatment or continuing evaluation 6599  
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and treatment cannot be provided at the hospital or facility 6612  
where the defendant is placed by the department of mental health 6613  
and addiction services or the institution or facility to which 6614  
the defendant is committed. The chief clinical officer of the 6615  
hospital or facility where the defendant is placed by the 6616  
department of mental health and addiction services or the 6617  
managing officer of the institution or director of the facility 6618  
to which the defendant is committed, or a designee of any of 6619  
those persons, may grant a defendant movement to a medical 6620  
facility for an emergency medical situation with appropriate 6621  
supervision to ensure the safety of the defendant, staff, and 6622  
community during that emergency medical situation. The chief 6623  
clinical officer of the hospital or facility where the defendant 6624  
is placed by the department of mental health and addiction 6625  
services or the managing officer of the institution or director 6626  
of the facility to which the defendant is committed shall notify 6627  
the court within twenty-four hours of the defendant's movement 6628  
to the medical facility for an emergency medical situation under 6629  
this division. 6630

(F) The person who supervises the treatment or continuing 6631  
evaluation and treatment of a defendant ordered to undergo 6632  
treatment or continuing evaluation and treatment under division 6633  
(B) (1) (a) of this section shall file a written report with the 6634  
court at the following times: 6635

(1) Whenever the person believes the defendant is capable 6636  
of understanding the nature and objective of the proceedings 6637  
against the defendant and of assisting in the defendant's 6638  
defense; 6639

(2) For a felony offense, fourteen days before expiration 6640  
of the maximum time for treatment as specified in division (C) 6641



of this section and fourteen days before the expiration of the 6642  
maximum time for continuing evaluation and treatment as 6643  
specified in division (B) (1) (a) of this section, and, for a 6644  
misdemeanor offense, ten days before the expiration of the 6645  
maximum time for treatment, as specified in division (C) of this 6646  
section; 6647

(3) At a minimum, after each six months of treatment; 6648

(4) Whenever the person who supervises the treatment or 6649  
continuing evaluation and treatment of a defendant ordered under 6650  
division (B) (1) (a) of this section believes that there is not a 6651  
substantial probability that the defendant will become capable 6652  
of understanding the nature and objective of the proceedings 6653  
against the defendant or of assisting in the defendant's defense 6654  
even if the defendant is provided with a course of treatment. 6655

(G) A report under division (F) of this section shall 6656  
contain the examiner's findings, the facts in reasonable detail 6657  
on which the findings are based, and the examiner's opinion as 6658  
to the defendant's capability of understanding the nature and 6659  
objective of the proceedings against the defendant and of 6660  
assisting in the defendant's defense. If, in the examiner's 6661  
opinion, the defendant remains incapable of understanding the 6662  
nature and objective of the proceedings against the defendant 6663  
and of assisting in the defendant's defense and there is a 6664  
substantial probability that the defendant will become capable 6665  
of understanding the nature and objective of the proceedings 6666  
against the defendant and of assisting in the defendant's 6667  
defense if the defendant is provided with a course of treatment, 6668  
if in the examiner's opinion the defendant continues to have a 6669  
mental illness or an intellectual disability, and if the maximum 6670  
time for treatment as specified in division (C) of this section 6671

has not expired, the report also shall contain the examiner's 6672  
recommendation as to the least restrictive placement or 6673  
commitment alternative that is consistent with the defendant's 6674  
treatment needs for restoration to competency and with the 6675  
safety of the community. The court shall provide copies of the 6676  
report to the prosecutor and defense counsel. 6677

(H) If a defendant is committed pursuant to division (B) 6678  
(1) of this section, within ten days after the treating 6679  
physician of the defendant or the examiner of the defendant who 6680  
is employed or retained by the treating facility advises that 6681  
there is not a substantial probability that the defendant will 6682  
become capable of understanding the nature and objective of the 6683  
proceedings against the defendant or of assisting in the 6684  
defendant's defense even if the defendant is provided with a 6685  
course of treatment, within ten days after the expiration of the 6686  
maximum time for treatment as specified in division (C) of this 6687  
section, within ten days after the expiration of the maximum 6688  
time for continuing evaluation and treatment as specified in 6689  
division (B) (1) (a) of this section, within thirty days after a 6690  
defendant's request for a hearing that is made after six months 6691  
of treatment, or within thirty days after being advised by the 6692  
treating physician or examiner that the defendant is competent 6693  
to stand trial, whichever is the earliest, the court shall 6694  
conduct another hearing to determine if the defendant is 6695  
competent to stand trial and shall do whichever of the following 6696  
is applicable: 6697

(1) If the court finds that the defendant is competent to 6698  
stand trial, the defendant shall be proceeded against as 6699  
provided by law. 6700

(2) If the court finds that the defendant is incompetent 6701

to stand trial, but that there is a substantial probability that 6702  
the defendant will become competent to stand trial if the 6703  
defendant is provided with a course of treatment, and the 6704  
maximum time for treatment as specified in division (C) of this 6705  
section has not expired, the court, after consideration of the 6706  
examiner's recommendation, shall order that treatment be 6707  
continued, may change the facility or program at which the 6708  
treatment is to be continued, and shall specify whether the 6709  
treatment is to be continued at the same or a different facility 6710  
or program. 6711

(3) If the court finds that the defendant is incompetent 6712  
to stand trial, if the defendant is charged with an offense 6713  
listed in division (C)(1) of this section, and if the court 6714  
finds that there is not a substantial probability that the 6715  
defendant will become competent to stand trial even if the 6716  
defendant is provided with a course of treatment, or if the 6717  
maximum time for treatment relative to that offense as specified 6718  
in division (C) of this section has expired, further proceedings 6719  
shall be as provided in sections 2945.39, 2945.401, and 2945.402 6720  
of the Revised Code. 6721

(4) If the court finds that the defendant is incompetent 6722  
to stand trial, if the most serious offense with which the 6723  
defendant is charged is a misdemeanor or a felony other than a 6724  
felony listed in division (C)(1) of this section, and if the 6725  
court finds that there is not a substantial probability that the 6726  
defendant will become competent to stand trial even if the 6727  
defendant is provided with a course of treatment, or if the 6728  
maximum time for treatment relative to that offense as specified 6729  
in division (C) of this section has expired, the court shall 6730  
dismiss the indictment, information, or complaint against the 6731  
defendant. A dismissal under this division is not a bar to 6732

further prosecution based on the same conduct. The court shall 6733  
discharge the defendant unless the court or prosecutor files an 6734  
affidavit in probate court for civil commitment pursuant to 6735  
Chapter 5122. or 5123. of the Revised Code. If an affidavit for 6736  
civil commitment is filed, the court may detain the defendant 6737  
for ten days pending civil commitment and shall send to the 6738  
probate court copies of all written reports of the defendant's 6739  
mental condition prepared pursuant to section 2945.371 of the 6740  
Revised Code. 6741

All of the following provisions apply to persons charged 6742  
with a misdemeanor or a felony other than a felony listed in 6743  
division (C)(1) of this section who are committed by the probate 6744  
court subsequent to the court's or prosecutor's filing of an 6745  
affidavit for civil commitment under authority of this division: 6746

(a) The chief clinical officer of the entity, hospital, or 6747  
facility, the managing officer of the institution, the director 6748  
of the program, or the person to which the defendant is 6749  
committed or admitted shall do all of the following: 6750

(i) Notify the prosecutor, in writing, of the discharge of 6751  
the defendant, send the notice at least ten days prior to the 6752  
discharge unless the discharge is by the probate court, and 6753  
state in the notice the date on which the defendant will be 6754  
discharged; 6755

(ii) Notify the prosecutor, in writing, when the defendant 6756  
is absent without leave or is granted unsupervised, off-grounds 6757  
movement, and send this notice promptly after the discovery of 6758  
the absence without leave or prior to the granting of the 6759  
unsupervised, off-grounds movement, whichever is applicable; 6760

(iii) Notify the prosecutor, in writing, of the change of 6761

the defendant's commitment or admission to voluntary status, 6762  
send the notice promptly upon learning of the change to 6763  
voluntary status, and state in the notice the date on which the 6764  
defendant was committed or admitted on a voluntary status. 6765

(b) Upon receiving notice that the defendant will be 6766  
granted unsupervised, off-grounds movement, the prosecutor 6767  
either shall re-indict the defendant or promptly notify the 6768  
court that the prosecutor does not intend to prosecute the 6769  
charges against the defendant. 6770

(I) If a defendant is convicted of a crime and sentenced 6771  
to a jail or workhouse, the defendant's sentence shall be 6772  
reduced by the total number of days the defendant is confined 6773  
for evaluation to determine the defendant's competence to stand 6774  
trial or treatment under this section and sections 2945.37 and 6775  
2945.371 of the Revised Code or by the total number of days the 6776  
defendant is confined for evaluation to determine the 6777  
defendant's mental condition at the time of the offense charged. 6778

**Sec. 2949.02.** (A) If a person is convicted of anyailable 6779  
offense, including, but not limited to, a violation of an 6780  
ordinance of a municipal corporation, in a municipal or county 6781  
court or in a court of common pleas and if the person gives to 6782  
the trial judge or magistrate a written notice of the person's 6783  
intention to file or apply for leave to file an appeal to the 6784  
court of appeals, the trial judge or magistrate may suspend, ~~7-~~ 6785  
~~subject to division (A) (2) (b) of section 2953.09 of the Revised~~ 6786  
~~Code,~~ execution of the sentence or judgment imposed for any 6787  
fixed time that will give the person time either to prepare and 6788  
file, or to apply for leave to file, the appeal. In allailable 6789  
cases, except as provided in division (B) of this section, the 6790  
trial judge or magistrate may release the person on bail in 6791

accordance with Criminal Rule 46, and the bail shall at least be 6792  
conditioned that the person will appeal without delay and abide 6793  
by the judgment and sentence of the court. 6794

(B) Notwithstanding any provision of Criminal Rule 46 to 6795  
the contrary, a trial judge of a court of common pleas shall not 6796  
release on bail pursuant to division (A) of this section a 6797  
person who is convicted of a bailable offense if the person is 6798  
sentenced to imprisonment for life or if that offense is a 6799  
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 6800  
2903.11, 2905.01, 2905.02, 2905.11, 2907.02, 2909.02, 2911.01, 6801  
2911.02, or 2911.11 of the Revised Code or is felonious sexual 6802  
penetration in violation of former section 2907.12 of the 6803  
Revised Code. 6804

(C) If a trial judge of a court of common pleas is 6805  
prohibited by division (B) of this section from releasing on 6806  
bail pursuant to division (A) of this section a person who is 6807  
convicted of a bailable offense and not sentenced to 6808  
imprisonment for life, the appropriate court of appeals or two 6809  
judges of it, upon motion of such a person and for good cause 6810  
shown, may release the person on bail in accordance with 6811  
Appellate Rule 8 and Criminal Rule 46, and the bail shall at 6812  
least be conditioned as described in division (A) of this 6813  
section. 6814

**Sec. 2949.03.** If a judgment of conviction by a court of 6815  
common pleas, municipal court, or county court is affirmed by a 6816  
court of appeals and remanded to the trial court for execution 6817  
of the sentence or judgment imposed, and the person so convicted 6818  
gives notice of ~~his~~ the person's intention to file a notice of 6819  
appeal to the supreme court, the trial court, on the filing of a 6820  
motion by such person within three days after the rendition by 6821

the court of appeals of the judgment of affirmation, may further 6822  
suspend, ~~subject to division (A) (2) (b) of section 2953.09 of the~~ 6823  
~~Revised Code,~~ the execution of the sentence or judgment imposed 6824  
for a time sufficient to give such person an opportunity to file 6825  
a notice of appeal to the supreme court, but the sentence or 6826  
judgment imposed shall not be suspended more than thirty days 6827  
for that purpose. 6828

**Sec. 2953.02.** In a ~~capital case in which a sentence of~~ 6829  
~~death is imposed for an offense committed before January 1,~~ 6830  
~~1995, and in any other~~ criminal case, including a conviction for 6831  
the violation of an ordinance of a municipal corporation, the 6832  
judgment or final order of a court of record inferior to the 6833  
court of appeals may be reviewed in the court of appeals. A 6834  
final order of an administrative officer or agency may be 6835  
reviewed in the court of common pleas. A judgment or final order 6836  
of the court of appeals involving a question arising under the 6837  
Constitution of the United States or of this state may be 6838  
appealed to the supreme court as a matter of right. This right 6839  
of appeal from judgments and final orders of the court of 6840  
appeals shall extend to ~~cases in which a sentence of death is~~ 6841  
~~imposed for an offense committed before January 1, 1995, and in~~ 6842  
~~which the death penalty has been affirmed,~~ felony cases in which 6843  
the supreme court has directed the court of appeals to certify 6844  
its record, and in all other criminal cases of public or general 6845  
interest wherein the supreme court has granted a motion to 6846  
certify the record of the court of appeals. ~~In a capital case in~~ 6847  
~~which a sentence of death is imposed for an offense committed on~~ 6848  
~~or after January 1, 1995, the judgment or final order may be~~ 6849  
~~appealed from the trial court directly to the supreme court as a~~ 6850  
~~matter of right.~~ The supreme court in criminal cases shall not 6851  
be required to determine as to the weight of the evidence, 6852

~~except that, in cases in which a sentence of death is imposed~~ 6853  
~~for an offense committed on or after January 1, 1995, and in~~ 6854  
~~which the question of the weight of the evidence to support the~~ 6855  
~~judgment has been raised on appeal, the supreme court shall~~ 6856  
~~determine as to the weight of the evidence to support the~~ 6857  
~~judgment and shall determine as to the weight of the evidence to~~ 6858  
~~support the sentence of death as provided in section 2929.05 of~~ 6859  
~~the Revised Code.~~ 6860

**Sec. 2953.07.** ~~(A)~~ Upon the hearing of an appeal other than 6861  
an appeal from a mayor's court, the appellate court may affirm 6862  
the judgment or reverse it, in whole or in part, or modify it, 6863  
and order the accused to be discharged or grant a new trial. The 6864  
appellate court may remand the accused for the sole purpose of 6865  
correcting a sentence imposed contrary to law, provided that, on 6866  
an appeal of a sentence imposed upon a person who is convicted 6867  
of or pleads guilty to a felony that is brought under section 6868  
2953.08 of the Revised Code, division (G) of that section 6869  
applies to the court. If the judgment is reversed, the appellant 6870  
shall recover from the appellee all court costs incurred to 6871  
secure the reversal, including the cost of transcripts. ~~In~~ 6872  
~~capital cases, when the judgment is affirmed and the day fixed~~ 6873  
~~for the execution is passed, the appellate court shall appoint a~~ 6874  
~~day for it, and the clerk of the appellate court shall issue a~~ 6875  
~~warrant under the seal of the appellate court, to the sheriff of~~ 6876  
~~the proper county, or the warden of the appropriate state~~ 6877  
~~correctional institution, commanding the sheriff or warden to~~ 6878  
~~carry the sentence into execution on the day so appointed. The~~ 6879  
~~sheriff or warden shall execute and return the warrant as in~~ 6880  
~~other cases, and the clerk shall record the warrant and return.~~ 6881

~~(B) As used in this section, "appellate court" means, for~~ 6882  
~~a case in which a sentence of death is imposed for an offense~~ 6883



~~committed before January 1, 1995, both the court of appeals and 6884  
the supreme court, and for a case in which a sentence of death 6885  
is imposed for an offense committed on or after January 1, 1995, 6886  
the supreme court. 6887~~

**Sec. 2953.08.** (A) In addition to any other right to appeal 6888  
and except as provided in division (D) of this section, a 6889  
defendant who is convicted of or pleads guilty to a felony may 6890  
appeal as a matter of right the sentence imposed upon the 6891  
defendant on one of the following grounds: 6892

(1) The sentence consisted of or included the maximum 6893  
definite prison term allowed for the offense by division (A) of 6894  
section 2929.14 or section 2929.142 of the Revised Code or, with 6895  
respect to a non-life felony indefinite prison term, the longest 6896  
minimum prison term allowed for the offense by division (A) (1) 6897  
(a) or (2) (a) of section 2929.14 of the Revised Code, the 6898  
maximum definite prison term or longest minimum prison term was 6899  
not required for the offense pursuant to Chapter 2925. or any 6900  
other provision of the Revised Code, and the court imposed the 6901  
sentence under one of the following circumstances: 6902

(a) The sentence was imposed for only one offense. 6903

(b) The sentence was imposed for two or more offenses 6904  
arising out of a single incident, and the court imposed the 6905  
maximum definite prison term or longest minimum prison term for 6906  
the offense of the highest degree. 6907

(2) The sentence consisted of or included a prison term 6908  
and the offense for which it was imposed is a felony of the 6909  
fourth or fifth degree or is a felony drug offense that is a 6910  
violation of a provision of Chapter 2925. of the Revised Code 6911  
and that is specified as being subject to division (B) of 6912

section 2929.13 of the Revised Code for purposes of sentencing. 6913  
If the court specifies that it found one or more of the factors 6914  
in division (B) (1) (b) of section 2929.13 of the Revised Code to 6915  
apply relative to the defendant, the defendant is not entitled 6916  
under this division to appeal as a matter of right the sentence 6917  
imposed upon the offender. 6918

(3) The person was convicted of or pleaded guilty to a 6919  
violent sex offense or a designated homicide, assault, or 6920  
kidnapping offense, was adjudicated a sexually violent predator 6921  
in relation to that offense, and was sentenced pursuant to 6922  
division (A) (3) of section 2971.03 of the Revised Code, if the 6923  
minimum term of the indefinite term imposed pursuant to division 6924  
(A) (3) of section 2971.03 of the Revised Code is the longest 6925  
term available for the offense from among the range of definite 6926  
terms listed in section 2929.14 of the Revised Code or, with 6927  
respect to a non-life felony indefinite prison term, the longest 6928  
minimum prison term allowed for the offense by division (A) (1) 6929  
(a) or (2) (a) of section 2929.14 of the Revised Code. As used in 6930  
this division, "designated homicide, assault, or kidnapping 6931  
offense" and "violent sex offense" have the same meanings as in 6932  
section 2971.01 of the Revised Code. As used in this division, 6933  
"adjudicated a sexually violent predator" has the same meaning 6934  
as in section 2929.01 of the Revised Code, and a person is 6935  
"adjudicated a sexually violent predator" in the same manner and 6936  
the same circumstances as are described in that section. 6937

(4) The sentence is contrary to law. 6938

(5) The sentence consisted of an additional prison term of 6939  
ten years imposed pursuant to division (B) (2) (a) of section 6940  
2929.14 of the Revised Code. 6941

(B) In addition to any other right to appeal and except as 6942

provided in division (D) of this section, a prosecuting attorney, a city director of law, village solicitor, or similar chief legal officer of a municipal corporation, or the attorney general, if one of those persons prosecuted the case, may appeal as a matter of right a sentence imposed upon a defendant who is convicted of or pleads guilty to a felony or, in the circumstances described in division (B) (3) of this section the modification of a sentence imposed upon such a defendant, on any of the following grounds:

(1) The sentence did not include a prison term despite a presumption favoring a prison term for the offense for which it was imposed, as set forth in section 2929.13 or Chapter 2925. of the Revised Code.

(2) The sentence is contrary to law.

(3) The sentence is a modification under section 2929.20 of the Revised Code of a sentence that was imposed for a felony of the first or second degree.

(C) (1) In addition to the right to appeal a sentence granted under division (A) or (B) of this section, a defendant who is convicted of or pleads guilty to a felony may seek leave to appeal a sentence imposed upon the defendant on the basis that the sentencing judge has imposed consecutive sentences under division (C) (3) of section 2929.14 of the Revised Code and that the consecutive sentences exceed the maximum definite prison term allowed by division (A) of that section for the most serious offense of which the defendant was convicted or, with respect to a non-life felony indefinite prison term, exceed the longest minimum prison term allowed by division (A) (1) (a) or (2) (a) of that section for the most serious such offense. Upon the filing of a motion under this division, the court of appeals may

grant leave to appeal the sentence if the court determines that 6973  
the allegation included as the basis of the motion is true. 6974

(2) A defendant may seek leave to appeal an additional 6975  
sentence imposed upon the defendant pursuant to division (B)(2) 6976  
(a) or (b) of section 2929.14 of the Revised Code if the 6977  
additional sentence is for a definite prison term that is longer 6978  
than five years. 6979

(D)(1) A sentence imposed upon a defendant is not subject 6980  
to review under this section if the sentence is authorized by 6981  
law, has been recommended jointly by the defendant and the 6982  
prosecution in the case, and is imposed by a sentencing judge. 6983

(2) Except as provided in division (C)(2) of this section, 6984  
a sentence imposed upon a defendant is not subject to review 6985  
under this section if the sentence is imposed pursuant to 6986  
division (B)(2)(b) of section 2929.14 of the Revised Code. 6987  
Except as otherwise provided in this division, a defendant 6988  
retains all rights to appeal as provided under this chapter or 6989  
any other provision of the Revised Code. A defendant has the 6990  
right to appeal under this chapter or any other provision of the 6991  
Revised Code the court's application of division (B)(2)(c) of 6992  
section 2929.14 of the Revised Code. 6993

(3) A sentence imposed for aggravated murder or murder 6994  
pursuant to ~~sections~~section 2929.02 ~~to 2929.06~~ of the Revised 6995  
Code is not subject to review under this section. 6996

(E) A defendant, prosecuting attorney, city director of 6997  
law, village solicitor, or chief municipal legal officer shall 6998  
file an appeal of a sentence under this section to a court of 6999  
appeals within the time limits specified in Rule 4(B) of the 7000  
Rules of Appellate Procedure, provided that if the appeal is 7001

pursuant to division (B) (3) of this section, the time limits 7002  
specified in that rule shall not commence running until the 7003  
court grants the motion that makes the sentence modification in 7004  
question. A sentence appeal under this section shall be 7005  
consolidated with any other appeal in the case. If no other 7006  
appeal is filed, the court of appeals may review only the 7007  
portions of the trial record that pertain to sentencing. 7008

(F) On the appeal of a sentence under this section, the 7009  
record to be reviewed shall include all of the following, as 7010  
applicable: 7011

(1) Any presentence, psychiatric, or other investigative 7012  
report that was submitted to the court in writing before the 7013  
sentence was imposed. An appellate court that reviews a 7014  
presentence investigation report prepared pursuant to section 7015  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 7016  
connection with the appeal of a sentence under this section 7017  
shall comply with division (D) (3) of section 2951.03 of the 7018  
Revised Code when the appellate court is not using the 7019  
presentence investigation report, and the appellate court's use 7020  
of a presentence investigation report of that nature in 7021  
connection with the appeal of a sentence under this section does 7022  
not affect the otherwise confidential character of the contents 7023  
of that report as described in division (D) (1) of section 7024  
2951.03 of the Revised Code and does not cause that report to 7025  
become a public record, as defined in section 149.43 of the 7026  
Revised Code, following the appellate court's use of the report. 7027

(2) The trial record in the case in which the sentence was 7028  
imposed; 7029

(3) Any oral or written statements made to or by the court 7030  
at the sentencing hearing at which the sentence was imposed; 7031

(4) Any written findings that the court was required to 7032  
make in connection with the modification of the sentence 7033  
pursuant to a judicial release under division (I) of section 7034  
2929.20 of the Revised Code. 7035

(G) (1) If the sentencing court was required to make the 7036  
findings required by division (B) or (D) of section 2929.13 or 7037  
division (I) of section 2929.20 of the Revised Code, or to state 7038  
the findings of the trier of fact required by division (B) (2) (e) 7039  
of section 2929.14 of the Revised Code, relative to the 7040  
imposition or modification of the sentence, and if the 7041  
sentencing court failed to state the required findings on the 7042  
record, the court hearing an appeal under division (A), (B), or 7043  
(C) of this section shall remand the case to the sentencing 7044  
court and instruct the sentencing court to state, on the record, 7045  
the required findings. 7046

(2) The court hearing an appeal under division (A), (B), 7047  
or (C) of this section shall review the record, including the 7048  
findings underlying the sentence or modification given by the 7049  
sentencing court. 7050

The appellate court may increase, reduce, or otherwise 7051  
modify a sentence that is appealed under this section or may 7052  
vacate the sentence and remand the matter to the sentencing 7053  
court for resentencing. The appellate court's standard for 7054  
review is not whether the sentencing court abused its 7055  
discretion. The appellate court may take any action authorized 7056  
by this division if it clearly and convincingly finds either of 7057  
the following: 7058

(a) That the record does not support the sentencing 7059  
court's findings under division (B) or (D) of section 2929.13, 7060  
division (B) (2) (e) or (C) (4) of section 2929.14, or division (I) 7061

of section 2929.20 of the Revised Code, whichever, if any, is relevant;

(b) That the sentence is otherwise contrary to law.

(H) A judgment or final order of a court of appeals under this section may be appealed, by leave of court, to the supreme court.

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

**Sec. 2953.09.** (A) (1) Upon filing an appeal in the supreme court, the execution of the sentence or judgment imposed in cases of felony is suspended.

(2) ~~(a)~~ If a notice of appeal is filed pursuant to the Rules of Appellate Procedure by a defendant who is convicted in a municipal or county court or a court of common pleas of a felony or misdemeanor under the Revised Code or an ordinance of a municipal corporation, the filing of the notice of appeal does not suspend execution of the sentence or judgment imposed. However, consistent with divisions ~~(A) (2) (b)~~, ~~(B)~~, and (C) of this section, Appellate Rule 8, and Criminal Rule 46, the municipal or county court, court of common pleas, or court of appeals may suspend execution of the sentence or judgment imposed during the pendency of the appeal and shall determine whether that defendant is entitled to bail and the amount and nature of any bail that is required. The bail shall at least be conditioned that the defendant will prosecute the appeal without delay and abide by the judgment and sentence of the court.

~~(b) (i) A court of common pleas or court of appeals may suspend the execution of a sentence of death imposed for an~~

~~offense committed before January 1, 1995, only if no date for  
execution has been set by the supreme court, good cause is shown  
for the suspension, the defendant files a motion requesting the  
suspension, and notice has been given to the prosecuting  
attorney of the appropriate county.~~ 7091  
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~~(ii) A court of common pleas may suspend the execution of  
a sentence of death imposed for an offense committed on or after  
January 1, 1995, only if no date for execution has been set by  
the supreme court, good cause is shown, the defendant files a  
motion requesting the suspension, and notice has been given to  
the prosecuting attorney of the appropriate county.~~ 7096  
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~~(iii) A court of common pleas or court of appeals may  
suspend the execution of the sentence or judgment imposed for a  
felony in a capital case in which a sentence of death is not  
imposed only if no date for execution of the sentence has been  
set by the supreme court, good cause is shown for the  
suspension, the defendant files a motion requesting the  
suspension, and only after notice has been given to the  
prosecuting attorney of the appropriate county.~~ 7102  
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(B) Notwithstanding any provision of Criminal Rule 46 to 7110  
the contrary, a trial judge of a court of common pleas shall not 7111  
release on bail pursuant to division (A) (2) ~~(a)~~ of this section a 7112  
defendant who is convicted of aailable offense if the 7113  
defendant is sentenced to imprisonment for life or if that 7114  
offense is a violation of section 2903.01, 2903.02, 2903.03, 7115  
2903.04, 2903.11, 2905.01, 2905.02, 2905.11, 2907.02, 2909.02, 7116  
2911.01, 2911.02, or 2911.11 of the Revised Code or is felonious 7117  
sexual penetration in violation of former section 2907.12 of the 7118  
Revised Code. 7119

(C) If a trial judge of a court of common pleas is 7120



prohibited by division (B) of this section from releasing on 7121  
bail pursuant to division (A) (2) ~~(a)~~ of this section a defendant 7122  
who is convicted of a bailable offense and not sentenced to 7123  
imprisonment for life, the appropriate court of appeals or two 7124  
judges of it, upon motion of the defendant and for good cause 7125  
shown, may release the defendant on bail in accordance with 7126  
division (A) (2) of this section. 7127

**Sec. 2953.10.** When an appeal is taken from a court of 7128  
appeals to the supreme court, the supreme court has the same 7129  
power and authority to suspend the execution of sentence during 7130  
the pendency of the appeal and admit the defendant to bail as 7131  
does the court of appeals unless another section of the Revised 7132  
Code or the Rules of Practice of the Supreme Court specify a 7133  
distinct bail or suspension of sentence authority. 7134

~~When an appeal in a case in which a sentence of death is~~ 7135  
~~imposed for an offense committed on or after January 1, 1995, is~~ 7136  
~~taken directly from the trial court to the supreme court, the~~ 7137  
~~supreme court has the same power and authority to suspend the~~ 7138  
~~execution of the sentence during the pendency of the appeal and~~ 7139  
~~admit the defendant to bail as does the court of appeals for~~ 7140  
~~cases in which a sentence of death is imposed for an offense~~ 7141  
~~committed before January 1, 1995, unless another section of the~~ 7142  
~~Revised Code or the Rules of Practice of the Supreme Court~~ 7143  
~~specify a distinct bail or suspension of sentence authority.~~ 7144

**Sec. 2953.21.** (A) (1) (a) A person in any either of the 7145  
following categories may file a petition in the court that 7146  
imposed sentence, stating the grounds for relief relied upon, 7147  
and asking the court to vacate or set aside the judgment or 7148  
sentence or to grant other appropriate relief: 7149

(i) Any person who has been convicted of a criminal 7150

offense or adjudicated a delinquent child and who claims that 7151  
there was such a denial or infringement of the person's rights 7152  
as to render the judgment void or voidable under the Ohio 7153  
Constitution or the Constitution of the United States; 7154

~~(ii) Any person who has been convicted of a criminal 7155  
offense and sentenced to death and who claims that there was a 7156  
denial or infringement of the person's rights under either of 7157  
those Constitutions that creates a reasonable probability of an 7158  
altered verdict; 7159~~

~~(iii) Any person who has been convicted of a criminal 7160  
offense that is a felony and who is an offender for whom DNA 7161  
testing that was performed under sections 2953.71 to 2953.81 of 7162  
the Revised Code or under former section 2953.82 of the Revised 7163  
Code and analyzed in the context of and upon consideration of 7164  
all available admissible evidence related to the person's case 7165  
as described in division (D) of section 2953.74 of the Revised 7166  
Code provided results that establish, by clear and convincing 7167  
evidence, actual innocence of that felony offense ~~or, if the 7168  
person was sentenced to death, establish, by clear and 7169  
convincing evidence, actual innocence of the aggravating 7170  
circumstance or circumstances the person was found guilty of 7171  
committing and that is or are the basis of that sentence of 7172  
death; 7173~~~~

~~(iv) Any person who has been convicted of aggravated 7174  
murder and sentenced to death for the offense and who claims 7175  
that the person had a serious mental illness at the time of the 7176  
commission of the offense and that as a result the court should 7177  
render void the sentence of death, with the filing of the 7178  
petition constituting the waiver described in division (A) (3) (b) 7179  
of this section. 7180~~

(b) A petitioner under division (A) (1) (a) of this section 7181  
may file a supporting affidavit and other documentary evidence 7182  
in support of the claim for relief. 7183

(c) As used in division (A) (1) (a) of this section: 7184

(i) "Actual innocence" means that, had the results of the 7185  
DNA testing conducted under sections 2953.71 to 2953.81 of the 7186  
Revised Code or under former section 2953.82 of the Revised Code 7187  
been presented at trial, and had those results been analyzed in 7188  
the context of and upon consideration of all available 7189  
admissible evidence related to the person's case as described in 7190  
division (D) of section 2953.74 of the Revised Code, no 7191  
reasonable factfinder would have found the petitioner guilty of 7192  
the offense of which the petitioner was convicted, ~~or, if the~~ 7193  
~~person was sentenced to death, no reasonable factfinder would~~ 7194  
~~have found the petitioner guilty of the aggravating circumstance~~ 7195  
~~or circumstances the petitioner was found guilty of committing~~ 7196  
~~and that is or are the basis of that sentence of death.~~ 7197

(ii) "Serious mental illness" has the same meaning as in 7198  
section 2929.025 of the Revised Code. 7199

(d) As used in divisions (A) (1) (a) and (c) of this 7200  
section, "former section 2953.82 of the Revised Code" means 7201  
section 2953.82 of the Revised Code as it existed prior to July 7202  
6, 2010. 7203

~~(e) At any time in conjunction with the filing of a~~ 7204  
~~petition for postconviction relief under division (A) of this~~ 7205  
~~section by a person who has been sentenced to death, or with the~~ 7206  
~~litigation of a petition so filed, the court, for good cause~~ 7207  
~~shown, may authorize the petitioner in seeking the~~ 7208  
~~postconviction relief and the prosecuting attorney of the county~~ 7209

~~served by the court in defending the proceeding, to take  
depositions and to issue subpoenas and subpoenas duces tecum in  
accordance with divisions (A) (1) (c), (A) (1) (f), and (C) of this  
section, and to any other form of discovery as in a civil action  
that the court in its discretion permits. The court may limit  
the extent of discovery under this division. In addition to  
discovery that is relevant to the claim and was available under  
Criminal Rule 16 through conclusion of the original criminal  
trial, the court, for good cause shown, may authorize the  
petitioner or prosecuting attorney to take depositions and issue  
subpoenas and subpoenas duces tecum in either of the following  
circumstances:~~

~~(i) For any witness who testified at trial or who was  
disclosed by the state prior to trial, except as otherwise  
provided in this division, the petitioner or prosecuting  
attorney shows clear and convincing evidence that the witness is  
material and that a deposition of the witness or the issuing of  
a subpoena or subpoena duces tecum is of assistance in order to  
substantiate or refute the petitioner's claim that there is a  
reasonable probability of an altered verdict. This division does  
not apply if the witness was unavailable for trial or would not  
voluntarily be interviewed by the defendant or prosecuting  
attorney.~~

~~(ii) For any witness with respect to whom division (A) (1)  
(c) (i) of this section does not apply, the petitioner or  
prosecuting attorney shows good cause that the witness is  
material and that a deposition of the witness or the issuing of  
a subpoena or subpoena duces tecum is of assistance in order to  
substantiate or refute the petitioner's claim that there is a  
reasonable probability of an altered verdict.~~

~~(f) If a person who has been sentenced to death and who files a petition for postconviction relief under division (A) of this section requests postconviction discovery as described in division (A) (1) (e) of this section or if the prosecuting attorney of the county served by the court requests postconviction discovery as described in that division, within ten days after the docketing of the request, or within any other time that the court sets for good cause shown, the prosecuting attorney shall respond by answer or motion to the petitioner's request or the petitioner shall respond by answer or motion to the prosecuting attorney's request, whichever is applicable.~~

~~(g) If a person who has been sentenced to death and who files a petition for postconviction relief under division (A) of this section requests postconviction discovery as described in division (A) (1) (e) of this section or if the prosecuting attorney of the county served by the court requests postconviction discovery as described in that division, upon motion by the petitioner, the prosecuting attorney, or the person from whom discovery is sought, and for good cause shown, the court in which the action is pending may make any order that justice requires to protect a party or person from oppression or undue burden or expense, including but not limited to the orders described in divisions (A) (1) (h) (i) to (viii) of this section. The court also may make any such order if, in its discretion, it determines that the discovery sought would be irrelevant to the claims made in the petition; and if the court makes any such order on that basis, it shall explain in the order the reasons why the discovery would be irrelevant.~~

~~(h) If a petitioner, prosecuting attorney, or person from whom discovery is sought makes a motion for an order under division (A) (1) (g) of this section and the order is denied in~~

~~whole or in part, the court, on terms and conditions as are~~ 7271  
~~just, may order that any party or person provide or permit~~ 7272  
~~discovery as described in division (A) (1) (e) of this section.~~ 7273  
~~The provisions of Civil Rule 37(A) (4) apply to the award of~~ 7274  
~~expenses incurred in relation to the motion, except that in no~~ 7275  
~~case shall a court require a petitioner who is indigent to pay~~ 7276  
~~expenses under those provisions.~~ 7277

~~Before any person moves for an order under division (A) (1)~~ 7278  
~~(g) of this section, that person shall make a reasonable effort~~ 7279  
~~to resolve the matter through discussion with the petitioner or~~ 7280  
~~prosecuting attorney seeking discovery. A motion for an order~~ 7281  
~~under division (A) (1) (g) of this section shall be accompanied by~~ 7282  
~~a statement reciting the effort made to resolve the matter in~~ 7283  
~~accordance with this paragraph.~~ 7284

~~The orders that may be made under division (A) (1) (g) of~~ 7285  
~~this section include, but are not limited to, any of the~~ 7286  
~~following:~~ 7287

~~(i) That the discovery not be had;~~ 7288

~~(ii) That the discovery may be had only on specified terms~~ 7289  
~~and conditions, including a designation of the time or place;~~ 7290

~~(iii) That the discovery may be had only by a method of~~ 7291  
~~discovery other than that selected by the party seeking~~ 7292  
~~discovery;~~ 7293

~~(iv) That certain matters not be inquired into or that the~~ 7294  
~~scope of the discovery be limited to certain matters;~~ 7295

~~(v) That discovery be conducted with no one present except~~ 7296  
~~persons designated by the court;~~ 7297

~~(vi) That a deposition after being sealed be opened only~~ 7298

~~by order of the court;~~ 7299

~~(vii) That a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way;~~ 7300  
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~~(viii) That the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court.~~ 7303  
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~~(i) Any postconviction discovery authorized under division (A) (1) (e) of this section shall be completed not later than eighteen months after the start of the discovery proceedings unless, for good cause shown, the court extends that period for completing the discovery.~~ 7306  
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~~(j) Nothing in division (A) (1) (e) of this section authorizes, or shall be construed as authorizing, the relitigation, or discovery in support of relitigation, of any matter barred by the doctrine of res judicata.~~ 7311  
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~~(k) Division (A) (1) of this section does not apply to any person who has been convicted of a criminal offense and sentenced to death and who has unsuccessfully raised the same claims in a petition for postconviction relief.~~ 7315  
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(2) (a) Except as otherwise provided in section 2953.23 of the Revised Code, a petition under division ~~(A) (1) (a) (i), (ii), or (iii)~~ (A) (1) (a) of this section shall be filed no later than three hundred sixty-five days after the date on which the trial transcript is filed in the court of appeals in the direct appeal of the judgment of conviction or adjudication ~~or, if the direct appeal involves a sentence of death, the date on which the trial transcript is filed in the supreme court.~~ If no appeal is taken, except as otherwise provided in section 2953.23 of the Revised 7319  
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Code, the petition shall be filed no later than three hundred 7328  
sixty-five days after the expiration of the time for filing the 7329  
appeal. 7330

(b) Except as otherwise provided in section 2953.23 of the 7331  
Revised Code, a petition under division (A) (1) (a) (iv) of this 7332  
section shall be filed not later than three hundred sixty-five 7333  
days after ~~the effective date of this amendment~~ April 12, 2021. 7334

~~(3) (a) In a petition filed under division (A) (1) (a) (i), 7335  
(ii), or (iii) of this section, a person who has been sentenced 7336  
to death may ask the court to render void or voidable the 7337  
judgment with respect to the conviction of aggravated murder or 7338  
the specification of an aggravating circumstance or the sentence 7339  
of death. 7340~~

~~(b) A person sentenced to death who files a petition under 7341  
division (A) (1) (a) (iv) of this section may ask the court to 7342  
render void the sentence of death and to order the resentencing 7343  
of the person under division (A) of section 2929.06 of the 7344  
Revised Code. If a person sentenced to death files such a 7345  
petition and asks the court to render void the sentence of death 7346  
and to order the resentencing of the person under division (A) 7347  
of section 2929.06 of the Revised Code, the act of filing the 7348  
petition constitutes a waiver of any right to be sentenced under 7349  
the law that existed at the time the offense was committed and 7350  
constitutes consent to be sentenced to life imprisonment without 7351  
parole under division (A) of section 2929.06 of the Revised 7352  
Code. 7353~~

~~(4) A petitioner shall state in the original or amended 7354  
petition filed under division (A) of this section all grounds 7355  
for relief claimed by the petitioner. Except as provided in 7356  
section 2953.23 of the Revised Code, any ground for relief that 7357~~



is not so stated in the petition is waived. 7358

~~(5)~~ (4) If the petitioner in a petition filed under 7359  
division ~~(A)(1)(a)(i), (ii), or (iii)~~ (A)(1)(a) of this section 7360  
was convicted of or pleaded guilty to a felony, the petition may 7361  
include a claim that the petitioner was denied the equal 7362  
protection of the laws in violation of the Ohio Constitution or 7363  
the United States Constitution because the sentence imposed upon 7364  
the petitioner for the felony was part of a consistent pattern 7365  
of disparity in sentencing by the judge who imposed the 7366  
sentence, with regard to the petitioner's race, gender, ethnic 7367  
background, or religion. If the supreme court adopts a rule 7368  
requiring a court of common pleas to maintain information with 7369  
regard to an offender's race, gender, ethnic background, or 7370  
religion, the supporting evidence for the petition shall 7371  
include, but shall not be limited to, a copy of that type of 7372  
information relative to the petitioner's sentence and copies of 7373  
that type of information relative to sentences that the same 7374  
judge imposed upon other persons. 7375

~~(6) Notwithstanding any law or court rule to the contrary,~~ 7376  
~~there is no limit on the number of pages in, or on the length~~ 7377  
~~of, a petition filed under division (A)(1)(a)(i), (ii), (iii),~~ 7378  
~~or (iv) of this section by a person who has been sentenced to~~ 7379  
~~death. If any court rule specifies a limit on the number of~~ 7380  
~~pages in, or on the length of, a petition filed under division~~ 7381  
~~(A)(1)(a)(i), (ii), (iii), or (iv) of this section or on a~~ 7382  
~~prosecuting attorney's response to such a petition by answer or~~ 7383  
~~motion and a person who has been sentenced to death files a~~ 7384  
~~petition that exceeds the limit specified for the petition, the~~ 7385  
~~prosecuting attorney may respond by an answer or motion that~~ 7386  
~~exceeds the limit specified for the response.~~ 7387

(B) The clerk of the court in which the petition for 7388  
postconviction relief and, if applicable, a request for 7389  
~~postconviction discovery described in division (A) (1) (e) of this~~ 7390  
~~section is~~ filed shall docket the petition and the request and 7391  
bring ~~them~~ it promptly to the attention of the court. The clerk 7392  
of the court in which the petition for postconviction relief 7393  
and, if applicable, a request for postconviction discovery 7394  
~~described in division (A) (1) (e) of this section is~~ filed 7395  
immediately shall forward a copy of the petition and a copy of 7396  
~~the request if filed by the petitioner~~ to the prosecuting 7397  
attorney of the county served by the court. ~~If the request for~~ 7398  
~~postconviction discovery is filed by the prosecuting attorney,~~ 7399  
~~the clerk of the court immediately shall forward a copy of the~~ 7400  
~~request to the petitioner or the petitioner's counsel.~~ 7401

(C) ~~If a person who has been sentenced to death and who~~ 7402  
~~files a petition for postconviction relief under division (A) (1)~~ 7403  
~~(a) (i), (ii), (iii), or (iv) of this section requests a~~ 7404  
~~deposition or the prosecuting attorney in the case requests a~~ 7405  
~~deposition, and if the court grants the request under division~~ 7406  
~~(A) (1) (e) of this section, the court shall notify the petitioner~~ 7407  
~~or the petitioner's counsel and the prosecuting attorney. The~~ 7408  
~~deposition shall be conducted pursuant to divisions (B), (D),~~ 7409  
~~and (E) of Criminal Rule 15. Notwithstanding division (C) of~~ 7410  
~~Criminal Rule 15, the petitioner is not entitled to attend the~~ 7411  
~~deposition. The prosecuting attorney shall be permitted to~~ 7412  
~~attend and participate in any deposition.~~ 7413

~~(D)~~ The court shall consider a petition that is timely 7414  
filed within the period specified in division (A) (2) of this 7415  
section even if a direct appeal of the judgment is pending. 7416  
Before granting a hearing on a petition filed under division (A) 7417  
(1) (a) (i), (ii), (iii), or (iv) of this section, the court shall 7418

determine whether there are substantive grounds for relief. In 7419  
making such a determination, the court shall consider, in 7420  
addition to the petition, the supporting affidavits, and the 7421  
documentary evidence, all the files and records pertaining to 7422  
the proceedings against the petitioner, including, but not 7423  
limited to, the indictment, the court's journal entries, the 7424  
journalized records of the clerk of the court, and the court 7425  
reporter's transcript. The court reporter's transcript, if 7426  
ordered and certified by the court, shall be taxed as court 7427  
costs. If the court dismisses the petition, it shall make and 7428  
file findings of fact and conclusions of law with respect to 7429  
such dismissal. ~~If the petition was filed by a person who has~~ 7430  
~~been sentenced to death, the findings of fact and conclusions of~~ 7431  
~~law shall state specifically the reasons for the dismissal of~~ 7432  
~~the petition and of each claim it contains.~~ 7433

~~(E)~~ (D) Within ten days after the docketing of the 7434  
petition, or within any further time that the court may fix for 7435  
good cause shown, the prosecuting attorney shall respond by 7436  
answer or motion. ~~Division (A) (6) of this section applies with~~ 7437  
~~respect to the prosecuting attorney's response.~~ Within twenty 7438  
days from the date the issues are raised, either party may move 7439  
for summary judgment. The right to summary judgment shall appear 7440  
on the face of the record. 7441

~~(F)~~ (E) Unless the petition and the files and records of 7442  
the case show the petitioner is not entitled to relief, the 7443  
court shall proceed to a prompt hearing on the issues even if a 7444  
direct appeal of the case is pending. If the court notifies the 7445  
parties that it has found grounds for granting relief, either 7446  
party may request an appellate court in which a direct appeal of 7447  
the judgment is pending to remand the pending case to the court. 7448

~~With respect to a petition filed under division (A) (1) (a) (iv) of this section, the procedures and rules regarding introduction of evidence and burden of proof at the pretrial hearing that are set forth in divisions (C), (D), and (F) of section 2929.025 of the Revised Code apply in considering the petition. With respect to such a petition, the grounds for granting relief are that the person has been diagnosed with one or more of the conditions set forth in division (A) (1) (a) of section 2929.025 of the Revised Code and that, at the time of the aggravated murder that was the basis of the sentence of death, the condition or conditions significantly impaired the person's capacity in a manner described in division (A) (1) (b) of that section.~~

~~(G) A petitioner who files a petition under division (A) (1) (a) (i), (ii), (iii), or (iv) of this section may amend the petition as follows:~~

~~(1) If the petition was filed by a person who has been sentenced to death, at any time that is not later than one hundred eighty days after the petition is filed, the petitioner may amend the petition with or without leave or prejudice to the proceedings.~~

~~(2) If division (G) (1) of this section does not apply, at (F) At any time before the answer or motion is filed, the petitioner may amend the petition with or without leave or prejudice to the proceedings.~~

~~(3) The petitioner may amend the petition with leave of court at any time after the expiration of the applicable period specified in division (G) (1) or (2) of this section hereafter.~~

~~(H) (G) If the court does not find grounds for granting~~

relief, it shall make and file findings of fact and conclusions 7478  
of law and shall enter judgment denying relief on the petition. 7479  
~~If the petition was filed by a person who has been sentenced to~~ 7480  
~~death, the findings of fact and conclusions of law shall state~~ 7481  
~~specifically the reasons for the denial of relief on the~~ 7482  
~~petition and of each claim it contains.~~ If no direct appeal of 7483  
the case is pending and the court finds grounds for relief or if 7484  
a pending direct appeal of the case has been remanded to the 7485  
court pursuant to a request made pursuant to division ~~(F)~~(E) of 7486  
this section and the court finds grounds for granting relief, it 7487  
shall make and file findings of fact and conclusions of law and 7488  
shall enter a judgment that vacates and sets aside the judgment 7489  
in question, and, in the case of a petitioner who is a prisoner 7490  
in custody, except as otherwise described in this division, 7491  
shall discharge or resentence the petitioner or grant a new 7492  
trial as the court determines appropriate. ~~If the court finds~~ 7493  
~~grounds for relief in the case of a petitioner who filed a~~ 7494  
~~petition under division (A) (1) (a) (iv) of this section, the court~~ 7495  
~~shall render void the sentence of death and order the~~ 7496  
~~resentencing of the offender under division (A) of section~~ 7497  
~~2929.06 of the Revised Code. If the petitioner has been~~ 7498  
~~sentenced to death, the findings of fact and conclusions of law~~ 7499  
~~shall state specifically the reasons for the finding of grounds~~ 7500  
~~for granting the relief, with respect to each claim contained in~~ 7501  
~~the petition.~~ The court also may make supplementary orders to 7502  
the relief granted, concerning such matters as rearraignment, 7503  
retrial, custody, and bail. If the trial court's order granting 7504  
the petition is reversed on appeal and if the direct appeal of 7505  
the case has been remanded from an appellate court pursuant to a 7506  
request under division ~~(F)~~(E) of this section, the appellate 7507  
court reversing the order granting the petition shall notify the 7508  
appellate court in which the direct appeal of the case was 7509

pending at the time of the remand of the reversal and remand of 7510  
the trial court's order. Upon the reversal and remand of the 7511  
trial court's order granting the petition, regardless of whether 7512  
notice is sent or received, the direct appeal of the case that 7513  
was remanded is reinstated. 7514

~~(I) Upon the filing of a petition pursuant to division (A) 7515  
(1) (a) (i), (ii), (iii), or (iv) of this section by a person 7516  
sentenced to death, only the supreme court may stay execution of 7517  
the sentence of death. 7518~~

~~(J) (1) If a person sentenced to death intends to file a 7519  
petition under this section, the court shall appoint counsel to 7520  
represent the person upon a finding that the person is indigent 7521  
and that the person either accepts the appointment of counsel or 7522  
is unable to make a competent decision whether to accept or 7523  
reject the appointment of counsel. The court may decline to 7524  
appoint counsel for the person only upon a finding, after a 7525  
hearing if necessary, that the person rejects the appointment of 7526  
counsel and understands the legal consequences of that decision 7527  
or upon a finding that the person is not indigent. 7528~~

~~(2) The court shall not appoint as counsel under division 7529  
(J) (1) of this section an attorney who represented the 7530  
petitioner at trial in the case to which the petition relates 7531  
unless the person and the attorney expressly request the 7532  
appointment. The court shall appoint as counsel under division 7533  
(J) (1) of this section only an attorney who is certified under 7534  
Rule 20 of the Rules of Superintendence for the Courts of Ohio 7535  
to represent indigent defendants charged with or convicted of an 7536  
offense for which the death penalty can be or has been imposed. 7537  
The ineffectiveness or incompetence of counsel during 7538  
proceedings under this section does not constitute grounds for 7539~~

~~relief in a proceeding under this section, in an appeal of any~~ 7540  
~~action under this section, or in an application to reopen a~~ 7541  
~~direct appeal.~~ 7542

~~(3) Division (J) of this section does not preclude~~ 7543  
~~attorneys who represent the state of Ohio from invoking the~~ 7544  
~~provisions of 28 U.S.C. 154 with respect to capital cases that~~ 7545  
~~were pending in federal habeas corpus proceedings prior to July~~ 7546  
~~1, 1996, insofar as the petitioners in those cases were~~ 7547  
~~represented in proceedings under this section by one or more~~ 7548  
~~counsel appointed by the court under this section or section~~ 7549  
~~120.06, 120.16, 120.26, or 120.33 of the Revised Code and those~~ 7550  
~~appointed counsel meet the requirements of division (J) (2) of~~ 7551  
~~this section.~~ 7552

~~(K)~~ (H) Subject to the appeal of a sentence for a felony 7553  
that is authorized by section 2953.08 of the Revised Code, the 7554  
remedy set forth in this section is the exclusive remedy by 7555  
which a person may bring a collateral challenge to the validity 7556  
of a conviction or sentence in a criminal case or to the 7557  
validity of an adjudication of a child as a delinquent child for 7558  
the commission of an act that would be a criminal offense if 7559  
committed by an adult or the validity of a related order of 7560  
disposition. 7561

**Sec. 2953.23.** (A) Whether a hearing is or is not held on a 7562  
petition filed pursuant to section 2953.21 of the Revised Code, 7563  
a court may not entertain a petition filed after the expiration 7564  
of the period prescribed in division (A) of that section or a 7565  
second petition or successive petitions for similar relief on 7566  
behalf of a petitioner unless division (A) (1) or (2) of this 7567  
section applies: 7568

(1) Both of the following apply: 7569

(a) Either the petitioner shows that the petitioner was 7570  
unavoidably prevented from discovery of the facts upon which the 7571  
petitioner must rely to present the claim for relief, or, 7572  
subsequent to the period prescribed in division (A) (2) of 7573  
section 2953.21 of the Revised Code or to the filing of an 7574  
earlier petition, the United States Supreme Court recognized a 7575  
new federal or state right that applies retroactively to persons 7576  
in the petitioner's situation, and the petition asserts a claim 7577  
based on that right. 7578

(b) The petitioner shows by clear and convincing evidence 7579  
that, but for constitutional error at trial, no reasonable 7580  
factfinder would have found the petitioner guilty of the offense 7581  
of which the petitioner was convicted ~~or, if the claim~~ 7582  
~~challenges a sentence of death that, but for constitutional~~ 7583  
~~error at the sentencing hearing, no reasonable factfinder would~~ 7584  
~~have found the petitioner eligible for the death sentence.~~ 7585

(2) The petitioner was convicted of a felony, the 7586  
petitioner is an offender for whom DNA testing was performed 7587  
under sections 2953.71 to 2953.81 of the Revised Code or under 7588  
former section 2953.82 of the Revised Code and analyzed in the 7589  
context of and upon consideration of all available admissible 7590  
evidence related to the inmate's case as described in division 7591  
(D) of section 2953.74 of the Revised Code, and the results of 7592  
the DNA testing establish, by clear and convincing evidence, 7593  
actual innocence of that felony offense ~~or, if the person was~~ 7594  
~~sentenced to death, establish, by clear and convincing evidence,~~ 7595  
~~actual innocence of the aggravating circumstance or~~ 7596  
~~circumstances the person was found guilty of committing and that~~ 7597  
~~is or are the basis of that sentence of death.~~ 7598

As used in this division, "actual innocence" has the same 7599



meaning as in division (A) (1) (c) of section 2953.21 of the Revised Code, and "former section 2953.82 of the Revised Code" has the same meaning as in division (A) (1) (d) of section 2953.21 of the Revised Code.

(B) An order awarding or denying relief sought in a petition filed pursuant to section 2953.21 of the Revised Code is a final judgment and may be appealed pursuant to Chapter 2953. of the Revised Code.

~~If a petition filed pursuant to section 2953.21 of the Revised Code by a person who has been sentenced to death is denied and the person appeals the judgment, notwithstanding any law or court rule to the contrary, there is no limit on the number of pages in, or on the length of, a notice of appeal or briefs related to an appeal filed by the person. If any court rule specifies a limit on the number of pages in, or on the length of, a notice of appeal or briefs described in this division or on a prosecuting attorney's response or briefs with respect to such an appeal and a person who has been sentenced to death files a notice of appeal or briefs that exceed the limit specified for the petition, the prosecuting attorney may file a response or briefs that exceed the limit specified for the answer or briefs.~~

**Sec. 2953.71.** As used in sections 2953.71 to 2953.83 of the Revised Code:

(A) "Application" or "application for DNA testing" means a request through postconviction relief for the state to do DNA testing on biological material from the case in which the offender was convicted of the offense for which the offender is an eligible offender and is requesting the DNA testing under sections 2953.71 to 2953.81 of the Revised Code.

(B) "Biological material" means any product of a human body containing DNA.

(C) "Chain of custody" means a record or other evidence that tracks a subject sample of biological material from the time the biological material was first obtained until the time it currently exists in its place of storage and, in relation to a DNA sample, a record or other evidence that tracks the DNA sample from the time it was first obtained until it currently exists in its place of storage. For purposes of this division, examples of when biological material or a DNA sample is first obtained include, but are not limited to, obtaining the material or sample at the scene of a crime, from a victim, from an offender, or in any other manner or time as is appropriate in the facts and circumstances present.

(D) "Custodial agency" means the group or entity that has the responsibility to maintain biological material in question.

(E) "Custodian" means the person who is the primary representative of a custodial agency.

(F) "Eligible offender" means an offender who is eligible under division (C) of section 2953.72 of the Revised Code to request DNA testing to be conducted under sections 2953.71 to 2953.81 of the Revised Code.

(G) "Exclusion" or "exclusion result" means a result of DNA testing that scientifically precludes or forecloses the subject offender as a contributor of biological material recovered from the crime scene or victim in question, in relation to the offense for which the offender is an eligible offender and for which the ~~sentence of death or prison~~ term was imposed upon the offender.

(H) "Extracting personnel" means medically approved 7659  
personnel who are employed to physically obtain an offender's 7660  
DNA specimen for purposes of DNA testing under sections 2953.71 7661  
to 2953.81 of the Revised Code. 7662

(I) "Inclusion" or "inclusion result" means a result of 7663  
DNA testing that scientifically cannot exclude, or that holds 7664  
accountable, the subject offender as a contributor of biological 7665  
material recovered from the crime scene or victim in question, 7666  
in relation to the offense for which the offender is an eligible 7667  
offender and for which the ~~sentence of death or prison~~ term was 7668  
imposed upon the offender. 7669

(J) "Inconclusive" or "inconclusive result" means a result 7670  
of DNA testing that is rendered when a scientifically 7671  
appropriate and definitive DNA analysis or result, or both, 7672  
cannot be determined. 7673

(K) "Offender" means a criminal offender who was sentenced 7674  
by a court, or by a jury and a court, of this state. 7675

(L) "Outcome determinative" means that had the results of 7676  
DNA testing of the subject offender been presented at the trial 7677  
of the subject offender requesting DNA testing and been found 7678  
relevant and admissible with respect to the felony offense for 7679  
which the offender is an eligible offender and is requesting the 7680  
DNA testing, and had those results been analyzed in the context 7681  
of and upon consideration of all available admissible evidence 7682  
related to the offender's case as described in division (D) of 7683  
section 2953.74 of the Revised Code, there is a strong 7684  
probability that no reasonable factfinder would have found the 7685  
offender guilty of that offense ~~or, if the offender was~~ 7686  
~~sentenced to death relative to that offense, would have found~~ 7687  
~~the offender guilty of the aggravating circumstance or~~ 7688

~~circumstances the offender was found guilty of committing and  
that is or are the basis of that sentence of death.~~ 7689  
7690

(M) "Parent sample" means the biological material first 7691  
obtained from a crime scene or a victim of an offense for which 7692  
an offender is an eligible offender, and from which a sample 7693  
will be presently taken to do a DNA comparison to the DNA of the 7694  
subject offender under sections 2953.71 to 2953.81 of the 7695  
Revised Code. 7696

(N) "Prison" and "community control sanction" have the 7697  
same meanings as in section 2929.01 of the Revised Code. 7698

(O) "Prosecuting attorney" means the prosecuting attorney 7699  
who, or whose office, prosecuted the case in which the subject 7700  
offender was convicted of the offense for which the offender is 7701  
an eligible offender and is requesting the DNA testing. 7702

(P) "Prosecuting authority" means the prosecuting attorney 7703  
or the attorney general. 7704

(Q) "Reasonable diligence" means a degree of diligence 7705  
that is comparable to the diligence a reasonable person would 7706  
employ in searching for information regarding an important 7707  
matter in the person's own life. 7708

(R) "Testing authority" means a laboratory at which DNA 7709  
testing will be conducted under sections 2953.71 to 2953.81 of 7710  
the Revised Code. 7711

(S) "Parole" and "post-release control" have the same 7712  
meanings as in section 2967.01 of the Revised Code. 7713

(T) "Sexually oriented offense" and "child-victim oriented 7714  
offense" have the same meanings as in section 2950.01 of the 7715  
Revised Code. 7716

(U) "Definitive DNA test" means a DNA test that clearly 7717  
establishes that biological material from the perpetrator of the 7718  
crime was recovered from the crime scene and also clearly 7719  
establishes whether or not the biological material is that of 7720  
the eligible offender. A prior DNA test is not definitive if the 7721  
eligible offender proves by a preponderance of the evidence that 7722  
because of advances in DNA technology there is a possibility of 7723  
discovering new biological material from the perpetrator that 7724  
the prior DNA test may have failed to discover. Prior testing 7725  
may have been a prior "definitive DNA test" as to some 7726  
biological evidence but may not have been a prior "definitive 7727  
DNA test" as to other biological evidence. 7728

**Sec. 2953.72.** (A) Any eligible offender who wishes to 7729  
request DNA testing under sections 2953.71 to 2953.81 of the 7730  
Revised Code shall submit an application for the testing to the 7731  
court of common pleas specified in section 2953.73 of the 7732  
Revised Code, on a form prescribed by the attorney general for 7733  
this purpose. The eligible offender shall submit the application 7734  
in accordance with the procedures set forth in section 2953.73 7735  
of the Revised Code. The eligible offender shall specify on the 7736  
application the offense or offenses for which the offender is an 7737  
eligible offender and is requesting the DNA testing. Along with 7738  
the application, the eligible offender shall submit an 7739  
acknowledgment that is on a form prescribed by the attorney 7740  
general for this purpose and that is signed by the offender. The 7741  
acknowledgment shall set forth all of the following: 7742

(1) That sections 2953.71 to 2953.81 of the Revised Code 7743  
contemplate applications for DNA testing of an eligible offender 7744  
at a stage of a prosecution or case after the offender has been 7745  
sentenced, that any exclusion or inclusion result of DNA testing 7746  
rendered pursuant to those sections may be used by a party in 7747

any proceeding as described in section 2953.81 of the Revised Code, and that all requests for any DNA testing made at trial will continue to be handled by the prosecuting attorney in the case;

(2) That the process of conducting postconviction DNA testing for an eligible offender under sections 2953.71 to 2953.81 of the Revised Code begins when the offender submits an application under section 2953.73 of the Revised Code and the acknowledgment described in this section;

(3) That the eligible offender must submit the application and acknowledgment to the court of common pleas that heard the case in which the offender was convicted of the offense for which the offender is an eligible offender and is requesting the DNA testing;

(4) That the state has established a set of criteria set forth in section 2953.74 of the Revised Code by which eligible offender applications for DNA testing will be screened and that a judge of a court of common pleas upon receipt of a properly filed application and accompanying acknowledgment will apply those criteria to determine whether to accept or reject the application;

(5) That the results of DNA testing conducted under sections 2953.71 to 2953.81 of the Revised Code will be provided as described in section 2953.81 of the Revised Code to all parties in the postconviction proceedings and will be reported to various courts;

(6) That, if DNA testing is conducted with respect to an offender under sections 2953.71 to 2953.81 of the Revised Code, the state will not offer the offender a retest if an inclusion

result is achieved relative to the testing and that, if the 7777  
state were to offer a retest after an inclusion result, the 7778  
policy would create an atmosphere in which endless testing could 7779  
occur and in which postconviction proceedings could be stalled 7780  
for many years; 7781

(7) That, if the court rejects an eligible offender's 7782  
application for DNA testing because the offender does not 7783  
satisfy the acceptance criteria described in division (A) (4) of 7784  
this section, the court will not accept or consider subsequent 7785  
applications; 7786

(8) That the acknowledgment memorializes the provisions of 7787  
sections 2953.71 to 2953.81 of the Revised Code with respect to 7788  
the application of postconviction DNA testing to offenders, that 7789  
those provisions do not give any offender any additional 7790  
constitutional right that the offender did not already have, 7791  
that the court has no duty or obligation to provide 7792  
postconviction DNA testing to offenders, that the court of 7793  
common pleas has the sole discretion subject to an appeal as 7794  
described in this division to determine whether an offender is 7795  
an eligible offender and whether an eligible offender's 7796  
application for DNA testing satisfies the acceptance criteria 7797  
described in division (A) (4) of this section and whether the 7798  
application should be accepted or rejected, that if the court of 7799  
common pleas rejects an eligible offender's application, the 7800  
offender may ~~seek leave of the supreme court to appeal the~~ 7801  
~~rejection to that court if the offender was sentenced to death~~ 7802  
~~for the offense for which the offender is requesting the DNA~~ 7803  
~~testing and, if the offender was not sentenced to death for that~~ 7804  
~~offense, may appeal the rejection to the court of appeals, and~~ 7805  
that no determination otherwise made by the court of common 7806  
pleas in the exercise of its discretion regarding the 7807

eligibility of an offender or regarding postconviction DNA 7808  
testing under those provisions is reviewable by or appealable to 7809  
any court; 7810

(9) That the manner in which sections 2953.71 to 2953.81 7811  
of the Revised Code with respect to the offering of 7812  
postconviction DNA testing to offenders are carried out does not 7813  
confer any constitutional right upon any offender, that the 7814  
state has established guidelines and procedures relative to 7815  
those provisions to ensure that they are carried out with both 7816  
justice and efficiency in mind, and that an offender who 7817  
participates in any phase of the mechanism contained in those 7818  
provisions, including, but not limited to, applying for DNA 7819  
testing and being rejected, having an application for DNA 7820  
testing accepted and not receiving the test, or having DNA 7821  
testing conducted and receiving unfavorable results, does not 7822  
gain as a result of the participation any constitutional right 7823  
to challenge, or, except as provided in division (A)(8) of this 7824  
section, any right to any review or appeal of, the manner in 7825  
which those provisions are carried out; 7826

(10) That the most basic aspect of sections 2953.71 to 7827  
2953.81 of the Revised Code is that, in order for DNA testing to 7828  
occur, there must be an offender sample against which other 7829  
evidence may be compared, that, if an eligible offender's 7830  
application is accepted but the offender subsequently refuses to 7831  
submit to the collection of the sample of biological material 7832  
from the offender or hinders the state from obtaining a sample 7833  
of biological material from the offender, the goal of those 7834  
provisions will be frustrated, and that an offender's refusal or 7835  
hindrance shall cause the court to rescind its prior acceptance 7836  
of the application for DNA testing for the offender and deny the 7837  
application. 7838



(B) The attorney general shall prescribe a form to be used 7839  
to make an application for DNA testing under division (A) of 7840  
this section and section 2953.73 of the Revised Code and a form 7841  
to be used to provide the acknowledgment described in division 7842  
(A) of this section. The forms shall include all information 7843  
described in division (A) of this section, spaces for an 7844  
offender to insert all information necessary to complete the 7845  
forms, including, but not limited to, specifying the offense or 7846  
offenses for which the offender is an eligible offender and is 7847  
requesting the DNA testing, and any other information or 7848  
material the attorney general determines is necessary or 7849  
relevant. The attorney general shall distribute copies of the 7850  
prescribed forms to the department of rehabilitation and 7851  
correction, the department shall ensure that each prison in 7852  
which offenders are housed has a supply of copies of the forms, 7853  
and the department shall ensure that copies of the forms are 7854  
provided free of charge to any offender who requests them. 7855

(C) (1) An offender is eligible to request DNA testing to 7856  
be conducted under sections 2953.71 to 2953.81 of the Revised 7857  
Code only if all of the following apply: 7858

(a) The offense for which the offender claims to be an 7859  
eligible offender is a felony, and the offender was convicted by 7860  
a judge or jury of that offense. 7861

(b) One of the following applies: 7862

(i) The offender was sentenced to a prison term ~~or~~ 7863  
~~sentence of death~~ for the felony described in division (C) (1) (a) 7864  
of this section, and the offender is in prison serving that 7865  
prison term ~~or under that sentence of death~~, has been paroled or 7866  
is on probation regarding that felony, is under post-release 7867  
control regarding that felony, or has been released from that 7868

prison term and is under a community control sanction regarding 7869  
that felony. 7870

(ii) The offender was not sentenced to a prison term ~~or~~ 7871  
~~sentence of death~~ for the felony described in division (C) (1) (a) 7872  
of this section, but was sentenced to a community control 7873  
sanction for that felony and is under that community control 7874  
sanction. 7875

(iii) The felony described in division (C) (1) (a) of this 7876  
section was a sexually oriented offense or child-victim oriented 7877  
offense, and the offender has a duty to comply with sections 7878  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code 7879  
relative to that felony. 7880

(2) An offender is not an eligible offender under division 7881  
(C) (1) of this section regarding any offense to which the 7882  
offender pleaded guilty or no contest. 7883

(3) An offender is not an eligible offender under division 7884  
(C) (1) of this section regarding any offense if the offender 7885  
dies prior to submitting an application for DNA testing related 7886  
to that offense under section 2953.73 of the Revised Code. 7887

**Sec. 2953.73.** (A) An eligible offender who wishes to 7888  
request DNA testing to be conducted under sections 2953.71 to 7889  
2953.81 of the Revised Code shall submit an application for DNA 7890  
testing on a form prescribed by the attorney general for this 7891  
purpose and shall submit the form to the court of common pleas 7892  
that sentenced the offender for the offense for which the 7893  
offender is an eligible offender and is requesting DNA testing. 7894

(B) If an eligible offender submits an application for DNA 7895  
testing under division (A) of this section, upon the submission 7896  
of the application, all of the following apply: 7897

(1) The eligible offender shall serve a copy of the 7898  
application on the prosecuting attorney and the attorney 7899  
general. 7900

(2) The application shall be assigned to the judge of that 7901  
court of common pleas who was the trial judge in the case in 7902  
which the eligible offender was convicted of the offense for 7903  
which the offender is requesting DNA testing, or, if that judge 7904  
no longer is a judge of that court, it shall be assigned 7905  
according to court rules. The judge to whom the application is 7906  
assigned shall decide the application. The application shall 7907  
become part of the file in the case. 7908

(C) If an eligible offender submits an application for DNA 7909  
testing under division (A) of this section, regardless of 7910  
whether the offender has commenced any federal habeas corpus 7911  
proceeding relative to the case in which the offender was 7912  
convicted of the offense for which the offender is an eligible 7913  
offender and is requesting DNA testing, any response to the 7914  
application by the prosecuting attorney or the attorney general 7915  
shall be filed not later than forty-five days after the date on 7916  
which the eligible offender submits the application. The 7917  
prosecuting attorney or the attorney general, or both, may, but 7918  
are not required to, file a response to the application. If the 7919  
prosecuting attorney or the attorney general files a response 7920  
under this division, the prosecuting attorney or attorney 7921  
general, whoever filed the response, shall serve a copy of the 7922  
response on the eligible offender. 7923

(D) If an eligible offender submits an application for DNA 7924  
testing under division (A) of this section, the court shall make 7925  
the determination as to whether the application should be 7926  
accepted or rejected. The court shall expedite its review of the 7927

application. The court shall make the determination in 7928  
accordance with the criteria and procedures set forth in 7929  
sections 2953.74 to 2953.81 of the Revised Code and, in making 7930  
the determination, shall consider the application, the 7931  
supporting affidavits, and the documentary evidence and, in 7932  
addition to those materials, shall consider all the files and 7933  
records pertaining to the proceedings against the applicant, 7934  
including, but not limited to, the indictment, the court's 7935  
journal entries, the journalized records of the clerk of the 7936  
court, and the court reporter's transcript and all responses to 7937  
the application filed under division (C) of this section by a 7938  
prosecuting attorney or the attorney general, unless the 7939  
application and the files and records show the applicant is not 7940  
entitled to DNA testing, in which case the application may be 7941  
denied. The court is not required to conduct an evidentiary 7942  
hearing in conducting its review of, and in making its 7943  
determination as to whether to accept or reject, the 7944  
application. Upon making its determination, the court shall 7945  
enter a judgment and order that either accepts or rejects the 7946  
application and that includes within the judgment and order the 7947  
reasons for the acceptance or rejection as applied to the 7948  
criteria and procedures set forth in sections 2953.71 to 2953.81 7949  
of the Revised Code. The court shall send a copy of the judgment 7950  
and order to the eligible offender who filed it, the prosecuting 7951  
attorney, and the attorney general. 7952

(E) A judgment and order of a court entered under division 7953  
(D) of this section is appealable only as provided in this 7954  
division. If an eligible offender submits an application for DNA 7955  
testing under section 2953.73 of the Revised Code and the court 7956  
of common pleas rejects the application under division (D) of 7957  
this section, ~~one of the following applies:~~ 7958

~~(1) If the offender was sentenced to death for the offense for which the offender claims to be an eligible offender and is requesting DNA testing, the offender may seek leave of the supreme court to appeal the rejection to the supreme court. Courts of appeals do not have jurisdiction to review any rejection if the offender was sentenced to death for the offense for which the offender claims to be an eligible offender and is requesting DNA testing.~~

~~(2) If the offender was not sentenced to death for the offense for which the offender claims to be an eligible offender and is requesting DNA testing, the rejection is a final appealable order, and the offender may appeal it to the court of appeals of the district in which is located that court of common pleas.~~

(F) Notwithstanding any provision of law regarding fees and costs, no filing fee shall be required of, and no court costs shall be assessed against, an eligible offender who is indigent and who submits an application under this section.

(G) If a court rejects an eligible offender's application for DNA testing under division (D) of this section, unless the rejection is overturned on appeal, no court shall require the state to administer a DNA test under sections 2953.71 to 2953.81 of the Revised Code on the eligible offender.

**Sec. 2953.81.** If an eligible offender submits an application for DNA testing under section 2953.73 of the Revised Code and if DNA testing is performed based on that application, upon completion of the testing, all of the following apply:

(A) The court or a designee of the court shall require the state to maintain the results of the testing and to maintain and

preserve both the parent sample of the biological material used 7988  
and the offender sample of the biological material used. The 7989  
testing authority may be designated as the person to maintain 7990  
the results of the testing or to maintain and preserve some or 7991  
all of the samples, or both. The results of the testing remain 7992  
state's evidence. The samples shall be preserved during the 7993  
entire period of time for which the offender is imprisoned or 7994  
confined relative to the sentence in question, is on parole or 7995  
probation relative to that sentence, is under post-release 7996  
control or a community control sanction relative to that 7997  
sentence, or has a duty to comply with sections 2950.04, 7998  
2950.041, 2950.05, and 2950.06 of the Revised Code relative to 7999  
that sentence. Additionally, if the prison term or confinement 8000  
under the sentence in question expires, ~~if the sentence in~~ 8001  
~~question is a sentence of death and the offender is executed,~~ or 8002  
if the parole or probation period, the period of post-release 8003  
control, the community control sanction, or the duty to comply 8004  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 8005  
Revised Code under the sentence in question ends, the samples 8006  
shall be preserved for a reasonable period of time of not less 8007  
than twenty-four months after the term or confinement expires, ~~—~~ 8008  
~~the offender is executed,~~ or the parole or probation period, the 8009  
period of post-release control, the community control sanction, 8010  
or the duty to comply with sections 2950.04, 2950.041, 2950.05, 8011  
and 2950.06 of the Revised Code ends, whichever is applicable. 8012  
The court shall determine the period of time that is reasonable 8013  
for purposes of this division, provided that the period shall 8014  
not be less than twenty-four months after the term or 8015  
confinement expires, ~~the offender is executed,~~ or the parole or 8016  
probation period, the period of post-release control, the 8017  
community control sanction, or the duty to comply with sections 8018  
2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code 8019

ends, whichever is applicable. 8020

(B) The results of the testing are a public record. 8021

(C) The court or the testing authority shall provide a 8022  
copy of the results of the testing to the prosecuting attorney, 8023  
the attorney general, and the subject offender. 8024

(D) If the postconviction proceeding in question is 8025  
pending at that time in a court of this state, the court of 8026  
common pleas that decided the DNA application or the testing 8027  
authority shall provide a copy of the results of the testing to 8028  
any court of this state, and, if it is pending in a federal 8029  
court, the court of common pleas that decided the DNA 8030  
application or the testing authority shall provide a copy of the 8031  
results of the testing to that federal court. 8032

(E) The testing authority shall provide a copy of the 8033  
results of the testing to the court of common pleas that decided 8034  
the DNA application. 8035

(F) The offender or the state may enter the results of the 8036  
testing into any proceeding. 8037

**Sec. 2967.05.** (A) As used in this section: 8038

(1) "Imminent danger of death" means that the inmate has a 8039  
medically diagnosable condition that will cause death to occur 8040  
within a short period of time. 8041

As used in division (A)(1) of this section, "within a 8042  
short period of time" means generally within six months. 8043

(2) (a) "Medically incapacitated" means any diagnosable 8044  
medical condition, including mental dementia and severe, 8045  
permanent medical or cognitive disability, that prevents the 8046  
inmate from completing activities of daily living without 8047

significant assistance, that incapacitates the inmate to the 8048  
extent that institutional confinement does not offer additional 8049  
restrictions, that is likely to continue throughout the entire 8050  
period of parole, and that is unlikely to improve noticeably. 8051

(b) "Medically incapacitated" does not include conditions 8052  
related solely to mental illness unless the mental illness is 8053  
accompanied by injury, disease, or organic defect. 8054

(3) (a) "Terminal illness" means a condition that satisfies 8055  
all of the following criteria: 8056

(i) The condition is irreversible and incurable and is 8057  
caused by disease, illness, or injury from which the inmate is 8058  
unlikely to recover. 8059

(ii) In accordance with reasonable medical standards and a 8060  
reasonable degree of medical certainty, the condition is likely 8061  
to cause death to the inmate within twelve months. 8062

(iii) Institutional confinement of the inmate does not 8063  
offer additional protections for public safety or against the 8064  
inmate's risk to reoffend. 8065

(b) The department of rehabilitation and correction shall 8066  
adopt rules pursuant to Chapter 119. of the Revised Code to 8067  
implement the definition of "terminal illness" in division (A) 8068  
(3) (a) of this section. 8069

(B) Upon the recommendation of the director of 8070  
rehabilitation and correction, accompanied by a certificate of 8071  
the attending physician that an inmate is terminally ill, 8072  
medically incapacitated, or in imminent danger of death, the 8073  
governor may order the inmate's release as if on parole, 8074  
reserving the right to return the inmate to the institution 8075  
pursuant to this section. If, subsequent to the inmate's 8076



release, the inmate's health improves so that the inmate is no 8077  
longer terminally ill, medically incapacitated, or in imminent 8078  
danger of death, the inmate shall be returned, by order of the 8079  
governor, to the institution from which the inmate was released. 8080  
If the inmate violates any rules or conditions applicable to the 8081  
inmate, the inmate may be returned to an institution under the 8082  
control of the department of rehabilitation and correction. The 8083  
governor may direct the adult parole authority to investigate or 8084  
cause to be investigated the inmate and make a recommendation. 8085  
An inmate released under this section shall be subject to 8086  
supervision by the adult parole authority in accordance with any 8087  
recommendation of the adult parole authority that is approved by 8088  
the governor. The adult parole authority shall adopt rules 8089  
pursuant to section 119.03 of the Revised Code to establish the 8090  
procedure for medical release of an inmate when an inmate is 8091  
terminally ill, medically incapacitated, or in imminent danger 8092  
of death. 8093

(C) No inmate is eligible for release under this section 8094  
if the inmate is serving ~~a death sentence,~~ a sentence of life 8095  
without parole, a sentence under Chapter 2971. of the Revised 8096  
Code for a felony of the first or second degree, a sentence for 8097  
aggravated murder or murder, or a mandatory prison term for an 8098  
offense of violence or any specification described in Chapter 8099  
2941. of the Revised Code. 8100

**Sec. 2967.12.** (A) Except as provided in division (G) of 8101  
this section, at least sixty days before the adult parole 8102  
authority recommends any pardon or commutation of sentence, or 8103  
grants any parole, the authority shall provide a notice of the 8104  
pendency of the pardon, commutation, or parole, setting forth 8105  
the name of the person on whose behalf it is made, the offense 8106  
of which the person was convicted or to which the person pleaded 8107

guilty, the time of conviction or the guilty plea, and the term 8108  
of the person's sentence, to the prosecuting attorney and the 8109  
judge of the court of common pleas of the county in which the 8110  
indictment against the person was found. If there is more than 8111  
one judge of that court of common pleas, the authority shall 8112  
provide the notice to the presiding judge. Upon the request of 8113  
the prosecuting attorney or of any law enforcement agency, the 8114  
authority shall provide to the requesting prosecuting attorney 8115  
and law enforcement agencies an institutional summary report 8116  
that covers the subject person's participation while confined in 8117  
a state correctional institution in training, work, and other 8118  
rehabilitative activities and any disciplinary action taken 8119  
against the person while so confined. The department of 8120  
rehabilitation and correction may utilize electronic means to 8121  
provide this notice. The department of rehabilitation and 8122  
correction, at the same time that it provides the notice to the 8123  
prosecuting attorney and judge under this division, also shall 8124  
post on the database it maintains pursuant to section 5120.66 of 8125  
the Revised Code the offender's name and all of the information 8126  
specified in division (A) (1) (c) (iii) of that section. 8127

(B) If a request for notification has been made pursuant 8128  
to section 2930.16 of the Revised Code or if division (H) of 8129  
this section applies, the office of victim services or the adult 8130  
parole authority also shall provide notice to the victim or the 8131  
victim's representative at least sixty days prior to 8132  
recommending any pardon or commutation of sentence for, or 8133  
granting any parole to, the person. The notice shall include the 8134  
information required by division (A) of this section and may be 8135  
provided by telephone or through electronic means. The notice 8136  
also shall inform the victim or the victim's representative that 8137  
the victim or representative may send a written statement 8138

relative to the victimization and the pending action to the 8139  
adult parole authority and that, if the authority receives any 8140  
written statement prior to recommending a pardon or commutation 8141  
or granting a parole for a person, the authority will consider 8142  
the statement before it recommends a pardon or commutation or 8143  
grants a parole. If the person is being considered for parole, 8144  
the notice shall inform the victim or the victim's 8145  
representative that a full board hearing of the parole board may 8146  
be held and that the victim or victim's representative may 8147  
contact the office of victims' services for further information. 8148  
If the person being considered for parole was convicted of or 8149  
pleaded guilty to a violation of section 2903.01 or 2903.02 of 8150  
the Revised Code, an offense of violence that is a felony of the 8151  
first, second, or third degree, or an offense punished by a 8152  
sentence of life imprisonment, the notice shall inform the 8153  
victim of that offense, the victim's representative, or a member 8154  
of the victim's immediate family that the victim, the victim's 8155  
representative, and the victim's immediate family have the right 8156  
to give testimony at a full board hearing of the parole board 8157  
and that the victim or victim's representative may contact the 8158  
office of victims' services for further information. 8159

(C) When notice of the pendency of any pardon, commutation 8160  
of sentence, or parole has been provided to a judge or 8161  
prosecutor or posted on the database as required in division (A) 8162  
of this section and a hearing on the pardon, commutation, or 8163  
parole is continued to a date certain, the authority shall 8164  
provide notice of the further consideration of the pardon, 8165  
commutation, or parole at least sixty days before the further 8166  
consideration. The notice of the further consideration shall be 8167  
provided to the proper judge and prosecuting attorney at least 8168  
sixty days before the further consideration, and may be provided 8169

using electronic means, and, if the initial notice was posted on 8170  
the database as provided in division (A) of this section, the 8171  
notice of the further consideration shall be posted on the 8172  
database at least sixty days before the further consideration. 8173  
If the prosecuting attorney or a law enforcement agency was 8174  
provided a copy of the institutional summary report relative to 8175  
the subject person under division (A) of this section, the 8176  
authority shall include with the notice of the further 8177  
consideration sent to the prosecuting attorney any new 8178  
information with respect to the person that relates to 8179  
activities and actions of the person that are of a type covered 8180  
by the report and shall send to the law enforcement agency a 8181  
report that provides notice of the further consideration and 8182  
includes any such new information with respect to the person. 8183  
When notice of the pendency of any pardon, commutation, or 8184  
parole has been given as provided in division (B) of this 8185  
section and the hearing on it is continued to a date certain, 8186  
the authority shall give notice of the further consideration to 8187  
the victim or the victim's representative in accordance with 8188  
section 2930.03 of the Revised Code. 8189

(D) In case of an application for the pardon or 8190  
commutation of sentence of a person sentenced to capital 8191  
punishment prior to the effective date of this amendment, the 8192  
governor may modify the requirements of notification and 8193  
publication if there is not sufficient time for compliance with 8194  
the requirements before the date fixed for the execution of 8195  
sentence. 8196

(E) If an offender is serving a prison term imposed under 8197  
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 8198  
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 8199  
Code and if the parole board terminates its control over the 8200

offender's service of that term pursuant to section 2971.04 of 8201  
the Revised Code, the parole board immediately shall provide 8202  
written notice of its termination of control or the transfer of 8203  
control to the entities and persons specified in section 2971.04 8204  
of the Revised Code. 8205

(F) The failure of the adult parole authority to comply 8206  
with the notice or posting provisions of division (A), (B), or 8207  
(C) of this section or the failure of the parole board to comply 8208  
with the notice provisions of division (E) of this section do 8209  
not give any rights or any grounds for appeal or post-conviction 8210  
relief to the person serving the sentence. 8211

(G) Divisions (A), (B), and (C) of this section do not 8212  
apply to any release of a person that is of the type described 8213  
in division (B) (2) (b) of section 5120.031 of the Revised Code. 8214

(H) If a defendant is incarcerated for the commission of 8215  
aggravated murder, murder, or an offense of violence that is a 8216  
felony of the first, second, or third degree or is under a 8217  
sentence of life imprisonment, except as otherwise provided in 8218  
this division, the notice described in division (B) of this 8219  
section shall be given to the victim or victim's representative 8220  
regardless of whether the victim or victim's representative has 8221  
made a request for notification. The notice described in 8222  
division (B) of this section shall not be given under this 8223  
division to a victim or victim's representative if the victim or 8224  
victim's representative has requested pursuant to division (B) 8225  
(2) of section 2930.03 of the Revised Code that the victim or 8226  
the victim's representative not be provided the notice. The 8227  
notice described in division (B) of this section does not have 8228  
to be given under this division to a victim or victim's 8229  
representative if notice was given to the victim or victim's 8230

representative with respect to at least two prior considerations 8231  
of pardon, commutation, or parole of a person and the victim or 8232  
victim's representative did not provide any written statement 8233  
relative to the victimization and the pending action, did not 8234  
attend any hearing conducted relative to the pending action, and 8235  
did not otherwise respond to the office with respect to the 8236  
pending action. Regardless of whether the victim or victim's 8237  
representative has requested that the notice described in 8238  
division (B) of this section be provided or not be provided, the 8239  
office of victim services or adult parole authority shall give 8240  
similar notice to the law enforcement agency that arrested the 8241  
defendant if any officer of that agency was a victim of the 8242  
offense and to any member of the victim's immediate family who 8243  
requests notification. If notice is to be given under this 8244  
division, the office or authority may give the notice by any 8245  
reasonable means, including regular mail, telephone, and 8246  
electronic mail, in accordance with division (D) (1) of section 8247  
2930.16 of the Revised Code. If the notice is based on an 8248  
offense committed prior to March 22, 2013, the notice to the 8249  
victim or victim's representative also shall include the opt-out 8250  
information described in division (D) (1) of section 2930.16 of 8251  
the Revised Code. The office or authority, in accordance with 8252  
division (D) (2) of section 2930.16 of the Revised Code, shall 8253  
keep a record of all attempts to provide the notice, and of all 8254  
notices provided, under this division. 8255

Division (H) of this section, and the notice-related 8256  
provisions of divisions (E) (2) and (K) of section 2929.20, 8257  
division (D) (1) of section 2930.16, division (E) (1) (b) of 8258  
section 2967.19 as it existed prior to ~~the effective date of~~ 8259  
~~this amendment~~ April 4, 2023, division (A) (3) (b) of section 8260  
2967.26, division (D) (1) of section 2967.28, and division (A) (2) 8261

of section 5149.101 of the Revised Code enacted in the act in 8262  
which division (H) of this section was enacted, shall be known 8263  
as "Roberta's Law." 8264

(I) In addition to and independent of the right of a 8265  
victim to make a statement as described in division (A) of this 8266  
section or pursuant to section 2930.17 of the Revised Code or to 8267  
otherwise make a statement, the authority for a judge or 8268  
prosecuting attorney to furnish statements and information, make 8269  
recommendations, and give testimony as described in division (A) 8270  
of this section, the right of a prosecuting attorney, judge, or 8271  
victim to give testimony or submit a statement at a full parole 8272  
board hearing pursuant to section 5149.101 of the Revised Code, 8273  
and any other right or duty of a person to present information 8274  
or make a statement, any person may send to the adult parole 8275  
authority at any time prior to the authority's recommending a 8276  
pardon or commutation or granting a parole for the offender a 8277  
written statement relative to the offense and the pending 8278  
action. 8279

(J) As used in this section, "victim's immediate family" 8280  
means the mother, father, spouse, sibling, or child of the 8281  
victim, provided that in no case does "victim's immediate 8282  
family" include the offender with respect to whom the notice in 8283  
question applies. 8284

**Sec. 2967.13.** (A) Except as provided in division (G) of 8285  
this section or section 2967.132 of the Revised Code, a prisoner 8286  
serving a sentence of imprisonment for life for an offense 8287  
committed on or after July 1, 1996, is not entitled to any 8288  
earned credit under division (A) (2) or (3) of section 2967.193 8289  
or 2967.194 of the Revised Code and becomes eligible for parole 8290  
as follows: 8291

(1) If a sentence of imprisonment for life was imposed for the offense of murder, at the expiration of the prisoner's minimum term;	8292 8293 8294
(2) If a sentence of imprisonment for life with parole eligibility after serving twenty years of imprisonment was imposed pursuant to section <u>2929.02 or former section 2929.022</u> or 2929.03 of the Revised Code, after serving a term of twenty years;	8295 8296 8297 8298 8299
(3) If a sentence of imprisonment for life with parole eligibility after serving twenty-five full years of imprisonment was imposed pursuant to section <u>2929.02 or former section 2929.022</u> or 2929.03 of the Revised Code, after serving a term of twenty-five full years;	8300 8301 8302 8303 8304
(4) If a sentence of imprisonment for life with parole eligibility after serving thirty full years of imprisonment was imposed pursuant to section <u>2929.02 or former section 2929.022</u> or 2929.03 of the Revised Code, after serving a term of thirty full years;	8305 8306 8307 8308 8309
(5) If a sentence of imprisonment for life was imposed for rape, after serving a term of ten full years' imprisonment;	8310 8311
(6) If a sentence of imprisonment for life with parole eligibility after serving fifteen years of imprisonment was imposed for a violation of section 2927.24 of the Revised Code, after serving a term of fifteen years.	8312 8313 8314 8315
(B) Except as provided in division (G) of this section or section 2967.132 of the Revised Code, a prisoner serving a sentence of imprisonment for life with parole eligibility after serving twenty years of imprisonment or a sentence of imprisonment for life with parole eligibility after serving	8316 8317 8318 8319 8320



twenty-five full years or thirty full years of imprisonment 8321  
imposed pursuant to section 2929.02 or former section 2929.022 8322  
or 2929.03 of the Revised Code for an offense committed on or 8323  
after July 1, 1996, consecutively to any other term of 8324  
imprisonment, becomes eligible for parole after serving twenty 8325  
years, twenty full years, or thirty full years, as applicable, 8326  
as to each such sentence of life imprisonment, which shall not 8327  
be reduced for earned credits under division (A) (2) or (3) of 8328  
section 2967.193 or 2967.194 of the Revised Code, plus the term 8329  
or terms of the other sentences consecutively imposed or, if one 8330  
of the other sentences is another type of life sentence with 8331  
parole eligibility, the number of years before parole 8332  
eligibility for that sentence. 8333

(C) Except as provided in division (G) of this section or 8334  
section 2967.132 of the Revised Code, a prisoner serving 8335  
consecutively two or more sentences in which an indefinite term 8336  
of imprisonment is imposed becomes eligible for parole upon the 8337  
expiration of the aggregate of the minimum terms of the 8338  
sentences. 8339

(D) Except as provided in division (G) of this section or 8340  
section 2967.132 of the Revised Code, a prisoner serving a term 8341  
of imprisonment who is described in division (A) of section 8342  
2967.021 of the Revised Code becomes eligible for parole as 8343  
described in that division or, if the prisoner is serving a 8344  
definite term of imprisonment, shall be released as described in 8345  
that division. 8346

(E) Except as provided in section 2967.132 of the Revised 8347  
Code, a prisoner serving a sentence of life imprisonment without 8348  
parole imposed pursuant to section 2907.02 or section 2929.02 or 8349  
former section 2929.03 or 2929.06 of the Revised Code is not 8350

eligible for parole and shall be imprisoned until death. 8351

(F) A prisoner serving a stated prison term that is a non- 8352  
life felony indefinite prison term shall be released in 8353  
accordance with sections 2967.271 and 2967.28 of the Revised 8354  
Code. A prisoner serving a stated prison term of any other 8355  
nature shall be released in accordance with section 2967.28 of 8356  
the Revised Code. 8357

(G) Except as provided in section 2967.132 of the Revised 8358  
Code, a prisoner serving a prison term or term of life 8359  
imprisonment without parole imposed pursuant to section 2971.03 8360  
of the Revised Code never becomes eligible for parole during 8361  
that term of imprisonment. 8362

**Sec. 2967.193.** (A) (1) The provisions of this section shall 8363  
apply, until the date that is one year after the effective date 8364  
of this amendment, April 4, 2023, to persons confined in a state 8365  
correctional institution or in the substance use disorder 8366  
treatment program. 8367

(2) Except as provided in division (C) of this section and 8368  
subject to the maximum aggregate total specified in division (A) 8369  
(4) of this section, a person confined in a state correctional 8370  
institution or placed in the substance use disorder treatment 8371  
program may provisionally earn one day or five days of credit, 8372  
based on the category set forth in division (D) (1), (2), (3), 8373  
(4), or (5) of this section in which the person is included, 8374  
toward satisfaction of the person's stated prison term, as 8375  
described in division (F) of this section, for each completed 8376  
month during which the person, if confined in a state 8377  
correctional institution, productively participates in an 8378  
education program, vocational training, employment in prison 8379  
industries, treatment for substance abuse, or any other 8380

constructive program developed by the department of 8381  
rehabilitation and correction with specific standards for 8382  
performance by prisoners or during which the person, if placed 8383  
in the substance use disorder treatment program, productively 8384  
participates in the program. Except as provided in division (C) 8385  
of this section and subject to the maximum aggregate total 8386  
specified in division (A)(4) of this section, a person so 8387  
confined in a state correctional institution who successfully 8388  
completes two programs or activities of that type may, in 8389  
addition, provisionally earn up to five days of credit toward 8390  
satisfaction of the person's stated prison term, as described in 8391  
division (F) of this section, for the successful completion of 8392  
the second program or activity. The person shall not be awarded 8393  
any provisional days of credit for the successful completion of 8394  
the first program or activity or for the successful completion 8395  
of any program or activity that is completed after the second 8396  
program or activity. At the end of each calendar month in which 8397  
a person productively participates in a program or activity 8398  
listed in this division or successfully completes a program or 8399  
activity listed in this division, the department of 8400  
rehabilitation and correction shall determine and record the 8401  
total number of days credit that the person provisionally earned 8402  
in that calendar month. If the person in a state correctional 8403  
institution violates prison rules or the person in the substance 8404  
use disorder treatment program violates program or department 8405  
rules, the department may deny the person a credit that 8406  
otherwise could have been provisionally awarded to the person or 8407  
may withdraw one or more credits previously provisionally earned 8408  
by the person. Days of credit provisionally earned by a person 8409  
shall be finalized and awarded by the department subject to 8410  
administrative review by the department of the person's conduct. 8411

(3) Unless a person is serving a mandatory prison term or  
a prison term for an offense of violence or a sexually oriented  
offense, and notwithstanding the maximum aggregate total  
specified in division (A) (4) of this section, a person who  
successfully completes any of the following shall earn ninety  
days of credit toward satisfaction of the person's stated prison  
term or a ten per cent reduction of the person's stated prison  
term, whichever is less:

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

(b) A therapeutic drug community program;

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

(d) A career technical vocational school program;

(e) A college certification program;

(f) The criteria for a certificate of achievement and  
employability as specified in division (A) (1) of section 2961.22  
of the Revised Code.

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

(B) The department of rehabilitation and correction shall  
adopt rules that specify the programs or activities for which

credit may be earned under this section, the criteria for 8440  
determining productive participation in, or completion of, the 8441  
programs or activities and the criteria for awarding credit, 8442  
including criteria for awarding additional credit for successful 8443  
program or activity completion, and the criteria for denying or 8444  
withdrawing previously provisionally earned credit as a result 8445  
of a violation of prison rules, or program or department rules, 8446  
whichever is applicable. 8447

(C) No person confined in a state correctional institution 8448  
or placed in a substance use disorder treatment program to whom 8449  
any of the following applies shall be awarded any days of credit 8450  
under division (A) of this section: 8451

(1) The person is serving a prison term that section 8452  
2929.13 or section 2929.14 of the Revised Code specifies cannot 8453  
be reduced pursuant to this section or this chapter or is 8454  
serving a sentence for which section 2967.13 or division (B) of 8455  
section 2929.143 of the Revised Code specifies that the person 8456  
is not entitled to any earned credit under this section. 8457

(2) The person is ~~sentenced to death or is~~ serving a 8458  
prison term or a term of life imprisonment for aggravated 8459  
murder, murder, or a conspiracy or attempt to commit, or 8460  
complicity in committing, aggravated murder or murder. 8461

(3) The person is serving a sentence of life imprisonment 8462  
without parole imposed pursuant to section 2929.02 or former 8463  
section 2929.03 or 2929.06 of the Revised Code, a prison term or 8464  
a term of life imprisonment without parole imposed pursuant to 8465  
section 2971.03 of the Revised Code, or a sentence for a 8466  
sexually oriented offense that was committed on or after 8467  
September 30, 2011. 8468

(D) This division does not apply to a determination of 8469  
whether a person confined in a state correctional institution or 8470  
placed in a substance use disorder treatment program may earn 8471  
any days of credit under division (A) of this section for 8472  
successful completion of a second program or activity. The 8473  
determination of whether a person confined in a state 8474  
correctional institution may earn one day of credit or five days 8475  
of credit under division (A) of this section for each completed 8476  
month during which the person productively participates in a 8477  
program or activity specified under that division shall be made 8478  
in accordance with the following: 8479

(1) The offender may earn one day of credit under division 8480  
(A) of this section, except as provided in division (C) of this 8481  
section, if the most serious offense for which the offender is 8482  
confined is any of the following that is a felony of the first 8483  
or second degree: 8484

(a) A violation of division (A) of section 2903.04 or of 8485  
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 8486  
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 8487  
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.15, 2919.151, 8488  
2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, 8489  
or 2927.24 of the Revised Code; 8490

(b) A conspiracy or attempt to commit, or complicity in 8491  
committing, any other offense for which the maximum penalty is 8492  
imprisonment for life or any offense listed in division (D) (1) 8493  
(a) of this section. 8494

(2) The offender may earn one day of credit under division 8495  
(A) of this section, except as provided in division (C) of this 8496  
section, if the offender is serving a stated prison term that 8497  
includes a prison term imposed for a sexually oriented offense 8498

that the offender committed prior to September 30, 2011. 8499

(3) The offender may earn one day of credit under division 8500  
(A) of this section, except as provided in division (C) of this 8501  
section, if the offender is serving a stated prison term that 8502  
includes a prison term imposed for a felony other than carrying 8503  
a concealed weapon an essential element of which is any conduct 8504  
or failure to act expressly involving any deadly weapon or 8505  
dangerous ordnance. 8506

(4) Except as provided in division (C) of this section, if 8507  
the most serious offense for which the offender is confined is a 8508  
felony of the first or second degree and divisions (D) (1), (2), 8509  
and (3) of this section do not apply to the offender, the 8510  
offender may earn one day of credit under division (A) of this 8511  
section if the offender committed that offense prior to 8512  
September 30, 2011, and the offender may earn five days of 8513  
credit under division (A) of this section if the offender 8514  
committed that offense on or after September 30, 2011. 8515

(5) Except as provided in division (C) of this section, if 8516  
the most serious offense for which the offender is confined is a 8517  
felony of the third, fourth, or fifth degree or an unclassified 8518  
felony and neither division (D) (2) nor (3) of this section 8519  
applies to the offender, the offender may earn one day of credit 8520  
under division (A) of this section if the offender committed 8521  
that offense prior to September 30, 2011, and the offender may 8522  
earn five days of credit under division (A) of this section if 8523  
the offender committed that offense on or after September 30, 8524  
2011. 8525

(E) The department annually shall seek and consider the 8526  
written feedback of the Ohio prosecuting attorneys association, 8527  
the Ohio judicial conference, the Ohio public defender, the Ohio 8528

association of criminal defense lawyers, and other organizations 8529  
and associations that have an interest in the operation of the 8530  
corrections system and the earned credits program under this 8531  
section as part of its evaluation of the program and in 8532  
determining whether to modify the program. 8533

(F) Days of credit awarded under this section shall be 8534  
applied toward satisfaction of a person's stated prison term as 8535  
follows: 8536

(1) Toward the definite prison term of a prisoner serving 8537  
a definite prison term as a stated prison term; 8538

(2) Toward the minimum and maximum terms of a prisoner 8539  
serving an indefinite prison term imposed under division (A) (1) 8540  
(a) or (2) (a) of section 2929.14 of the Revised Code for a 8541  
felony of the first or second degree committed on or after March 8542  
22, 2019. 8543

(G) As used in this section: 8544

(1) "Sexually oriented offense" has the same meaning as in 8545  
section 2950.01 of the Revised Code. 8546

(2) "Substance use disorder treatment program" means the 8547  
substance use disorder treatment program established by the 8548  
department of rehabilitation and correction under section 8549  
5120.035 of the Revised Code. 8550

**Sec. 2967.194.** (A) (1) Beginning one year after ~~the~~ 8551  
~~effective date of this section~~ April 4, 2023, the provisions of 8552  
this section shall apply, in the manner described in division 8553  
(G) of this section, to persons confined in a state correctional 8554  
institution or in the substance use disorder treatment program. 8555

(2) Except as provided in division (C) of this section and 8556



subject to the maximum aggregate total specified in division (A) 8557  
(4) of this section, a person confined in a state correctional 8558  
institution or placed in the substance use disorder treatment 8559  
program may provisionally earn one day or five days of credit, 8560  
based on the category set forth in division (D)(1) or (2) of 8561  
this section in which the person is included, toward 8562  
satisfaction of the person's stated prison term, as described in 8563  
division (F) of this section, for each completed month during 8564  
which the person, if confined in a state correctional 8565  
institution, productively participates in an education program, 8566  
vocational training, employment in prison industries, treatment 8567  
for substance abuse, or any other constructive program developed 8568  
by the department of rehabilitation and correction with specific 8569  
standards for performance by prisoners or during which the 8570  
person, if placed in the substance use disorder treatment 8571  
program, productively participates in the program. Except as 8572  
provided in division (C) of this section and subject to the 8573  
maximum aggregate total specified in division (A)(4) of this 8574  
section, a person so confined in a state correctional 8575  
institution who successfully completes two programs or 8576  
activities of that type may, in addition, provisionally earn up 8577  
to five days of credit toward satisfaction of the person's 8578  
stated prison term, as described in division (F) of this 8579  
section, for the successful completion of the second program or 8580  
activity. The person shall not be awarded any provisional days 8581  
of credit for the successful completion of the first program or 8582  
activity or for the successful completion of any program or 8583  
activity that is completed after the second program or activity. 8584  
At the end of each calendar month in which a person productively 8585  
participates in a program or activity listed in this division or 8586  
successfully completes a program or activity listed in this 8587  
division, the department of rehabilitation and correction shall 8588

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

(3) Except as provided in division (C) of this section, unless a person is serving a mandatory prison term or a prison term for an offense of violence or a sexually oriented offense, and notwithstanding the maximum aggregate total specified in division (A)(4) of this section, a person who successfully completes any diploma, equivalence, program, or criteria identified in divisions (A)(3)(a) to (g) of this section shall earn ninety days of credit toward satisfaction of the person's stated prison term or a ten per cent reduction of the person's stated prison term, whichever is less, for each such diploma, equivalence, program, or criteria successfully completed. The diplomas, equivalences, programs, and criteria for which credit shall be granted under this division, upon successful completion, are:

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

(b) A therapeutic drug community program;

(c) All three phases of the department of rehabilitation

and correction's intensive outpatient drug treatment program; 8619

(d) A career technical vocational school program; 8620

(e) A college certification program; 8621

(f) The criteria for a certificate of achievement and 8622  
employability as specified in division (A)(1) of section 2961.22 8623  
of the Revised Code; 8624

(g) Any other constructive program developed by the 8625  
department of rehabilitation and correction with specific 8626  
standards for performance by prisoners. 8627

(4) Except for persons described in division (A)(3) of 8628  
this section, the aggregate days of credit provisionally earned 8629  
by a person for program or activity participation and program 8630  
and activity completion under this section and the aggregate 8631  
days of credit finally credited to a person under this section 8632  
shall not exceed fifteen per cent of the total number of days in 8633  
the person's stated prison term. 8634

(B) The department of rehabilitation and correction shall 8635  
adopt rules that specify the programs or activities for which 8636  
credit may be earned under this section, the criteria for 8637  
determining productive participation in, or completion of, the 8638  
programs or activities and the criteria for awarding credit, 8639  
including criteria for awarding additional credit for successful 8640  
program or activity completion, and the criteria for denying or 8641  
withdrawing previously provisionally earned credit as a result 8642  
of a violation of prison rules, or program or department rules, 8643  
whichever is applicable. 8644

(C) No person confined in a state correctional institution 8645  
or placed in a substance use disorder treatment program to whom 8646  
any of the following applies shall be awarded any days of credit 8647

under division (A) (2) or (3) of this section: 8648

(1) The person is serving a prison term that section 8649  
2929.13 or section 2929.14 of the Revised Code specifies cannot 8650  
be reduced pursuant to this section or this chapter or is 8651  
serving a sentence for which section 2967.13 or division (B) of 8652  
section 2929.143 of the Revised Code specifies that the person 8653  
is not entitled to any earned credit under this section. 8654

(2) The person is sentenced to death or is serving a 8655  
prison term or a term of life imprisonment for aggravated 8656  
murder, murder, or a conspiracy or attempt to commit, or 8657  
complicity in committing, aggravated murder or murder. 8658

(3) The person is serving a sentence of life imprisonment 8659  
without parole imposed pursuant to section 2929.03 or former 8660  
section 2929.06 of the Revised Code, a prison term or a term of 8661  
life imprisonment without parole imposed pursuant to section 8662  
2971.03 of the Revised Code, or a sentence for a sexually 8663  
oriented offense that was committed on or after September 30, 8664  
2011. 8665

(D) This division does not apply to a determination of 8666  
whether a person confined in a state correctional institution or 8667  
placed in a substance use disorder treatment program may earn 8668  
any days of credit under division (A) (2) of this section for 8669  
successful completion of a second program or activity. The 8670  
determination of whether a person confined in a state 8671  
correctional institution may earn one day of credit or five days 8672  
of credit under division (A) (2) of this section for each 8673  
completed month during which the person productively 8674  
participates in a program or activity specified under that 8675  
division shall be made in accordance with the following: 8676

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

(2) Except as provided in division (C) of this section, if division (D) (1) of this section does not apply to the offender, the offender may earn five days of credit under division (A) (2) of this section.

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

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

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

(2) Toward the minimum and maximum terms of a prisoner serving an indefinite prison term imposed under division (A) (1) (a) or (2) (a) of section 2929.14 of the Revised Code for a felony of the first or second degree committed on or after March 22, 2019.

(G) The provisions of this section apply to persons confined in a state correctional institution or in the substance

use disorder treatment program on or after the date that is one 8706  
year after ~~the effective date of this section~~ April 4, 2023, as 8707  
follows: 8708

(1) Subject to division (G)(2) of this section, the 8709  
provisions apply to a person so confined regardless of whether 8710  
the person committed the offense for which the person is 8711  
confined in the institution or was placed in the program prior 8712  
to, on, or after the date that is one year after ~~the effective~~ 8713  
~~date of this section~~ April 4, 2023, and regardless of whether 8714  
the person was convicted of or pleaded guilty to that offense 8715  
prior to, on, or after the date that is one year after ~~the~~ 8716  
~~effective date of this section~~ April 4, 2023. 8717

(2) The provisions apply to a person so confined only with 8718  
respect to the time that the person is so confined on and after 8719  
the date that is one year after ~~the effective date of this~~ 8720  
~~section~~ April 4, 2023, and the provisions of section 2967.193 of 8721  
the Revised Code that were in effect prior to the date that is 8722  
one year after ~~the effective date of this section~~ April 4, 2023, 8723  
and that applied to the person prior to that date apply to the 8724  
person with respect to the time that the person was so confined 8725  
prior to the date that is one year after ~~that effective date~~ 8726  
April 4, 2023. 8727

(H) As used in this section: 8728

(1) "Sexually oriented offense" has the same meaning as in 8729  
section 2950.01 of the Revised Code. 8730

(2) "Substance use disorder treatment program" means the 8731  
substance use disorder treatment program established by the 8732  
department of rehabilitation and correction under section 8733  
5120.035 of the Revised Code. 8734

**Sec. 2971.03.** (A) Notwithstanding divisions (A) and (D) of 8735  
section 2929.14, section 2929.02, ~~2929.03, 2929.06,~~ 2929.13, or 8736  
another section of the Revised Code, other than divisions (B) 8737  
and (C) of section 2929.14 of the Revised Code, that authorizes 8738  
or requires a specified prison term or a mandatory prison term 8739  
for a person who is convicted of or pleads guilty to a felony or 8740  
that specifies the manner and place of service of a prison term 8741  
or term of imprisonment, the court shall impose a sentence upon 8742  
a person who is convicted of or pleads guilty to a violent sex 8743  
offense and who also is convicted of or pleads guilty to a 8744  
sexually violent predator specification that was included in the 8745  
indictment, count in the indictment, or information charging 8746  
that offense, and upon a person who is convicted of or pleads 8747  
guilty to a designated homicide, assault, or kidnapping offense 8748  
and also is convicted of or pleads guilty to both a sexual 8749  
motivation specification and a sexually violent predator 8750  
specification that were included in the indictment, count in the 8751  
indictment, or information charging that offense, as follows: 8752

(1) Except as provided in division (A) (5) of this section, 8753  
if the offense for which the sentence is being imposed is 8754  
aggravated murder ~~and if the court does not impose upon the~~ 8755  
~~offender a sentence of death,~~ it shall impose upon the offender 8756  
a term of life imprisonment without parole. ~~If the court~~ 8757  
~~sentences the offender to death and the sentence of death is~~ 8758  
~~vacated, overturned, or otherwise set aside, the court shall~~ 8759  
~~impose upon the offender a term of life imprisonment without~~ 8760  
~~parole.~~ 8761

(2) Except as provided in division (A) (5) of this section, 8762  
if the offense for which the sentence is being imposed is 8763  
murder; or if the offense is rape committed in violation of 8764  
division (A) (1) (b) of section 2907.02 of the Revised Code when 8765

the offender purposely compelled the victim to submit by force 8766  
or threat of force, when the victim was less than ten years of 8767  
age, when the offender previously has been convicted of or 8768  
pleaded guilty to either rape committed in violation of that 8769  
division or a violation of an existing or former law of this 8770  
state, another state, or the United States that is substantially 8771  
similar to division (A) (1) (b) of section 2907.02 of the Revised 8772  
Code, or when the offender during or immediately after the 8773  
commission of the rape caused serious physical harm to the 8774  
victim; or if the offense is an offense other than aggravated 8775  
murder or murder for which a term of life imprisonment may be 8776  
imposed, it shall impose upon the offender a term of life 8777  
imprisonment without parole. 8778

(3) (a) Except as otherwise provided in division (A) (3) (b), 8779  
(c), (d), or (e) or (A) (4) of this section, if the offense for 8780  
which the sentence is being imposed is an offense other than 8781  
aggravated murder, murder, or rape and other than an offense for 8782  
which a term of life imprisonment may be imposed, it shall 8783  
impose an indefinite prison term consisting of a minimum term 8784  
fixed by the court as described in this division, but not less 8785  
than two years, and a maximum term of life imprisonment. Except 8786  
as otherwise specified in this division, the minimum term shall 8787  
be fixed by the court from among the range of terms available as 8788  
a definite term for the offense. If the offense is a felony of 8789  
the first or second degree committed on or after March 22, 2019, 8790  
the minimum term shall be fixed by the court from among the 8791  
range of terms available as a minimum term for the offense under 8792  
division (A) (1) (a) or (2) (a) of that section. 8793

(b) Except as otherwise provided in division (A) (4) of 8794  
this section, if the offense for which the sentence is being 8795  
imposed is kidnapping that is a felony of the first degree, it 8796



shall impose an indefinite prison term as follows: 8797

(i) If the kidnapping is committed on or after January 1, 8798  
2008, and the victim of the offense is less than thirteen years 8799  
of age, except as otherwise provided in this division, it shall 8800  
impose an indefinite prison term consisting of a minimum term of 8801  
fifteen years and a maximum term of life imprisonment. If the 8802  
kidnapping is committed on or after January 1, 2008, the victim 8803  
of the offense is less than thirteen years of age, and the 8804  
offender released the victim in a safe place unharmed, it shall 8805  
impose an indefinite prison term consisting of a minimum term of 8806  
ten years and a maximum term of life imprisonment. 8807

(ii) If the kidnapping is committed prior to January 1, 8808  
2008, or division (A) (3) (b) (i) of this section does not apply, 8809  
it shall impose an indefinite term consisting of a minimum term 8810  
fixed by the court that is not less than ten years and a maximum 8811  
term of life imprisonment. 8812

(c) Except as otherwise provided in division (A) (4) of 8813  
this section, if the offense for which the sentence is being 8814  
imposed is kidnapping that is a felony of the second degree, it 8815  
shall impose an indefinite prison term consisting of a minimum 8816  
term fixed by the court that is not less than eight years, and a 8817  
maximum term of life imprisonment. 8818

(d) Except as otherwise provided in division (A) (4) of 8819  
this section, if the offense for which the sentence is being 8820  
imposed is rape for which a term of life imprisonment is not 8821  
imposed under division (A) (2) of this section or division (B) of 8822  
section 2907.02 of the Revised Code, it shall impose an 8823  
indefinite prison term as follows: 8824

(i) If the rape is committed on or after January 2, 2007, 8825

in violation of division (A) (1) (b) of section 2907.02 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of twenty-five years and a maximum term of life imprisonment.

(ii) If the rape is committed prior to January 2, 2007, or the rape is committed on or after January 2, 2007, other than in violation of division (A) (1) (b) of section 2907.02 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term fixed by the court that is not less than ten years, and a maximum term of life imprisonment.

(e) Except as otherwise provided in division (A) (4) of this section, if the offense for which sentence is being imposed is attempted rape, it shall impose an indefinite prison term as follows:

(i) Except as otherwise provided in division (A) (3) (e) (ii), (iii), or (iv) of this section, it shall impose an indefinite prison term pursuant to division (A) (3) (a) of this section.

(ii) If the attempted rape for which sentence is being imposed was committed on or after January 2, 2007, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1418 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of five years and a maximum term of twenty-five years.

(iii) If the attempted rape for which sentence is being imposed was committed on or after January 2, 2007, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1419 of the

Revised Code, it shall impose an indefinite prison term 8855  
consisting of a minimum term of ten years and a maximum of life 8856  
imprisonment. 8857

(iv) If the attempted rape for which sentence is being 8858  
imposed was committed on or after January 2, 2007, and if the 8859  
offender also is convicted of or pleads guilty to a 8860  
specification of the type described in section 2941.1420 of the 8861  
Revised Code, it shall impose an indefinite prison term 8862  
consisting of a minimum term of fifteen years and a maximum of 8863  
life imprisonment. 8864

(4) Except as provided in division (A)(5) of this section, 8865  
for any offense for which the sentence is being imposed, if the 8866  
offender previously has been convicted of or pleaded guilty to a 8867  
violent sex offense and also to a sexually violent predator 8868  
specification that was included in the indictment, count in the 8869  
indictment, or information charging that offense, or previously 8870  
has been convicted of or pleaded guilty to a designated 8871  
homicide, assault, or kidnapping offense and also to both a 8872  
sexual motivation specification and a sexually violent predator 8873  
specification that were included in the indictment, count in the 8874  
indictment, or information charging that offense, it shall 8875  
impose upon the offender a term of life imprisonment without 8876  
parole. 8877

(5) Notwithstanding divisions (A)(1), (2), and (4) of this 8878  
section, the court shall not impose a sentence of life 8879  
imprisonment without parole upon any person for an offense that 8880  
was committed when the person was under eighteen years of age. 8881  
In any case described in division (A)(1), (2), or (4) of this 8882  
section, if the offense was committed when the person was under 8883  
eighteen years of age, the court shall impose an indefinite 8884

prison term consisting of a minimum term of thirty years and a maximum term of life imprisonment. 8885  
8886

(B) (1) Notwithstanding section 2929.13, division (A) or 8887  
(D) of section 2929.14, or another section of the Revised Code 8888  
other than division (B) of section 2907.02 or divisions (B) and 8889  
(C) of section 2929.14 of the Revised Code that authorizes or 8890  
requires a specified prison term or a mandatory prison term for 8891  
a person who is convicted of or pleads guilty to a felony or 8892  
that specifies the manner and place of service of a prison term 8893  
or term of imprisonment, if a person is convicted of or pleads 8894  
guilty to a violation of division (A) (1) (b) of section 2907.02 8895  
of the Revised Code committed on or after January 2, 2007, if 8896  
division (A) of this section does not apply regarding the 8897  
person, and if the court does not impose a sentence of life 8898  
without parole when authorized pursuant to division (B) of 8899  
section 2907.02 of the Revised Code, the court shall impose upon 8900  
the person an indefinite prison term consisting of one of the 8901  
following: 8902

(a) Except as otherwise required in division (B) (1) (b) or 8903  
(c) of this section, a minimum term of ten years and a maximum 8904  
term of life imprisonment. 8905

(b) If the victim was less than ten years of age, a 8906  
minimum term of fifteen years and a maximum of life 8907  
imprisonment. 8908

(c) If the offender purposely compels the victim to submit 8909  
by force or threat of force, or if the offender previously has 8910  
been convicted of or pleaded guilty to violating division (A) (1) 8911  
(b) of section 2907.02 of the Revised Code or to violating an 8912  
existing or former law of this state, another state, or the 8913  
United States that is substantially similar to division (A) (1) 8914

(b) of that section, or if the offender during or immediately 8915  
after the commission of the offense caused serious physical harm 8916  
to the victim, a minimum term of twenty-five years and a maximum 8917  
of life imprisonment. 8918

(2) Notwithstanding section 2929.13, division (A) or (D) 8919  
of section 2929.14, or another section of the Revised Code other 8920  
than divisions (B) and (C) of section 2929.14 of the Revised 8921  
Code that authorizes or requires a specified prison term or a 8922  
mandatory prison term for a person who is convicted of or pleads 8923  
guilty to a felony or that specifies the manner and place of 8924  
service of a prison term or term of imprisonment and except as 8925  
otherwise provided in division (B) of section 2907.02 of the 8926  
Revised Code, if a person is convicted of or pleads guilty to 8927  
attempted rape committed on or after January 2, 2007, and if 8928  
division (A) of this section does not apply regarding the 8929  
person, the court shall impose upon the person an indefinite 8930  
prison term consisting of one of the following: 8931

(a) If the person also is convicted of or pleads guilty to 8932  
a specification of the type described in section 2941.1418 of 8933  
the Revised Code, the court shall impose upon the person an 8934  
indefinite prison term consisting of a minimum term of five 8935  
years and a maximum term of twenty-five years. 8936

(b) If the person also is convicted of or pleads guilty to 8937  
a specification of the type described in section 2941.1419 of 8938  
the Revised Code, the court shall impose upon the person an 8939  
indefinite prison term consisting of a minimum term of ten years 8940  
and a maximum term of life imprisonment. 8941

(c) If the person also is convicted of or pleads guilty to 8942  
a specification of the type described in section 2941.1420 of 8943  
the Revised Code, the court shall impose upon the person an 8944

indefinite prison term consisting of a minimum term of fifteen 8945  
years and a maximum term of life imprisonment. 8946

(3) Notwithstanding section 2929.13, division (A) or (D) 8947  
of section 2929.14, or another section of the Revised Code other 8948  
than divisions (B) and (C) of section 2929.14 of the Revised 8949  
Code that authorizes or requires a specified prison term or a 8950  
mandatory prison term for a person who is convicted of or pleads 8951  
guilty to a felony or that specifies the manner and place of 8952  
service of a prison term or term of imprisonment, if a person is 8953  
convicted of or pleads guilty to an offense described in 8954  
division (B) (3) (a), (b), (c), or (d) of this section committed 8955  
on or after January 1, 2008, if the person also is convicted of 8956  
or pleads guilty to a sexual motivation specification that was 8957  
included in the indictment, count in the indictment, or 8958  
information charging that offense, and if division (A) of this 8959  
section does not apply regarding the person, the court shall 8960  
impose upon the person an indefinite prison term consisting of 8961  
one of the following: 8962

(a) An indefinite prison term consisting of a minimum of 8963  
ten years and a maximum term of life imprisonment if the offense 8964  
for which the sentence is being imposed is kidnapping, the 8965  
victim of the offense is less than thirteen years of age, and 8966  
the offender released the victim in a safe place unharmed; 8967

(b) An indefinite prison term consisting of a minimum of 8968  
fifteen years and a maximum term of life imprisonment if the 8969  
offense for which the sentence is being imposed is kidnapping 8970  
when the victim of the offense is less than thirteen years of 8971  
age and division (B) (3) (a) of this section does not apply; 8972

(c) An indefinite term consisting of a minimum of thirty 8973  
years and a maximum term of life imprisonment if the offense for 8974

which the sentence is being imposed is aggravated murder, when 8975  
the victim of the offense is less than thirteen years of age, a 8976  
sentence of ~~death or~~ life imprisonment without parole is not 8977  
imposed for the offense, and division ~~(A) (2) (b) (ii) of section~~ 8978  
~~2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D)~~ 8979  
~~(2) (b), (D) (3) (a) (iv), or (E) (1) (a) (iv) of section 2929.03, or~~ 8980  
~~division (A) or (B) (C) of section 2929.06-2929.02~~ of the 8981  
Revised Code requires that the sentence for the offense be 8982  
imposed pursuant to this division; 8983

(d) An indefinite prison term consisting of a minimum of 8984  
thirty years and a maximum term of life imprisonment if the 8985  
offense for which the sentence is being imposed is murder when 8986  
the victim of the offense is less than thirteen years of age. 8987

(C) (1) If the offender is sentenced to a prison term 8988  
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 8989  
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 8990  
parole board shall have control over the offender's service of 8991  
the term during the entire term unless the parole board 8992  
terminates its control in accordance with section 2971.04 of the 8993  
Revised Code. 8994

(2) Except as provided in division (C) (3) or (G) of this 8995  
section, an offender sentenced to a prison term or term of life 8996  
imprisonment without parole pursuant to division (A) of this 8997  
section shall serve the entire prison term or term of life 8998  
imprisonment in a state correctional institution. The offender 8999  
is not eligible for judicial release under section 2929.20 of 9000  
the Revised Code. 9001

(3) For a prison term imposed pursuant to division (A) (3), 9002  
(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 9003  
(b), (c), or (d) of this section, subject to the application of 9004

division (G) of this section, the court, in accordance with 9005  
section 2971.05 of the Revised Code, may terminate the prison 9006  
term or modify the requirement that the offender serve the 9007  
entire term in a state correctional institution if all of the 9008  
following apply: 9009

(a) The offender has served at least the minimum term 9010  
imposed as part of that prison term. 9011

(b) The parole board, pursuant to section 2971.04 of the 9012  
Revised Code, has terminated its control over the offender's 9013  
service of that prison term. 9014

(c) The court has held a hearing and found, by clear and 9015  
convincing evidence, one of the following: 9016

(i) In the case of termination of the prison term, that 9017  
the offender is unlikely to commit a sexually violent offense in 9018  
the future; 9019

(ii) In the case of modification of the requirement, that 9020  
the offender does not represent a substantial risk of physical 9021  
harm to others. 9022

(4) Except as provided in division (G) of this section, an 9023  
offender who has been sentenced to a term of life imprisonment 9024  
without parole pursuant to division (A) (1), (2), or (4) of this 9025  
section shall not be released from the term of life imprisonment 9026  
or be permitted to serve a portion of it in a place other than a 9027  
state correctional institution. 9028

(D) If a court sentences an offender to a prison term or 9029  
term of life imprisonment without parole pursuant to division 9030  
(A) of this section and the court also imposes on the offender 9031  
one or more additional prison terms pursuant to division (B) of 9032  
section 2929.14 of the Revised Code, all of the additional 9033



prison terms shall be served consecutively with, and prior to, 9034  
the prison term or term of life imprisonment without parole 9035  
imposed upon the offender pursuant to division (A) of this 9036  
section. 9037

(E) If the offender is convicted of or pleads guilty to 9038  
two or more offenses for which a prison term or term of life 9039  
imprisonment without parole is required to be imposed pursuant 9040  
to division (A) of this section, divisions (A) to (D) of this 9041  
section shall be applied for each offense. All minimum terms 9042  
imposed upon the offender pursuant to division (A) (3) or (B) of 9043  
this section for those offenses shall be aggregated and served 9044  
consecutively, as if they were a single minimum term imposed 9045  
under that division. 9046

(F) (1) If an offender is convicted of or pleads guilty to 9047  
a violent sex offense and also is convicted of or pleads guilty 9048  
to a sexually violent predator specification that was included 9049  
in the indictment, count in the indictment, or information 9050  
charging that offense, or is convicted of or pleads guilty to a 9051  
designated homicide, assault, or kidnapping offense and also is 9052  
convicted of or pleads guilty to both a sexual motivation 9053  
specification and a sexually violent predator specification that 9054  
were included in the indictment, count in the indictment, or 9055  
information charging that offense, the conviction of or plea of 9056  
guilty to the offense and the sexually violent predator 9057  
specification automatically classifies the offender as a tier 9058  
III sex offender/child-victim offender for purposes of Chapter 9059  
2950. of the Revised Code. 9060

(2) If an offender is convicted of or pleads guilty to 9061  
committing on or after January 2, 2007, a violation of division 9062  
(A) (1) (b) of section 2907.02 of the Revised Code and either the 9063

offender is sentenced under section 2971.03 of the Revised Code 9064  
or a sentence of life without parole is imposed under division 9065  
(B) of section 2907.02 of the Revised Code, the conviction of or 9066  
plea of guilty to the offense automatically classifies the 9067  
offender as a tier III sex offender/child-victim offender for 9068  
purposes of Chapter 2950. of the Revised Code. 9069

(3) If a person is convicted of or pleads guilty to 9070  
committing on or after January 2, 2007, attempted rape and also 9071  
is convicted of or pleads guilty to a specification of the type 9072  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 9073  
Revised Code, the conviction of or plea of guilty to the offense 9074  
and the specification automatically classify the offender as a 9075  
tier III sex offender/child-victim offender for purposes of 9076  
Chapter 2950. of the Revised Code. 9077

(4) If a person is convicted of or pleads guilty to one of 9078  
the offenses described in division (B) (3) (a), (b), (c), or (d) 9079  
of this section and a sexual motivation specification related to 9080  
the offense and the victim of the offense is less than thirteen 9081  
years of age, the conviction of or plea of guilty to the offense 9082  
automatically classifies the offender as a tier III sex 9083  
offender/child-victim offender for purposes of Chapter 2950. of 9084  
the Revised Code. 9085

(G) Notwithstanding divisions (A) to (E) of this section, 9086  
if an offender receives or received a sentence of life 9087  
imprisonment without parole, a definite sentence, or a sentence 9088  
to an indefinite prison term under this chapter for an offense 9089  
committed when the offender was under eighteen years of age, the 9090  
offender is eligible for parole and the offender's parole 9091  
eligibility shall be determined under section 2967.132 of the 9092  
Revised Code. 9093

**Sec. 2971.07.** (A) This chapter does not apply to any 9094  
offender unless the offender is one of the following: 9095

(1) The offender is convicted of or pleads guilty to a 9096  
violent sex offense and also is convicted of or pleads guilty to 9097  
a sexually violent predator specification that was included in 9098  
the indictment, count in the indictment, or information charging 9099  
that offense. 9100

(2) The offender is convicted of or pleads guilty to a 9101  
designated homicide, assault, or kidnapping offense and also is 9102  
convicted of or pleads guilty to both a sexual motivation 9103  
specification and a sexually violent predator specification that 9104  
were included in the indictment, count in the indictment, or 9105  
information charging that offense. 9106

(3) The offender is convicted of or pleads guilty to a 9107  
violation of division (A) (1) (b) of section 2907.02 of the 9108  
Revised Code committed on or after January 2, 2007, and the 9109  
court does not sentence the offender to a term of life without 9110  
parole pursuant to division (B) of section 2907.02 of the 9111  
Revised Code or division (B) of that section prohibits the court 9112  
from sentencing the offender pursuant to section 2971.03 of the 9113  
Revised Code. 9114

(4) The offender is convicted of or pleads guilty to 9115  
attempted rape committed on or after January 2, 2007, and also 9116  
is convicted of or pleads guilty to a specification of the type 9117  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 9118  
Revised Code. 9119

(5) The offender is convicted of or pleads guilty to a 9120  
violation of section 2905.01 of the Revised Code and also is 9121  
convicted of or pleads guilty to a sexual motivation 9122

specification that was included in the indictment, count in the 9123  
indictment, or information charging that offense, and that 9124  
section requires a court to sentence the offender pursuant to 9125  
section 2971.03 of the Revised Code. 9126

(6) The offender is convicted of or pleads guilty to 9127  
aggravated murder and also is convicted of or pleads guilty to a 9128  
sexual motivation specification that was included in the 9129  
indictment, count in the indictment, or information charging 9130  
that offense, and division ~~(A) (2) (b) (ii) of section 2929.022,~~ 9131  
~~division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D)~~ 9132  
~~(3) (a) (iv), or (E) (1) (a) (iv) of section 2929.03, or division (A)~~ 9133  
~~or (B) (C) of section 2929.06-2929.02~~ of the Revised Code 9134  
requires a court to sentence the offender pursuant to division 9135  
(B) (3) of section 2971.03 of the Revised Code. 9136

(7) The offender is convicted of or pleads guilty to 9137  
murder and also is convicted of or pleads guilty to a sexual 9138  
motivation specification that was included in the indictment, 9139  
count in the indictment, or information charging that offense, 9140  
and division ~~(B) (2)~~ (C) (1) of section 2929.02 of the Revised 9141  
Code requires a court to sentence the offender pursuant to 9142  
section 2971.03 of the Revised Code. 9143

(B) This chapter does not limit or affect a court in 9144  
imposing upon an offender described in divisions (A) (1) to (9) 9145  
of this section any financial sanction under section 2929.18 or 9146  
any other section of the Revised Code, or, except as 9147  
specifically provided in this chapter, any other sanction that 9148  
is authorized or required for the offense or violation by any 9149  
other provision of law. 9150

(C) If an offender is sentenced to a prison term under 9151  
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 9152

or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code and if, pursuant to section 2971.05 of the Revised Code, the court modifies the requirement that the offender serve the entire prison term in a state correctional institution or places the offender on conditional release that involves the placement of the offender under the supervision of the adult parole authority, authorized field officers of the authority who are engaged within the scope of their supervisory duties or responsibilities may search, with or without a warrant, the person of the offender, the place of residence of the offender, and a motor vehicle, another item of tangible or intangible personal property, or any other real property in which the offender has the express or implied permission of a person with a right, title, or interest to use, occupy, or possess if the field officer has reasonable grounds to believe that the offender is not abiding by the law or otherwise is not complying with the terms and conditions of the offender's modification or release. The authority shall provide each offender with a written notice that informs the offender that authorized field officers of the authority who are engaged within the scope of their supervisory duties or responsibilities may conduct those types of searches during the period of the modification or release if they have reasonable grounds to believe that the offender is not abiding by the law or otherwise is not complying with the terms and conditions of the offender's modification or release.

**Sec. 5120.113.** (A) For each inmate committed to the department of rehabilitation and correction, except as provided in division (B) of this section, the department shall prepare a written reentry plan for the inmate to help guide the inmate's rehabilitation program during imprisonment, to assist in the

inmate's reentry into the community, and to assess the inmate's 9184  
needs upon release. 9185

(B) Division (A) of this section does not apply to an 9186  
inmate who has been sentenced to life imprisonment without 9187  
parole or ~~who has been sentenced to death~~ before the effective 9188  
date of this amendment. Division (A) of this section does not 9189  
apply to any inmate who is expected to be imprisoned for thirty 9190  
days or less, but the department may prepare a written reentry 9191  
plan of the type described in that division if the department 9192  
determines that the plan is needed. 9193

(C) The department may collect, if available, any social 9194  
and other information that will aid in the preparation of 9195  
reentry plans under this section. 9196

(D) In the event the department does not prepare a written 9197  
reentry plan as specified in division (A) of this section, or 9198  
makes a decision to not prepare a written reentry plan under 9199  
division (B) of this section or to not collect information under 9200  
division (C) of this section, that fact does not give rise to a 9201  
claim for damages against the state, the department, the 9202  
director of the department, or any employee of the department. 9203

**Sec. 5120.53.** (A) If a treaty between the United States 9204  
and a foreign country provides for the transfer or exchange, 9205  
from one of the signatory countries to the other signatory 9206  
country, of convicted offenders who are citizens or nationals of 9207  
the other signatory country, the governor, subject to and in 9208  
accordance with the terms of the treaty, may authorize the 9209  
director of rehabilitation and correction to allow the transfer 9210  
or exchange of convicted offenders and to take any action 9211  
necessary to initiate participation in the treaty. If the 9212  
governor grants the director the authority described in this 9213

division, the director may take the necessary action to initiate 9214  
participation in the treaty and, subject to and in accordance 9215  
with division (B) of this section and the terms of the treaty, 9216  
may allow the transfer or exchange to a foreign country that has 9217  
signed the treaty of any convicted offender who is a citizen or 9218  
national of that signatory country. 9219

(B) (1) No convicted offender who is serving a term of 9220  
imprisonment in this state for aggravated murder, murder, or a 9221  
felony of the first or second degree, who is serving a mandatory 9222  
prison term imposed under section 2925.03 or 2925.11 of the 9223  
Revised Code in circumstances in which the court was required to 9224  
impose as the mandatory prison term the maximum definite prison 9225  
term or longest minimum prison term authorized for the degree of 9226  
offense committed, or who is serving a term of imprisonment in 9227  
this state imposed for an offense committed prior to July 1, 9228  
1996, that was an aggravated felony of the first or second 9229  
degree or that was aggravated trafficking in violation of 9230  
division (A) (9) or (10) of section 2925.03 of the Revised Code, ~~or~~ 9231  
~~or who has been sentenced to death in this state~~ shall be 9232  
transferred or exchanged to another country pursuant to a treaty 9233  
of the type described in division (A) of this section. 9234

(2) If a convicted offender is serving a term of 9235  
imprisonment in this state and the offender is a citizen or 9236  
national of a foreign country that has signed a treaty of the 9237  
type described in division (A) of this section, if the governor 9238  
has granted the director of rehabilitation and correction the 9239  
authority described in that division, and if the transfer or 9240  
exchange of the offender is not barred by division (B) (1) of 9241  
this section, the director or the director's designee may 9242  
approve the offender for transfer or exchange pursuant to the 9243  
treaty if the director or the designee, after consideration of 9244

the factors set forth in the rules adopted by the department 9245  
under division (D) of this section and all other relevant 9246  
factors, determines that the transfer or exchange of the 9247  
offender is appropriate. 9248

(C) Notwithstanding any provision of the Revised Code 9249  
regarding the parole eligibility of, or the duration or 9250  
calculation of a sentence of imprisonment imposed upon, an 9251  
offender, if a convicted offender is serving a term of 9252  
imprisonment in this state and the offender is a citizen or 9253  
national of a foreign country that has signed a treaty of the 9254  
type described in division (A) of this section, if the offender 9255  
is serving an indefinite term of imprisonment, if the offender 9256  
is barred from being transferred or exchanged pursuant to the 9257  
treaty due to the indefinite nature of the offender's term of 9258  
imprisonment, and if in accordance with division (B) (2) of this 9259  
section the director of rehabilitation and correction or the 9260  
director's designee approves the offender for transfer or 9261  
exchange pursuant to the treaty, the parole board, pursuant to 9262  
rules adopted by the director, shall set a date certain for the 9263  
release of the offender. To the extent possible, the date 9264  
certain that is set shall be reasonably proportionate to the 9265  
indefinite term of imprisonment that the offender is serving. 9266  
The date certain that is set for the release of the offender 9267  
shall be considered only for purposes of facilitating the 9268  
international transfer or exchange of the offender, shall not be 9269  
viable or actionable for any other purpose, and shall not create 9270  
any expectation or guarantee of release. If an offender for whom 9271  
a date certain for release is set under this division is not 9272  
transferred to or exchanged with the foreign country pursuant to 9273  
the treaty, the date certain is null and void, and the 9274  
offender's release shall be determined pursuant to the laws and 9275



rules of this state pertaining to parole eligibility and the 9276  
duration and calculation of an indefinite sentence of 9277  
imprisonment. 9278

(D) If the governor, pursuant to division (A) of this 9279  
section, authorizes the director of rehabilitation and 9280  
correction to allow any transfer or exchange of convicted 9281  
offenders as described in that division, the director shall 9282  
adopt rules under Chapter 119. of the Revised Code to implement 9283  
the provisions of this section. The rules shall include a rule 9284  
that requires the director or the director's designee, in 9285  
determining whether to approve a convicted offender who is 9286  
serving a term of imprisonment in this state for transfer or 9287  
exchange pursuant to a treaty of the type described in division 9288  
(A) of this section, to consider all of the following factors: 9289

(1) The nature of the offense for which the offender is 9290  
serving the term of imprisonment in this state; 9291

(2) The likelihood that, if the offender is transferred or 9292  
exchanged to a foreign country pursuant to the treaty, the 9293  
offender will serve a shorter period of time in imprisonment in 9294  
the foreign country than the offender would serve if the 9295  
offender is not transferred or exchanged to the foreign country 9296  
pursuant to the treaty; 9297

(3) The likelihood that, if the offender is transferred or 9298  
exchanged to a foreign country pursuant to the treaty, the 9299  
offender will return or attempt to return to this state after 9300  
the offender has been released from imprisonment in the foreign 9301  
country; 9302

(4) The degree of any shock to the conscience of justice 9303  
and society that will be experienced in this state if the 9304

offender is transferred or exchanged to a foreign country 9305  
pursuant to the treaty; 9306

(5) All other factors that the department determines are 9307  
relevant to the determination. 9308

**Sec. 5120.61.** (A) (1) Not later than ninety days after 9309  
January 1, 1997, the department of rehabilitation and correction 9310  
shall adopt standards that it will use under this section to 9311  
assess the following criminal offenders and may periodically 9312  
revise the standards: 9313

(a) A criminal offender who is convicted of or pleads 9314  
guilty to a violent sex offense or designated homicide, assault, 9315  
or kidnapping offense and is adjudicated a sexually violent 9316  
predator in relation to that offense; 9317

(b) A criminal offender who is convicted of or pleads 9318  
guilty to a violation of division (A) (1) (b) of section 2907.02 9319  
of the Revised Code committed on or after January 2, 2007, and 9320  
either who is sentenced under section 2971.03 of the Revised 9321  
Code or upon whom a sentence of life without parole is imposed 9322  
under division (B) of section 2907.02 of the Revised Code; 9323

(c) A criminal offender who is convicted of or pleads 9324  
guilty to attempted rape committed on or after January 2, 2007, 9325  
and a specification of the type described in section 2941.1418, 9326  
2941.1419, or 2941.1420 of the Revised Code; 9327

(d) A criminal offender who is convicted of or pleads 9328  
guilty to a violation of section 2905.01 of the Revised Code and 9329  
also is convicted of or pleads guilty to a sexual motivation 9330  
specification that was included in the indictment, count in the 9331  
indictment, or information charging that offense, and who is 9332  
sentenced pursuant to section 2971.03 of the Revised Code; 9333

(e) A criminal offender who is convicted of or pleads 9334  
guilty to aggravated murder and also is convicted of or pleads 9335  
guilty to a sexual motivation specification that was included in 9336  
the indictment, count in the indictment, or information charging 9337  
that offense, and who pursuant to division ~~(A) (2) (b) (ii) of~~ 9338  
~~section 2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a)~~ 9339  
~~(ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (a) (iv) of section~~ 9340  
~~2929.03, or division (A) or (B) (C) of section 2929.06-2929.02~~ 9341  
of the Revised Code is sentenced pursuant to division (B) (3) of 9342  
section 2971.03 of the Revised Code; 9343

(f) A criminal offender who is convicted of or pleads 9344  
guilty to murder and also is convicted of or pleads guilty to a 9345  
sexual motivation specification that was included in the 9346  
indictment, count in the indictment, or information charging 9347  
that offense, and who pursuant to division ~~(B) (2) (C) (1)~~ of 9348  
section 2929.02 of the Revised Code is sentenced pursuant to 9349  
section 2971.03 of the Revised Code. 9350

(2) When the department is requested by the parole board 9351  
or the court to provide a risk assessment report of the offender 9352  
under section 2971.04 or 2971.05 of the Revised Code, it shall 9353  
assess the offender and complete the assessment as soon as 9354  
possible after the offender has commenced serving the prison 9355  
term or term of life imprisonment without parole imposed under 9356  
division (A), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or 9357  
(B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 9358  
Code. Thereafter, the department shall update a risk assessment 9359  
report pertaining to an offender as follows: 9360

(a) Periodically, in the discretion of the department, 9361  
provided that each report shall be updated no later than two 9362  
years after its initial preparation or most recent update; 9363

(b) Upon the request of the parole board for use in 9364  
determining pursuant to section 2971.04 of the Revised Code 9365  
whether it should terminate its control over an offender's 9366  
service of a prison term imposed upon the offender under 9367  
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 9368  
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 9369  
Code; 9370

(c) Upon the request of the court. 9371

(3) After the department of rehabilitation and correction 9372  
assesses an offender pursuant to division (A) (2) of this 9373  
section, it shall prepare a report that contains its risk 9374  
assessment for the offender or, if a risk assessment report 9375  
previously has been prepared, it shall update the risk 9376  
assessment report. 9377

(4) The department of rehabilitation and correction shall 9378  
provide each risk assessment report that it prepares or updates 9379  
pursuant to this section regarding an offender to all of the 9380  
following: 9381

(a) The parole board for its use in determining pursuant 9382  
to section 2971.04 of the Revised Code whether it should 9383  
terminate its control over an offender's service of a prison 9384  
term imposed upon the offender under division (A) (3), (B) (1) (a), 9385  
(b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or 9386  
(d) of section 2971.03 of the Revised Code, if the parole board 9387  
has not terminated its control over the offender; 9388

(b) The court for use in determining, pursuant to section 9389  
2971.05 of the Revised Code, whether to modify the requirement 9390  
that the offender serve the entire prison term imposed upon the 9391  
offender under division (A) (3), (B) (1) (a), (b), or (c), (B) (2) 9392

(a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of section 9393  
2971.03 of the Revised Code in a state correctional institution, 9394  
whether to revise any modification previously made, or whether 9395  
to terminate the prison term; 9396

(c) The prosecuting attorney who prosecuted the case, or 9397  
the successor in office to that prosecuting attorney; 9398

(d) The offender. 9399

(B) When the department of rehabilitation and correction 9400  
provides a risk assessment report regarding an offender to the 9401  
parole board or court pursuant to division (A) (4) (a) or (b) of 9402  
this section, the department, prior to the parole board's or 9403  
court's hearing, also shall provide to the offender or to the 9404  
offender's attorney of record a copy of the report and a copy of 9405  
any other relevant documents the department possesses regarding 9406  
the offender that the department does not consider to be 9407  
confidential. 9408

(C) As used in this section: 9409

(1) "Adjudicated a sexually violent predator" has the same 9410  
meaning as in section 2929.01 of the Revised Code, and a person 9411  
is "adjudicated a sexually violent predator" in the same manner 9412  
and the same circumstances as are described in that section. 9413

(2) "Designated homicide, assault, or kidnapping offense" 9414  
and "violent sex offense" have the same meanings as in section 9415  
2971.01 of the Revised Code. 9416

**Sec. 5139.04.** The department of youth services shall do 9417  
all of the following: 9418

(A) Support service districts through a central 9419  
administrative office that shall have as its administrative head 9420

a deputy director who shall be appointed by the director of the department. When a vacancy occurs in the office of that deputy director, an assistant deputy director shall act as that deputy director until the vacancy is filled. The position of deputy director and assistant deputy director described in this division shall be in the unclassified civil service of the state.

(B) Receive custody of all children committed to it under Chapter 2152. of the Revised Code, cause a study to be made of those children, and issue any orders, as it considers best suited to the needs of any of those children and the interest of the public, for the treatment of each of those children;

(C) Obtain personnel necessary for the performance of its duties;

(D) Adopt rules that regulate its organization and operation, that implement sections 5139.34 and 5139.41 to 5139.43 of the Revised Code, and that pertain to the administration of other sections of this chapter;

(E) Submit reports of its operations to the governor and the general assembly by the thirty-first day of January of each odd-numbered year;

(F) Conduct a program of research in diagnosis, training, and treatment of delinquent children to evaluate the effectiveness of the department's services and to develop more adequate methods;

(G) Develop a standard form for the disposition investigation report that a juvenile court is required pursuant to section 2152.18 of the Revised Code to complete and provide to the department when the court commits a child to the legal

custody of the department; 9450

(H) Provide the state public defender the reasonable 9451  
access authorized under division ~~(I)~~(H) of section 120.06 of 9452  
the Revised Code in order to fulfill the department's 9453  
constitutional obligation to provide juveniles who have been 9454  
committed to the department's care access to the courts. 9455

(I) Do all other acts necessary or desirable to carry out 9456  
this chapter. 9457

**Sec. 5919.16.** (A) Commissioned and warrant officers in the 9458  
Ohio national guard shall be discharged by the adjutant general 9459  
upon either of the following: 9460

(1) The officer's resignation; 9461

(2) Approval of a board's recommendation for withdrawal of 9462  
federal recognition by the chief of the national guard bureau. 9463

(B) An officer also may be discharged under any of the 9464  
following circumstances: 9465

(1) Pursuant to other federal regulations; 9466

(2) If absent without leave for three months, upon 9467  
recommendation of an efficiency board; 9468

(3) Pursuant to sentence by court-martial; 9469

(4) If the officer has been convicted of a crime 9470  
classified as a felony as described in division (C) or (D) ~~or~~  
~~(E)~~ of section 2901.02 of the Revised Code. 9471  
9472

**Section 2.** That existing sections 9.07, 120.03, 120.041, 9473  
120.06, 120.14, 120.16, 120.18, 120.24, 120.26, 120.28, 120.33, 9474  
120.34, 149.43, 149.436, 1901.183, 2152.13, 2152.67, 2301.20, 9475  
2307.60, 2317.02, 2701.07, 2743.51, 2901.02, 2909.24, 2929.02, 9476

2929.13, 2929.14, 2929.61, 2930.19, 2937.222, 2941.021, 2941.14, 9477  
2941.148, 2941.401, 2941.43, 2941.51, 2945.06, 2945.10, 2945.13, 9478  
2945.21, 2945.25, 2945.33, 2945.38, 2949.02, 2949.03, 2953.02, 9479  
2953.07, 2953.08, 2953.09, 2953.10, 2953.21, 2953.23, 2953.71, 9480  
2953.72, 2953.73, 2953.81, 2967.05, 2967.12, 2967.13, 2967.193, 9481  
2967.194, 2971.03, 2971.07, 5120.113, 5120.53, 5120.61, 5139.04, 9482  
and 5919.16 of the Revised Code are hereby repealed. 9483

**Section 3.** That sections 109.97, 120.35, 2725.19, 9484  
2929.021, 2929.022, 2929.023, 2929.024, 2929.025, 2929.03, 9485  
2929.04, 2929.05, 2929.06, 2945.20, 2947.08, 2949.21, 2949.22, 9486  
2949.221, 2949.222, 2949.24, 2949.25, 2949.26, 2949.27, 2949.28, 9487  
2949.29, 2949.31, and 2967.08 of the Revised Code are hereby 9488  
repealed. 9489

**Section 4.** (A) An offender whose sentence of death has 9490  
been set aside, nullified, or vacated pursuant to section 9491  
2929.06 of the Revised Code as it existed immediately before the 9492  
effective date of this section but who has not been resentenced 9493  
under that section as of the effective date of this section 9494  
shall be resentenced in accordance with that section as it 9495  
existed immediately before the effective date of this section. 9496

(B) Nothing in this act is intended to nullify or mitigate 9497  
the sentence of an offender who was sentenced to death before 9498  
the effective date of this section. An offender who was 9499  
sentenced to death before the effective date of this section has 9500  
the same rights to appeal and to postconviction remedies as the 9501  
offender had under the provisions of Chapter 2953. of the 9502  
Revised Code as those provisions existed immediately before the 9503  
effective date of this section or as those provisions may 9504  
hereafter be amended, and courts have the same powers and duties 9505  
with respect to those offenders under those provisions as courts 9506



had before the effective date of this section. 9507

(C) All reports and payments relating to capital cases 9508  
that were required to be made under any provision of Chapter 9509  
120. or section 109.97 of the Revised Code as those provisions 9510  
existed immediately before the effective date of this section 9511  
shall be made each calendar or fiscal year, as applicable, in 9512  
accordance with those provisions as they existed immediately 9513  
before the effective date of this section, and the Capital Case 9514  
Attorney Fee Council created under section 120.33 of the Revised 9515  
Code shall continue under the provisions of that section as it 9516  
existed immediately before the effective date of this section, 9517  
until each case in which a defendant was sentenced to death 9518  
before the effective date of this section is finally resolved. 9519

(D) In an action in which an offender was sentenced to 9520  
death before the effective date of this section, a court of 9521  
common pleas shall preserve the records of the action as 9522  
required by section 2301.20 of the Revised Code as it existed 9523  
immediately before the effective date of this section. 9524

**Section 5.** Attorneys appointed to represent indigent 9525  
defendants in postconviction relief proceedings in cases in 9526  
which the defendant was sentenced to death before the effective 9527  
date of this section shall be certified under the Rules for 9528  
Appointment of Counsel in Capital Cases in the same manner as 9529  
those certifications were required under Rule 20 of the Rules of 9530  
Superintendence for the Courts of Ohio by sections 120.06, 9531  
120.14, 120.26, and 120.33 of the Revised Code as those sections 9532  
existed immediately before the effective date of this section. 9533

**Section 6.** The General Assembly, applying the principle 9534  
stated in division (B) of section 1.52 of the Revised Code that 9535  
amendments are to be harmonized if reasonably capable of 9536

simultaneous operation, finds that the following sections, 9537  
presented in this act as composites of the sections as amended 9538  
by the acts indicated, are the resulting versions of the 9539  
sections in effect prior to the effective date of the sections 9540  
as presented in this act: 9541

Section 149.43 of the Revised Code as amended by H.B. 45, 9542  
H.B. 99, H.B. 254, H.B. 343, H.B. 558, and S.B. 288, all of the 9543  
134th General Assembly. 9544

Section 2929.02 of the Revised Code as amended by both 9545  
H.B. 136 and S.B. 256 of the 133rd General Assembly. 9546

Section 2945.38 of the Revised Code as amended by both 9547  
H.B. 281 and S.B. 2 of the 134th General Assembly. 9548

Section 2953.07 of the Revised Code as amended by both 9549  
S.B. 2 and S.B. 4 of the 121st General Assembly. 9550

Section 2971.03 of the Revised Code as amended by both 9551  
H.B. 136 and S.B. 256 of the 133rd General Assembly. 9552

**Section 7.** All items in this act are hereby appropriated 9553  
as designated out of any moneys in the state treasury to the 9554  
credit of the designated fund. For all operating appropriations 9555  
made in this act, those in the first column are for fiscal year 9556  
2024 and those in the second column are for fiscal year 2025. 9557  
The operating appropriations made in this act are in addition to 9558  
any other operating appropriations made for these fiscal years. 9559

**Section 8.** 9560

9561

A	AGO ATTORNEY GENERAL				
B	General Revenue Fund				
C	GRF	055441	Victims of Crime	\$10,000,000	\$0
D	TOTAL GRF General Revenue Fund			\$10,000,000	\$0
E	TOTAL ALL BUDGET FUND GROUPS			\$10,000,000	\$0

**Section 9.** Within the limits set forth in this act, the 9562  
Director of Budget and Management shall establish accounts 9563  
indicating the source and amount of funds for each appropriation 9564  
made in this act, and shall determine the manner in which 9565  
appropriation accounts shall be maintained. Expenditures from 9566  
operating appropriations contained in this act shall be 9567  
accounted for as though made in, and are subject to all 9568  
applicable provisions of, the main operating appropriations act 9569  
of the 135th General Assembly. 9570