

\_\_\_\_\_ moved to amend as follows:

Engross the bill as directed by the commands in the amendments attached hereto, ignoring matter extraneous to those commands

INDEX

The following amendments are attached hereto:

Amendment No.	Subject
AM_135_2528	Public depositories
AM_135_2529	Cemetery repair or replace mausoleum or columbarium
AM_135_2530	Ashtabula courts
AM_135_2532	Political subdivision soldiers' memorial
AM_135_2533	Ohio Criminal Sentencing Commission - juvenile committee
AM_135_2534	Resolve custody disputes between unmarried parents through conciliation
AM_135_2565-1	Final, appealable orders

**AM\_135\_2535-1**

Amendment No.	Subject
G_135_0565	Judicial release and transitional control

\_\_\_\_\_ moved to amend as follows:

In line 3 of the title, delete the second "and" and insert ";"; 1  
after "enact" insert "new section 135.032 and" 2

In line 4 of the title, after "1702.531" insert "; and to repeal 3  
sections 135.032 and 135.321" 4

In line 9, after "amended" insert "and new section 135.032" 5

After line 10, insert: 6

"Sec. 135.032. (A) For the purposes of this section: 7

(1) "Institution" means an institution eligible to become 8  
a public depository under section 135.03 or 135.32 of the 9  
Revised Code or an eligible credit union, as defined in section 10  
135.62 of the Revised Code. 11

(2) "Prompt corrective action directive" means a directive 12  
issued by a regulatory authority of the United States as 13  
authorized under 12 U.S.C. 1790d or 1831o. 14

(B) An institution designated as a public depository under 15  
this chapter shall notify each governing board that made such 16



designation if the institution becomes party to an active prompt  
corrective action directive.

(C) Except as otherwise provided in division (D) of this  
section, an institution is ineligible to become a public  
depository under this chapter or to have active, interim, or  
inactive deposits awarded, placed, purchased, made, or  
designated pursuant to this chapter, if the institution is party  
to an active prompt corrective action directive.

(D) If a governing board receives notice under division  
(B) of this section, or otherwise becomes aware that an  
institution the board designated as a public depository is party  
to an active prompt corrective action directive, the board may  
do either or both of the following, if the board determines that  
it is in the public interest:

(1) Allow the public depository to continue to have  
active, interim, or inactive deposits awarded, placed,  
purchased, made, or designated for the remainder of the  
designation period;

(2) Designate the institution as a public depository for  
additional succeeding designation periods.

(E) If a governing board determines that one or both of  
the actions permitted by division (D) of this section are in the  
public interest, and public moneys are lost due to the failure  
of the public depository subject to the active prompt correction  
directive, all of the following are relieved from any liability  
for that loss:

(1) The governing board's treasurer and deputy treasurer;

(2) An executive director, director, or other person

employed by the governing board, its treasurer, or its deputy 45  
treasurer; 46

(3) Bondspersons and surety of any person described in 47  
divisions (E) (1) and (2) of this section." 48

After line 775, insert: 49

"**Section 3.** That sections 135.032 and 135.321 of the 50  
Revised Code are hereby repealed." 51

The motion was \_\_\_\_\_ agreed to.

#### SYNOPSIS 52

#### **Public depositories** 53

**R.C. 135.032 (repealed and re-enacted); R.C. 135.321** 54  
**(repealed)** 55

Eliminates the prohibition against a financial institution 56  
that is a party to an active final or temporary cease-and-desist 57  
order issued "to ensure the safety and soundness of the 58  
institution," or the directors, officers, employees, or 59  
controlling shareholders or persons of which are subject to such 60  
an order, from serving as a public depository. 61

Instead requires any "institution," including certain 62  
eligible credit unions, that is designated by a governing board 63  
as a public depository to notify each such governing board if 64  
the institution becomes party to an active prompt corrective 65  
action directive ("directive") issued by a regulatory authority 66  
of the United States. 67

Specifies that institutions are generally ineligible to 68  
serve as public depositories while party to such a directive, 69  
but allows governing boards to continue to use the institution 70  
as a public depository, or to designate the institution as a 71  
public depository for subsequent designation periods, if the 72  
governing board determines that doing so is in the public 73  
interest. 74

Relieves certain public officials from liability for loss 75  
of public moneys deposited in a failed public depository. 76

Sub. H. B. No. 301

As Passed by the House

\_\_\_\_\_ moved to amend as follows:

In line 1 of the title, after "sections" insert "517.23," 1

In line 5 of the title, delete "and" and insert "," 2

In line 6 of the title, after "corporations" insert ", and the law  
governing the repair or replacement of a mausoleum or columbarium" 3 4

In line 7, after "sections" insert "517.23," 5

After line 10, insert: 6

**"Sec. 517.23.** (A) Subject to divisions (B), (D), ~~and~~ (E), and (F) 7  
of this section, the board of township trustees, the 8  
trustees or directors of a cemetery association, or the other 9  
officers having control and management of a cemetery or the 10  
officer of a municipal corporation who has control and 11  
management of a municipal cemetery shall disinter or grant 12  
permission to disinter any remains ~~buried~~ interred in the 13  
cemetery in either of the following circumstances: 14

(1) Within thirty days after an application for 15  
disinterment is filed with the cemetery in accordance with 16



division (A) of section 517.24 of the Revised Code and payment 17  
of the reasonable costs and expense of disinterment is made by 18  
the following applicants: 19

(a) A designated representative, or successor, to whom the 20  
decedent had assigned the right of disposition in a written 21  
declaration pursuant to section 2108.70 of the Revised Code and 22  
who had exercised such right at the time of the declarant's 23  
death; 24

(b) If no designated representative exercised the right of 25  
disposition pursuant to section 2108.70 of the Revised Code, the 26  
surviving spouse of the decedent who is eighteen years of age or 27  
older. 28

(2) On order of a probate court issued under division (B) 29  
of section 517.24 of the Revised Code and payment by the person 30  
who applied for the order under that division of the reasonable 31  
costs and expense of disinterment. 32

(B) No disinterment shall be made pursuant to this section 33  
and section 517.24 of the Revised Code if the decedent died of a 34  
contagious or infectious disease until a permit has been issued 35  
by the board of health of a general health district or of a city 36  
health district. This division does not apply to cremated 37  
remains. 38

(C) Upon disinterment of remains under division (A) (1) or 39  
(2) of this section, the involved board, trustees, directors, 40  
other officers, or officer of the municipal corporation shall 41  
deliver or cause to be delivered the disinterred remains to the 42  
applicant under division (A) (1) of this section or, if the 43  
disinterment was pursuant to court order issued under division 44  
(B) of section 517.24 of the Revised Code, to the person who 45

applied for the order under that division.

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(D) The board of township trustees, the trustees or  
directors of a cemetery association, or the other officers  
having control and management of a cemetery or the officer of a  
municipal corporation who has control and management of a  
municipal cemetery may disinter or grant permission to disinter  
and, if appropriate, may reinter or grant permission to reinter  
any remains ~~buried~~ interred in the cemetery to correct an  
interment error in the cemetery if the board, trustees,  
directors, other officers, or officer of the municipal  
corporation comply with the internal rules of the cemetery  
pertaining to disinterments and if the board, trustees,  
directors, other officers, or officer of the municipal  
corporation provide notice of the disinterment to the person who  
has been assigned or reassigned the rights of disposition for  
the deceased person under the provisions of section 2108.70 or  
2108.81 of the Revised Code. The board, trustees, directors,  
other officers, or officer of the municipal corporation may  
correct an interment error under this division without a court  
order or an application by a person.

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(E) (1) A person who is an interested party and who is  
eighteen years of age or older and of sound mind may apply to  
the probate court of the county in which the decedent is ~~buried~~  
interred for an order to prevent the applicant under division  
(A) (1) of this section from having the remains of the decedent  
disinterred. An application to prevent the disinterment of the  
remains of the decedent shall be in writing, subscribed and  
verified by oath, and include all of the following:

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(a) If applicable, a statement that the applicant assumed  
financial responsibility for the funeral and ~~burial~~ interment

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expenses of the decedent;	76
(b) If division (E)(1)(a) of this section is inapplicable	77
relative to the applicant, a statement that the applicant did	78
not assume financial responsibility for the funeral and <del>burial</del>	79
<u>interment</u> expenses of the decedent;	80
(c) A statement that the applicant is eighteen years of	81
age or older and of sound mind;	82
(d) The relationship of the applicant to the decedent;	83
(e) A statement of the applicant's reasons to oppose the	84
disinterment of the remains of the decedent.	85
(2) An applicant for an order to prevent the disinterment	86
of the remains of the decedent under division (E) of this	87
section promptly shall give notice of the filing of the	88
application by certified mail, return receipt requested, to the	89
applicant under division (A)(1) of this section. The notice	90
shall indicate that the applicant has filed an application for	91
an order to prevent the disinterment of the remains of the	92
decedent.	93
<del>(F)</del> <u>(F)(1) If the repair or replacement of a mausoleum or</u>	94
<u>columbarium necessitates the disinterment of one or more sets of</u>	95
<u>remains, the board, trustees, directors, other officers, or</u>	96
<u>officer of the municipal corporation, shall file a single</u>	97
<u>application with the probate court in the county where the</u>	98
<u>mausoleum or columbarium is situated for a disinterment order</u>	99
<u>that authorizes the disinterment and reinterment of those</u>	100
<u>affected remains in the mausoleum or columbarium. Upon the</u>	101
<u>filing of the application, the probate court shall schedule a</u>	102
<u>hearing.</u>	103

(2) The board, trustees, directors, other officers, or 104  
officer of the municipal corporation promptly shall provide 105  
notice to the surviving spouses of the affected decedents and to 106  
the persons who have been assigned or reassigned the rights of 107  
disposition for the affected remains under the provisions of 108  
sections 2108.70 to 2108.90 of the Revised Code. The notice 109  
shall state that an application for disinterment has been filed 110  
and shall provide the time, date, and location of the hearing. 111  
The notice shall be sent by certified mail, return receipt 112  
requested, or, if the names or addresses of such persons are 113  
unknown and cannot with reasonable diligence be ascertained, the 114  
notice shall be made by publication in a newspaper of general 115  
circulation in the county where the probate court is located and 116  
as otherwise required by the probate court. 117

(3) Upon conducting the hearing, the court shall issue an 118  
order of disinterment if all of the following are satisfied: 119

(a) The affected remains shall be held in a permanent or 120  
temporary structure on cemetery property that allows for access 121  
for visitation during the times that the cemetery's other 122  
grounds and facilities are open for visitation, shall be 123  
properly identified and held in a secure manner without any 124  
commingling of cremated remains, and shall not be held for a 125  
period exceeding eighteen months unless an extension of time is 126  
granted by the probate court for good cause; 127

(b) If a mausoleum or columbarium is being replaced, the 128  
replacement mausoleum or columbarium shall be built on property 129  
that is owned by the cemetery and that is either the same 130  
property upon which the original mausoleum or columbarium was 131  
located or property that is contiguous thereto; 132

(c) The cemetery provided notice as required under 133

<u>division (F) (2) of this section;</u>	134
<u>(d) Upon considering all of the following, the court finds</u>	135
<u>there are one or more compelling reasons to issue the requested</u>	136
<u>order of disinterment:</u>	137
<u>(i) The cost, feasibility, and timetable for the repairs</u>	138
<u>or replacement;</u>	139
<u>(ii) The current condition of the structure to be repaired</u>	140
<u>or replaced;</u>	141
<u>(iii) The location, design, features, and overall quality</u>	142
<u>of the proposed replacement structure;</u>	143
<u>(iv) The input of the persons receiving notice under</u>	144
<u>division (F) (2) of this section.</u>	145
<u>(4) A cemetery is not liable in damages in a civil action</u>	146
<u>if the cemetery changes the specific location of entombment</u>	147
<u>rights or columbarium rights due to the repair or replacement of</u>	148
<u>a mausoleum or columbarium made in accordance with an order</u>	149
<u>issued by the probate court under division (F) (3) of this</u>	150
<u>section.</u>	151
<u>(G) As used in this section and in section 517.24 of the</u>	152
Revised Code:	153
(1) "Cemetery" and "interment" have the same meanings as	154
in section 1721.21 of the Revised Code.	155
(2) "Disinterment" means the recovery of human remains by	156
exhumation, disentombment, or disinurnment. "Disinterment" does	157
not include the raising and lowering of remains to accommodate	158
two interments within a single grave and does not include the	159
repositioning of an outside burial container that encroaches an	160
adjoining burial space."	161

In line 773, after "sections" insert "517.23,"

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The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

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**Cemetery repair or replace mausoleum or columbarium**

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**R.C. 517.23**

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Establishes a process cemeteries must follow to disinter  
and reinter remains when repairing or replacing a mausoleum or  
columbarium.

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Allows the disinterment of the cremated remains of a  
decedent who died of a contagious or infectious disease, without  
a permit issued by the local board of health.

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Replaces references to "buried" or "burial" with the more  
inclusive term "interred" or "interment."

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Sub. H. B. No. 301

As Passed by the House

\_\_\_\_\_ moved to amend as follows:

In line 3 of the title, delete the first "and"; after "1745.05" 1  
insert ", 1901.02, and 1907.11" 2

In line 6 of the title, after "corporations" insert ", to replace 3  
two part-time judgeships in the Ashtabula County County Court with one 4  
full-time judge, and to include the village of North Kingsville and 5  
Kingsville, Monroe, and Sheffield Townships within the territorial 6  
jurisdiction of the Conneaut Municipal Court" 7

In line 8, delete "and"; after "1745.05" insert ", 1901.02, and 8  
1907.11" 9

After line 772, insert: 10

"**Sec. 1901.02.** (A) The municipal courts established by 11  
section 1901.01 of the Revised Code have jurisdiction within the 12  
corporate limits of their respective municipal corporations, or, 13  
for the Clermont county municipal court, and, effective January 14  
1, 2008, the Erie county municipal court, within the municipal 15  
corporation or unincorporated territory in which they are 16  
established, and are courts of record. Each of the courts shall 17



be styled "_____ municipal court,"	18
inserting the name of the municipal corporation, except the	19
following courts, which shall be styled as set forth below:	20
(1) The municipal court established in Chesapeake that	21
shall be styled and known as the "Lawrence county municipal	22
court";	23
(2) The municipal court established in Cincinnati that	24
shall be styled and known as the "Hamilton county municipal	25
court";	26
(3) The municipal court established in Ravenna that shall	27
be styled and known as the "Portage county municipal court";	28
(4) The municipal court established in Athens that shall	29
be styled and known as the "Athens county municipal court";	30
(5) The municipal court established in Columbus that shall	31
be styled and known as the "Franklin county municipal court";	32
(6) The municipal court established in London that shall	33
be styled and known as the "Madison county municipal court";	34
(7) The municipal court established in Newark that shall	35
be styled and known as the "Licking county municipal court";	36
(8) The municipal court established in Wooster that shall	37
be styled and known as the "Wayne county municipal court";	38
(9) The municipal court established in Wapakoneta that	39
shall be styled and known as the "Auglaize county municipal	40
court";	41
(10) The municipal court established in Troy that shall be	42
styled and known as the "Miami county municipal court";	43
(11) The municipal court established in Bucyrus that shall	44

be styled and known as the "Crawford county municipal court";	45
(12) The municipal court established in Logan that shall	46
be styled and known as the "Hocking county municipal court";	47
(13) The municipal court established in Urbana that shall	48
be styled and known as the "Champaign county municipal court";	49
(14) The municipal court established in Jackson that shall	50
be styled and known as the "Jackson county municipal court";	51
(15) The municipal court established in Springfield that	52
shall be styled and known as the "Clark county municipal court";	53
(16) The municipal court established in Kenton that shall	54
be styled and known as the "Hardin county municipal court";	55
(17) The municipal court established within Clermont	56
county in Batavia or in any other municipal corporation or	57
unincorporated territory within Clermont county that is selected	58
by the legislative authority of that court that shall be styled	59
and known as the "Clermont county municipal court";	60
(18) The municipal court established in Wilmington that,	61
beginning July 1, 1992, shall be styled and known as the	62
"Clinton county municipal court";	63
(19) The municipal court established in Port Clinton that	64
shall be styled and known as the "Ottawa county municipal	65
court";	66
(20) The municipal court established in Lancaster that,	67
beginning January 2, 2000, shall be styled and known as the	68
"Fairfield county municipal court";	69
(21) The municipal court established within Columbiana	70
county in Lisbon or in any other municipal corporation or	71

unincorporated territory selected pursuant to division (I) of 72  
section 1901.021 of the Revised Code, that shall be styled and 73  
known as the "Columbiana county municipal court"; 74

(22) The municipal court established in Georgetown that, 75  
beginning February 9, 2003, shall be styled and known as the 76  
"Brown county municipal court"; 77

(23) The municipal court established in Mount Gilead that, 78  
beginning January 1, 2003, shall be styled and known as the 79  
"Morrow county municipal court"; 80

(24) The municipal court established in Greenville that, 81  
beginning January 1, 2005, shall be styled and known as the 82  
"Darke county municipal court"; 83

(25) The municipal court established in Millersburg that, 84  
beginning January 1, 2007, shall be styled and known as the 85  
"Holmes county municipal court"; 86

(26) The municipal court established in Carrollton that, 87  
beginning January 1, 2007, shall be styled and known as the 88  
"Carroll county municipal court"; 89

(27) The municipal court established within Erie county in 90  
Milan or established in any other municipal corporation or 91  
unincorporated territory that is within Erie county, is within 92  
the territorial jurisdiction of that court, and is selected by 93  
the legislative authority of that court that, beginning January 94  
1, 2008, shall be styled and known as the "Erie county municipal 95  
court"; 96

(28) The municipal court established in Ottawa that, 97  
beginning January 1, 2011, shall be styled and known as the 98  
"Putnam county municipal court"; 99

(29) The municipal court established within Montgomery county in any municipal corporation or unincorporated territory within Montgomery county, except the municipal corporations of Centerville, Clayton, Dayton, Englewood, Germantown, Kettering, Miamisburg, Moraine, Oakwood, Union, Vandalia, and West Carrollton and Butler, German, Harrison, Miami, and Washington townships, that is selected by the legislative authority of that court and that, beginning July 1, 2010, shall be styled and known as the "Montgomery county municipal court";

(30) The municipal court established in Tiffin that, beginning January 1, 2014, shall be styled and known as the "Tiffin-Fostoria municipal court";

(31) The municipal court established in New Lexington that, beginning January 1, 2018, shall be styled and known as the "Perry county municipal court";

(32) The municipal court established in Paulding that, beginning January 1, 2020, shall be styled and known as the "Paulding county municipal court";

(33) The municipal court established in Wauseon that, beginning January 1, 2024, shall be styled and known as the "Fulton county municipal court."

(B) In addition to the jurisdiction set forth in division (A) of this section, the municipal courts established by section 1901.01 of the Revised Code have jurisdiction as follows:

The Akron municipal court has jurisdiction within Bath, Richfield, and Springfield townships, and within the municipal corporations of Fairlawn, Lakemore, and Mogadore, in Summit county.

The Alliance municipal court has jurisdiction within	128
Lexington, Marlboro, Paris, and Washington townships in Stark	129
county.	130
The Ashland municipal court has jurisdiction within	131
Ashland county.	132
The Ashtabula municipal court has jurisdiction within	133
Ashtabula, Plymouth, and Saybrook townships in Ashtabula county.	134
The Athens county municipal court has jurisdiction within	135
Athens county.	136
The Auglaize county municipal court has jurisdiction	137
within Auglaize county.	138
The Avon Lake municipal court has jurisdiction within the	139
municipal corporations of Avon and Sheffield in Lorain county.	140
The Barberton municipal court has jurisdiction within	141
Coventry, Franklin, and Green townships, within all of Copley	142
township except within the municipal corporation of Fairlawn,	143
and within the municipal corporations of Clinton and Norton, in	144
Summit county.	145
The Bedford municipal court has jurisdiction within the	146
municipal corporations of Bedford Heights, Oakwood, Glenwillow,	147
Solon, Bentleyville, Chagrin Falls, Moreland Hills, Orange,	148
Warrensville Heights, North Randall, and Woodmere, and within	149
Warrensville and Chagrin Falls townships, in Cuyahoga county.	150
The Bellefontaine municipal court has jurisdiction within	151
Logan county.	152
The Bellevue municipal court has jurisdiction within Lyme	153
and Sherman townships in Huron county and within York township	154
in Sandusky county.	155

The Berea municipal court has jurisdiction within the	156
municipal corporations of Strongsville, Middleburgh Heights,	157
Brook Park, Westview, and Olmsted Falls, and within Olmsted	158
township, in Cuyahoga county.	159
The Bowling Green municipal court has jurisdiction within	160
the municipal corporations of Bairdstown, Bloomdale, Bradner,	161
Custar, Cygnet, Grand Rapids, Haskins, Hoytville, Jerry City,	162
Milton Center, North Baltimore, Pemberville, Portage, Rising	163
Sun, Tontogany, Wayne, West Millgrove, and Weston; within Bloom,	164
Center, Freedom, Grand Rapids, Henry, Jackson, Liberty,	165
Middleton, Milton, Montgomery, Plain, Portage, Washington,	166
Webster, and Weston townships in Wood county; and on and after	167
January 2, 2024, within Perry township in Wood county.	168
Beginning February 9, 2003, the Brown county municipal	169
court has jurisdiction within Brown county.	170
The Bryan municipal court has jurisdiction within Williams	171
county.	172
The Cambridge municipal court has jurisdiction within	173
Guernsey county.	174
The Campbell municipal court has jurisdiction within	175
Coitsville township in Mahoning county.	176
The Canton municipal court has jurisdiction within Canton,	177
Lake, Nimishillen, Osnaburg, Pike, Plain, and Sandy townships in	178
Stark county.	179
The Carroll county municipal court has jurisdiction within	180
Carroll county.	181
The Celina municipal court has jurisdiction within Mercer	182
county.	183

The Champaign county municipal court has jurisdiction within Champaign county.	184 185
The Chardon municipal court has jurisdiction within Geauga county.	186 187
The Chillicothe municipal court has jurisdiction within Ross county.	188 189
The Circleville municipal court has jurisdiction within Pickaway county.	190 191
The Clark county municipal court has jurisdiction within Clark county.	192 193
The Clermont county municipal court has jurisdiction within Clermont county.	194 195
The Cleveland municipal court has jurisdiction within the municipal corporation of Bratenahl in Cuyahoga county.	196 197
Beginning July 1, 1992, the Clinton county municipal court has jurisdiction within Clinton county.	198 199
The Columbiana county municipal court has jurisdiction within Columbiana county.	200 201
<u>Beginning January 1, 2025, the Conneaut municipal court has jurisdiction within the municipal corporation of North Kingsville, and within Kingsville, Monroe, and Sheffield townships, in Ashtabula county.</u>	202 203 204 205
The Coshocton municipal court has jurisdiction within Coshocton county.	206 207
The Crawford county municipal court has jurisdiction within Crawford county.	208 209

Until December 31, 2008, the Cuyahoga Falls municipal	210
court has jurisdiction within Boston, Hudson, Northfield Center,	211
Sagamore Hills, and Twinsburg townships, and within the	212
municipal corporations of Boston Heights, Hudson, Munroe Falls,	213
Northfield, Peninsula, Reminderville, Silver Lake, Stow,	214
Tallmadge, Twinsburg, and Macedonia, in Summit county.	215
Beginning January 1, 2005, the Darke county municipal	216
court has jurisdiction within Darke county except within the	217
municipal corporation of Bradford.	218
The Defiance municipal court has jurisdiction within	219
Defiance county.	220
The Delaware municipal court has jurisdiction within	221
Delaware county.	222
The Eaton municipal court has jurisdiction within Preble	223
county.	224
The Elyria municipal court has jurisdiction within the	225
municipal corporations of Grafton, LaGrange, and North	226
Ridgeville, and within Elyria, Carlisle, Eaton, Columbia,	227
Grafton, and LaGrange townships, in Lorain county.	228
Beginning January 1, 2008, the Erie county municipal court	229
has jurisdiction within Erie county except within the townships	230
of Florence, Huron, Perkins, and Vermilion and the municipal	231
corporations of Bay View, Castalia, Huron, Sandusky, and	232
Vermilion.	233
The Fairborn municipal court has jurisdiction within the	234
municipal corporation of Beaver creek and within Bath and	235
Beaver creek townships in Greene county.	236
Beginning January 2, 2000, the Fairfield county municipal	237

court has jurisdiction within Fairfield county.	238
The Findlay municipal court has jurisdiction, until	239
January 2, 2024, within all of Hancock county except within	240
Washington township, and on and after January 2, 2024, within	241
all of Hancock county.	242
The Franklin municipal court has jurisdiction within	243
Franklin township in Warren county.	244
The Franklin county municipal court has jurisdiction	245
within Franklin county.	246
The Fremont municipal court has jurisdiction within	247
Ballville and Sandusky townships in Sandusky county.	248
Beginning January 1, 2024, the Fulton county municipal	249
court has jurisdiction within Fulton county.	250
The Gallipolis municipal court has jurisdiction within	251
Gallia county.	252
The Garfield Heights municipal court has jurisdiction	253
within the municipal corporations of Maple Heights, Walton	254
Hills, Valley View, Cuyahoga Heights, Newburgh Heights,	255
Independence, and Brecksville in Cuyahoga county.	256
The Girard municipal court has jurisdiction within	257
Liberty, Vienna, and Hubbard townships in Trumbull county.	258
The Hamilton municipal court has jurisdiction within Ross	259
and St. Clair townships in Butler county.	260
The Hamilton county municipal court has jurisdiction	261
within Hamilton county.	262
The Hardin county municipal court has jurisdiction within	263
Hardin county.	264

The Hillsboro municipal court has jurisdiction within all	265
of Highland county except within Madison township.	266
The Hocking county municipal court has jurisdiction within	267
Hocking county.	268
The Holmes county municipal court has jurisdiction within	269
Holmes county.	270
The Huron municipal court has jurisdiction within all of	271
Huron township in Erie county except within the municipal	272
corporation of Sandusky.	273
The Ironton municipal court has jurisdiction within Aid,	274
Decatur, Elizabeth, Hamilton, Lawrence, Upper, and Washington	275
townships in Lawrence county.	276
The Jackson county municipal court has jurisdiction within	277
Jackson county.	278
The Kettering municipal court has jurisdiction within the	279
municipal corporations of Centerville and Moraine, and within	280
Washington township, in Montgomery county.	281
Until January 2, 2000, the Lancaster municipal court has	282
jurisdiction within Fairfield county.	283
The Lawrence county municipal court has jurisdiction	284
within the townships of Fayette, Mason, Perry, Rome, Symmes,	285
Union, and Windsor in Lawrence county.	286
The Lebanon municipal court has jurisdiction within	287
Turtlecreek township in Warren county.	288
The Licking county municipal court has jurisdiction within	289
Licking county.	290
The Lima municipal court has jurisdiction within Allen	291

county.	292
The Lorain municipal court has jurisdiction within the	293
municipal corporation of Sheffield Lake, and within Sheffield	294
township, in Lorain county.	295
The Lyndhurst municipal court has jurisdiction within the	296
municipal corporations of Mayfield Heights, Gates Mills,	297
Mayfield, Highland Heights, and Richmond Heights in Cuyahoga	298
county.	299
The Madison county municipal court has jurisdiction within	300
Madison county.	301
The Mansfield municipal court has jurisdiction within	302
Madison, Springfield, Sandusky, Franklin, Weller, Mifflin, Troy,	303
Washington, Monroe, Perry, Jefferson, and Worthington townships,	304
and within sections 35-36-31 and 32 of Butler township, in	305
Richland county.	306
The Marietta municipal court has jurisdiction within	307
Washington county.	308
The Marion municipal court has jurisdiction within Marion	309
county.	310
The Marysville municipal court has jurisdiction within	311
Union county.	312
The Mason municipal court has jurisdiction within	313
Deerfield township in Warren county.	314
The Massillon municipal court has jurisdiction within	315
Bethlehem, Perry, Sugar Creek, Tuscarawas, Lawrence, and Jackson	316
townships in Stark county.	317
The Maumee municipal court has jurisdiction within the	318

municipal corporations of Waterville and Whitehouse, within	319
Waterville and Providence townships, and within those portions	320
of Springfield, Monclova, and Swanton townships lying south of	321
the northerly boundary line of the Ohio turnpike, in Lucas	322
county.	323
 The Medina municipal court has jurisdiction within the	324
municipal corporations of Briarwood Beach, Brunswick, Chippewa-	325
on-the-Lake, and Spencer and within the townships of Brunswick	326
Hills, Chatham, Granger, Hinckley, Lafayette, Litchfield,	327
Liverpool, Medina, Montville, Spencer, and York townships, in	328
Medina county.	329
 The Mentor municipal court has jurisdiction within the	330
municipal corporation of Mentor-on-the-Lake in Lake county.	331
 The Miami county municipal court has jurisdiction within	332
Miami county and within the part of the municipal corporation of	333
Bradford that is located in Darke county.	334
 The Miamisburg municipal court has jurisdiction within the	335
municipal corporations of Germantown and West Carrollton, and	336
within German and Miami townships in Montgomery county.	337
 The Middletown municipal court has jurisdiction within	338
Madison township, and within all of Lemon township, except	339
within the municipal corporation of Monroe, in Butler county.	340
 Beginning July 1, 2010, the Montgomery county municipal	341
court has jurisdiction within all of Montgomery county except	342
for the municipal corporations of Centerville, Clayton, Dayton,	343
Englewood, Germantown, Kettering, Miamisburg, Moraine, Oakwood,	344
Union, Vandalia, and West Carrollton and Butler, German,	345
Harrison, Miami, and Washington townships.	346

Beginning January 1, 2003, the Morrow county municipal	347
court has jurisdiction within Morrow county.	348
The Mount Vernon municipal court has jurisdiction within	349
Knox county.	350
The Napoleon municipal court has jurisdiction within Henry	351
county.	352
The New Philadelphia municipal court has jurisdiction	353
within the municipal corporation of Dover, and within Auburn,	354
Bucks, Fairfield, Goshen, Jefferson, Warren, York, Dover,	355
Franklin, Lawrence, Sandy, Sugarcreek, and Wayne townships in	356
Tuscarawas county.	357
The Newton Falls municipal court has jurisdiction within	358
Bristol, Bloomfield, Lordstown, Newton, Braceville, Southington,	359
Farmington, and Mesopotamia townships in Trumbull county.	360
The Niles municipal court has jurisdiction within the	361
municipal corporation of McDonald, and within Weathersfield	362
township in Trumbull county.	363
The Norwalk municipal court has jurisdiction within all of	364
Huron county except within the municipal corporation of Bellevue	365
and except within Lyme and Sherman townships.	366
The Oberlin municipal court has jurisdiction within the	367
municipal corporations of Amherst, Kipton, Rochester, South	368
Amherst, and Wellington, and within Henrietta, Russia, Camden,	369
Pittsfield, Brighton, Wellington, Penfield, Rochester, and	370
Huntington townships, and within all of Amherst township except	371
within the municipal corporation of Lorain, in Lorain county.	372
The Oregon municipal court has jurisdiction within the	373
municipal corporation of Harbor View, and within Jerusalem	374

township, in Lucas county, and north within Maumee Bay and Lake	375
Erie to the boundary line between Ohio and Michigan between the	376
easterly boundary of the court and the easterly boundary of the	377
Toledo municipal court.	378
 The Ottawa county municipal court has jurisdiction within	379
Ottawa county.	380
 The Painesville municipal court has jurisdiction within	381
Painesville, Perry, Leroy, Concord, and Madison townships in	382
Lake county.	383
 The Parma municipal court has jurisdiction within the	384
municipal corporations of Parma Heights, Brooklyn, Linndale,	385
North Royalton, Broadview Heights, Seven Hills, and Brooklyn	386
Heights in Cuyahoga county.	387
 Beginning January 1, 2018, the Perry county municipal	388
court has jurisdiction within Perry county.	389
 Beginning January 1, 2020, the Paulding county municipal	390
court has jurisdiction within Paulding county.	391
 The Perrysburg municipal court has jurisdiction within the	392
municipal corporations of Luckey, Millbury, Northwood, Rossford,	393
and Walbridge, and within Perrysburg, Lake, and Troy townships,	394
in Wood county.	395
 The Portage county municipal court has jurisdiction within	396
Portage county.	397
 The Portsmouth municipal court has jurisdiction within	398
Scioto county.	399
 The Putnam county municipal court has jurisdiction within	400
Putnam county.	401

The Rocky River municipal court has jurisdiction within 402  
the municipal corporations of Bay Village, Westlake, Fairview 403  
Park, and North Olmsted, and within Riveredge township, in 404  
Cuyahoga county. 405

The Sandusky municipal court has jurisdiction within the 406  
municipal corporations of Castalia and Bay View, and within 407  
Perkins township, in Erie county. 408

The Shaker Heights municipal court has jurisdiction within 409  
the municipal corporations of University Heights, Beachwood, 410  
Pepper Pike, and Hunting Valley in Cuyahoga county. 411

The Shelby municipal court has jurisdiction within Sharon, 412  
Jackson, Cass, Plymouth, and Blooming Grove townships, and 413  
within all of Butler township except sections 35-36-31 and 32, 414  
in Richland county. 415

The Sidney municipal court has jurisdiction within Shelby 416  
county. 417

Beginning January 1, 2009, the Stow municipal court has 418  
jurisdiction within Boston, Hudson, Northfield Center, Sagamore 419  
Hills, and Twinsburg townships, and within the municipal 420  
corporations of Boston Heights, Cuyahoga Falls, Hudson, Munroe 421  
Falls, Northfield, Peninsula, Reminderville, Silver Lake, Stow, 422  
Tallmadge, Twinsburg, and Macedonia, in Summit county. 423

The Struthers municipal court has jurisdiction within the 424  
municipal corporations of Lowellville, New Middleton, and 425  
Poland, and within Poland and Springfield townships in Mahoning 426  
county. 427

The Sylvania municipal court has jurisdiction within the 428  
municipal corporations of Berkey and Holland, and within 429

Sylvania, Richfield, Spencer, and Harding townships, and within 430  
those portions of Swanton, Monclova, and Springfield townships 431  
lying north of the northerly boundary line of the Ohio turnpike, 432  
in Lucas county. 433

Beginning January 1, 2014, the Tiffin-Fostoria municipal 434  
court has jurisdiction within Adams, Big Spring, Bloom, Clinton, 435  
Eden, Hopewell, Jackson, Liberty, Loudon, Pleasant, Reed, 436  
Scipio, Seneca, Thompson, and Venice townships in Seneca county, 437  
and beginning on January 1, 2014, and until January 2, 2024, has 438  
jurisdiction within Washington township in Hancock county, and 439  
within Perry township, except within the municipal corporation 440  
of West Millgrove, in Wood county. 441

The Toledo municipal court has jurisdiction within 442  
Washington township, and within the municipal corporation of 443  
Ottawa Hills, in Lucas county. 444

The Upper Sandusky municipal court has jurisdiction within 445  
Wyandot county. 446

The Vandalia municipal court has jurisdiction within the 447  
municipal corporations of Clayton, Englewood, and Union, and 448  
within Butler, Harrison, and Randolph townships, in Montgomery 449  
county. 450

The Van Wert municipal court has jurisdiction within Van 451  
Wert county. 452

The Vermilion municipal court has jurisdiction within the 453  
townships of Vermilion and Florence in Erie county and within 454  
all of Brownhelm township except within the municipal 455  
corporation of Lorain, in Lorain county. 456

The Wadsworth municipal court has jurisdiction within the 457

municipal corporations of Gloria Glens Park, Lodi, Seville, and	458
Westfield Center, and within Guilford, Harrisville, Homer,	459
Sharon, Wadsworth, and Westfield townships in Medina county.	460
The Warren municipal court has jurisdiction within Warren	461
and Champion townships, and within all of Howland township	462
except within the municipal corporation of Niles, in Trumbull	463
county.	464
The Washington Court House municipal court has	465
jurisdiction within Fayette county.	466
The Wayne county municipal court has jurisdiction within	467
Wayne county.	468
The Willoughby municipal court has jurisdiction within the	469
municipal corporations of Eastlake, Wickliffe, Willowick,	470
Willoughby Hills, Kirtland, Kirtland Hills, Waite Hill,	471
Timberlake, and Lakeline, and within Kirtland township, in Lake	472
county.	473
Through June 30, 1992, the Wilmington municipal court has	474
jurisdiction within Clinton county.	475
The Xenia municipal court has jurisdiction within	476
Caesarcreek, Cedarville, Jefferson, Miami, New Jasper, Ross,	477
Silvercreek, Spring Valley, Sugarcreek, and Xenia townships in	478
Greene county.	479
(C) As used in this section:	480
(1) "Within a township" includes all land, including, but	481
not limited to, any part of any municipal corporation, that is	482
physically located within the territorial boundaries of that	483
township, whether or not that land or municipal corporation is	484
governmentally a part of the township.	485

(2) "Within a municipal corporation" includes all land within the territorial boundaries of the municipal corporation and any townships that are coextensive with the municipal corporation.

**Sec. 1907.11.** (A) Each county court district shall have the following county court judges, to be elected as follows:

In the Adams county county court, one part-time judge shall be elected in 1982.

~~In~~ Until December 31, 2030, in the Ashtabula county county court, one part-time judge shall be elected in 1980, and one part-time judge shall be elected in 1982. Notwithstanding any contrary provision of division (C) of section 1907.13 of the Revised Code, the part-time judge to be elected in 2028 shall be elected for a term of two years commencing on January 1, 2029, and ending on December 31, 2030. The Ashtabula county county court part-time judgeships cease to exist on January 1, 2031. One full-time judge shall be elected in 2030, for a six-year term to commence on January 1, 2031. Effective January 1, 2031, notwithstanding division (A)(6) of section 141.04 of the Revised Code and division (A) of section 1907.16 of the Revised Code, the full-time judge of the Ashtabula county county court under this section shall receive the compensation set forth in division (A)(5) of section 141.04 of the Revised Code.

In the Belmont county county court, one part-time judge shall be elected in 1992, term to commence on January 1, 1993, and two part-time judges shall be elected in 1994, terms to commence on January 1, 1995, and January 2, 1995, respectively.

In the Butler county county court, one part-time judge shall be elected in 1992, term to commence on January 1, 1993,

and two part-time judges shall be elected in 1994, terms to	515
commence on January 1, 1995, and January 2, 1995, respectively.	516
Until December 31, 2007, in the Erie county county court,	517
one part-time judge shall be elected in 1982. Effective January	518
1, 2008, the Erie county county court shall cease to exist.	519
In the Harrison county county court, one part-time judge	520
shall be elected in 1982.	521
In the Highland county county court, one part-time judge	522
shall be elected in 1982.	523
In the Jefferson county county court, one part-time judge	524
shall be elected in 1992, term to commence on January 1, 1993,	525
and two part-time judges shall be elected in 1994, terms to	526
commence on January 1, 1995, and January 2, 1995, respectively.	527
In the Mahoning county county court, one part-time judge	528
shall be elected in 1992, term to commence on January 1, 1993,	529
and three part-time judges shall be elected in 1994, terms to	530
commence on January 1, 1995, January 2, 1995, and January 3,	531
1995, respectively.	532
In the Meigs county county court, one part-time judge	533
shall be elected in 1982.	534
In the Monroe county county court, one part-time judge	535
shall be elected in 1982.	536
In the Morgan county county court, one part-time judge	537
shall be elected in 1982.	538
In the Muskingum county county court, one part-time judge	539
shall be elected in 1980, and one part-time judge shall be	540
elected in 1982.	541

In the Noble county county court, one part-time judge 542  
shall be elected in 1982. 543

In the Pike county county court, one part-time judge shall 544  
be elected in 1982. 545

In the Sandusky county county court, one full-time judge 546  
shall be elected in 2024, term to commence on January 2, 2025. 547  
Effective January 2, 2025, notwithstanding division (A) (6) of 548  
section 141.04 of the Revised Code and division (A) of section 549  
1907.16 of the Revised Code, the full-time judge of the Sandusky 550  
county county court under this section shall receive the 551  
compensation set forth in division (A) (5) of section 141.04 of 552  
the Revised Code. 553

In the Trumbull county county court, one part-time judge 554  
shall be elected in 1992, and one part-time judge shall be 555  
elected in 1994. 556

In the Tuscarawas county county court, one part-time judge 557  
shall be elected in 1982. 558

In the Vinton county county court, one part-time judge 559  
shall be elected in 1982. 560

In the Warren county county court, one part-time judge 561  
shall be elected in 1980, and one part-time judge shall be 562  
elected in 1982. 563

(B) (1) Additional judges shall be elected at the next 564  
regular election for a county court judge as provided in section 565  
1907.13 of the Revised Code. 566

(2) Vacancies caused by the death or the resignation from, 567  
forfeiture of, or removal from office of a judge shall be filled 568  
in accordance with section 107.08 of the Revised Code, except as 569

provided in section 1907.15 of the Revised Code." 570

In line 774, delete "and" 571

In line 775, after "1745.05" insert ", 1901.02, and 1907.11" 572

After line 775, insert: 573

**"Section 3.** (A) All cases arising in the municipal 574  
corporation of North Kingsville in Ashtabula County that are 575  
pending in the Eastern County Court in Ashtabula County on 576  
January 1, 2025, shall be adjudicated by the Ashtabula County 577  
County Court. All cases arising in the municipal corporation of 578  
North Kingsville in Ashtabula County on or after January 1, 579  
2025, shall be brought before the Conneaut Municipal Court. 580

(B) All cases arising in Kingsville, Monroe, and Sheffield 581  
Townships in Ashtabula County that are pending in the Eastern 582  
County Court in Ashtabula County on January 1, 2025, shall be 583  
adjudicated by the Ashtabula County County Court. All cases 584  
arising in Kingsville, Monroe, and Sheffield Townships in 585  
Ashtabula County on or after January 1, 2025, shall be brought 586  
before the Conneaut Municipal Court." 587

The motion was \_\_\_\_\_ agreed to.

## SYNOPSIS 588

### **Ashtabula courts** 589

#### **R.C. 1901.02 and 1907.11; Section 3** 590

Replaces the two part-time judgeships in the Ashtabula 591  
County County Court with one full-time judge. 592

Includes the village of North Kingsville and Kingsville,	593
Monroe, and Sheffield Townships within the territorial	594
jurisdiction of the Conneaut Municipal Court.	595

Sub. H. B. No. 301

As Passed by the House

\_\_\_\_\_ moved to amend as follows:

In line 1 of the title, after "sections" insert "345.13," 1

In line 6 of the title, after "corporations" insert ", and to expand 2  
the authority of a board of trustees of a political subdivision soldiers' 3  
memorial" 4

In line 7, after "sections" insert "345.13," 5

After line 10, insert: 6

"**Sec. 345.13.** A soldiers' memorial, provided for by 7  
section 345.01 of the Revised Code, shall be maintained so as to 8  
commemorate the services of all members and veterans of the 9  
armed forces of the United States. The board of trustees shall 10  
make rules and regulations for the use, administration, and 11  
maintenance of such memorial as is fitting and necessary to 12  
carry out the purposes thereof. The board of trustees may make 13  
rules and regulations for entertainment, retail, educational, 14  
sporting, social, cultural, or arts opportunities at the 15  
memorial. 16

When such memorial is a building, it shall provide 17



suitable apartments of sufficient dimensions to commemorate the  
soldiers, sailors, marines, and all members of the armed forces  
of the United States, so designated by congress, ~~both men and~~  
~~women of the county,~~ who have lost their lives while in the  
service of the country. Suitable tablets shall be maintained  
with the names of such soldiers, sailors, and marines inscribed  
thereon. The building may include a public auditorium, music  
hall, and recreational facilities.

The board may establish rental fees and other charges for  
the use of the memorial, and it may waive any portion of such  
charges.

With the approval of the board of county commissioners,  
the board of trustees may enter into contracts with political  
subdivisions or nonprofit organizations for the use of other  
facilities separate and apart from the memorial, and to provide  
other services. Such use shall adhere to the rules and  
regulations established by the board of trustees to carry out  
the purposes of the memorial."

In line 773, after "sections" insert "345.13,"

The motion was \_\_\_\_\_ agreed to.

#### SYNOPSIS

**Political subdivision soldiers' memorial**

**R.C. 345.13**

Authorizes a board of trustees of a political subdivision  
soldiers' memorial to make rules and regulations for

entertainment, retail, educational, sporting, social, cultural, 42  
or arts opportunities at the memorial. 43

Authorizes the board, with the approval of the board of 44  
county commissioners, to enter into contracts with political 45  
subdivisions or nonprofit organizations for the use of other 46  
facilities separate and apart from the memorial, and to provide 47  
other services. Such use must adhere to the rules and 48  
regulations established by the board of trustees to carry out 49  
the purposes of the memorial. 50

\_\_\_\_\_ moved to amend as follows:

In line 1 of the title, after "sections" insert "181.21,"	1
In line 3 of the title, after "sections" insert "181.26,"; after	2
"1702.341" insert ","	3
In line 6 of the title, after "corporations" insert "and to	4
establish a standing juvenile committee within the state criminal	5
sentencing commission"	6
In line 7, after "sections" insert "181.21,"	7
In line 9, after "sections" insert "181.26,"; after "1702.341"	8
insert ","	9
After line 10, insert:	10
<b>"Sec. 181.21.</b> (A) There is hereby created within the	11
supreme court the state criminal sentencing commission,	12
consisting of thirty-one members. One member shall be the chief	13
justice of the supreme court, who shall be the chairperson of	14
the commission. The following ten members of the commission, no	15
more than six of whom shall be members of the same political	16

party, shall be appointed by the chief justice: one judge of a  
 court of appeals, three judges of courts of common pleas who are  
 not juvenile court judges, three judges of juvenile courts, and  
 three judges of municipal courts or county courts. Four members  
 shall be the superintendent of the state highway patrol, the  
 state public defender, the director of youth services, and the  
 director of rehabilitation and correction, or their individual  
 designees. The following twelve members, no more than seven of  
 whom shall be members of the same political party, shall be  
 appointed by the governor after consulting with the appropriate  
 state associations, if any, that are represented by these  
 members: one sheriff; two county prosecuting attorneys, at least  
 one of whom shall be experienced in the prosecution of cases in  
 juvenile court involving alleged delinquent children, unruly  
 children, and juvenile traffic offenders; two peace officers of  
 a municipal corporation or township, at least one of whom shall  
 be experienced in the investigation of cases involving  
 juveniles; one former victim of a violation of Title XXIX of the  
 Revised Code; one attorney whose practice of law primarily  
 involves the representation of criminal defendants; one member  
 of the Ohio state bar association; one attorney whose practice  
 of law primarily involves the representation in juvenile court  
 of alleged delinquent children, unruly children, and juvenile  
 traffic offenders; one full-time city prosecuting attorney; one  
 county commissioner; and one mayor, city manager, or member of a  
 legislative authority of a municipal corporation. Two members  
 shall be members of the senate, one appointed by the president  
 of the senate and one appointed by the minority leader of the  
 senate. Two members shall be members of the house of  
 representatives, one appointed by the speaker of the house of  
 representatives and one appointed by the minority leader of the

house of representatives.

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The chief justice shall become a member of the commission  
on August 22, 1990, and the chief justice's successors in office  
shall become members of the commission on the day that they  
assume the office of chief justice. The term of office of the  
chief justice as a member of the commission shall continue for  
as long as that person holds the office of chief justice. The  
term of office of the member who is an attorney whose practice  
of law primarily involves the representation of criminal  
defendants, the term of office of the member who is an attorney  
whose practice of law primarily involves the representation in  
juvenile court of alleged delinquent children, unruly children,  
and juvenile traffic offenders, and the term of office of the  
former victim of a violation of Title XXIX of the Revised Code  
shall be four years. The term of office of the superintendent of  
the state highway patrol, the state public defender, the  
director of youth services, and the director of rehabilitation  
and correction, or their individual designees, as members of the  
commission shall continue for as long as they hold the office of  
superintendent of the state highway patrol, state public  
defender, director of youth services, or director of  
rehabilitation and correction. The term of office of a municipal  
corporation or township peace officer as a member of the  
commission shall be the lesser of four years or until that  
person ceases to be a peace officer of a municipal corporation  
or township. Unless the full-time city prosecuting attorney is  
an elected official, the term of office of the full-time city  
prosecuting attorney shall be the lesser of four years or until  
the full-time city prosecuting attorney ceases to be a full-time  
city prosecuting attorney. All of the members of the commission  
who are elected officials shall serve the lesser of four years

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or until the expiration of their term of office. Any vacancy on 79  
the commission shall be filled in the same manner as the 80  
original appointment. 81

When the chief justice and governor make their 82  
appointments to the commission, they shall consider adequate 83  
representation by race and gender. 84

(B) The commission shall select a vice-chairperson and any 85  
other necessary officers and adopt rules to govern its 86  
proceedings. The commission shall meet as necessary at the call 87  
of the chairperson or on the written request of eight or more of 88  
its members. Sixteen members of the commission constitute a 89  
quorum, and the votes of a majority of the quorum present shall 90  
be required to validate any action of the commission. All 91  
business of the commission shall be conducted in public 92  
meetings. 93

The members of the commission shall serve without 94  
compensation, but each member shall be reimbursed for the 95  
member's actual and necessary expenses incurred in the 96  
performance of the member's official duties on the commission. 97  
In the absence of the chairperson, the vice-chairperson shall 98  
perform the duties of the chairperson. 99

(C) The commission shall establish an office and shall 100  
appoint and fix the compensation of a project director and any 101  
other employees necessary to assist the commission in the 102  
execution of its authority under sections 181.21 to 181.25 of 103  
the Revised Code. The project director shall have a thorough 104  
understanding of the criminal laws of this state and experience 105  
in committee-oriented research. The other employees may include 106  
a research coordinator with experience and training in policy- 107  
oriented research; professional staff employees with backgrounds 108

in criminal law, criminal justice, political science, or related 109  
fields of expertise; administrative assistants; and secretaries. 110  
The commission also may appoint and fix the compensation of 111  
part-time data collectors, clerical employees, and other 112  
temporary employees as needed to enable the commission to 113  
execute its authority under sections 181.21 to 181.25 of the 114  
Revised Code. 115

(D) (1) The sentencing commission shall establish a 116  
standing juvenile committee. The committee may consist of the 117  
following commission members: 118

(a) The chief justice of the supreme court or the chief 119  
justice's designee; 120

(b) The director of youth services, or the director's 121  
designee; 122

(c) The three juvenile court judges; 123

(d) One court of common pleas judge who is not a juvenile 124  
court judge; 125

(e) One county prosecuting attorney who is experienced in 126  
the prosecution of cases in juvenile court involving alleged 127  
delinquent children, unruly children, and juvenile traffic 128  
offenders; 129

(f) The attorney whose practice of law primarily involves 130  
the representation in juvenile court of alleged delinquent 131  
children, unruly children, and juvenile traffic offenders; 132

(g) The former victim of a violation of Title XXIX of the 133  
Revised Code; 134

(h) The county commissioner; 135

<u>(i) One legislator from each political party;</u>	136
<u>(j) The sheriff;</u>	137
<u>(k) One municipal corporation or township peace officer</u>	138
<u>who is experienced in the investigation of cases involving</u>	139
<u>juveniles;</u>	140
<u>(l) Any other persons that the chief justice or the</u>	141
<u>chairperson of the committee designates.</u>	142
<u>(2) The members may serve on the committee by designation</u>	143
<u>of the chief justice or the chairperson of the committee.</u>	144
<u>(3) The chief justice shall designate a member to serve as</u>	145
<u>chairperson of the committee. The committee shall select a vice-</u>	146
<u>chairperson and any other necessary officers and adopt rules to</u>	147
<u>govern its proceedings.</u>	148
<u>(4) The committee shall meet as necessary at the call of</u>	149
<u>the chairperson or on the written request of four or more of the</u>	150
<u>committee's members. A majority of the members of the committee</u>	151
<u>constitutes a quorum, and the votes of a majority of the quorum</u>	152
<u>present are required to validate any action of the committee,</u>	153
<u>including recommendations to the commission.</u>	154
<u>(5) The committee and the commission shall comply with</u>	155
<u>section 181.26 of the Revised Code.</u>	156
<b><u>Sec. 181.26. (A) In addition to its duties set forth in</u></b>	157
<b><u>this chapter, the state criminal sentencing commission shall do</u></b>	158
<b><u>all of the following:</u></b>	159
<u>(1) Review all statutes governing delinquent child, unruly</u>	160
<u>child, and juvenile traffic offender dispositions in this state;</u>	161
<u>(2) Review state and local resources, including facilities</u>	162

and programs, used for delinquent child, unruly child, and 163  
juvenile traffic offender dispositions and the populations of 164  
youthful offenders in the facilities and programs; 165

(3) Develop a juvenile justice policy for the state. The 166  
policy shall be designed to: 167

(a) Assist in the managing of the number of persons in, 168  
operation of, and costs of the facilities, the programs, and 169  
other resources used in delinquent child, unruly child, and 170  
juvenile traffic offender dispositions; 171

(b) Further the purposes for disposition under section 172  
2152.01 of the Revised Code; 173

(c) Provide greater certainty, proportionality, 174  
uniformity, fairness, and simplicity in delinquent child, unruly 175  
child, and juvenile traffic offender dispositions while 176  
retaining reasonable judicial discretion. 177

(B) The commission shall do all of the following: 178

(1) Assist in the implementation of statutes governing 179  
delinquent child, unruly child, and juvenile traffic offender 180  
dispositions in this state; 181

(2) Monitor the operation of statutes governing delinquent 182  
child, unruly child, and juvenile traffic offender dispositions 183  
in this state, periodically report to the general assembly on 184  
the statutes' operation and the statutes' impact on resources 185  
used in delinquent child, unruly child, and juvenile traffic 186  
offender dispositions, and recommend necessary changes in the 187  
statutes to the general assembly in the biennial monitoring 188  
report described in section 181.25 of the Revised Code; 189

(3) Review all bills that are introduced in the general 190

assembly related to delinquent child, unruly child, and juvenile 191  
traffic offender dispositions, determine if those bills are 192  
consistent with the juvenile justice policy adopted under 193  
division (A) (3) of this section, recommend to the general 194  
assembly amendments to those bills if necessary, and assist the 195  
general assembly in making legislation consistent with the 196  
juvenile justice policy adopted under division (A) (3) of this 197  
section." 198

In line 773, after "sections" insert "181.21," 199

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS 200

**Ohio Criminal Sentencing Commission - juvenile committee;** 201  
**Commission responsibilities regarding juvenile justice** 202

**R.C. 181.21 and 181.26** 203

Requires the Ohio Criminal Sentencing Commission to 204  
reestablish a standing juvenile committee. 205

Reestablishes requirements for the Commission to review 206  
and develop a juvenile justice policy for the state, as well as 207  
assisting policymakers with legislation related to juvenile 208  
justice issues. 209

Sub. H. B. No. 301

As Passed by the House

\_\_\_\_\_ moved to amend as follows:

In line 3 of the title, delete the third "and" and insert ",", 1

In line 4 of the title, after "1702.531" insert ", and 3109.055" 2

In line 6 of the title, after "corporations" insert "and to allow a 3  
court to order parents to undergo conciliation with a magistrate in a 4  
custody proceeding" 5

In line 9, delete the second "and" and insert ","; after "1702.531" 6  
insert ", and 3109.055" 7

After line 772, insert: 8

"Sec. 3109.055. (A) If a child is born to an unmarried 9  
woman and the father of the child has acknowledged the child and 10  
that acknowledgment has become final pursuant to section 11  
2151.232, 3111.25, or 3111.821 of the Revised Code or has been 12  
determined in an action under Chapter 3111. of the Revised Code 13  
to be the father of the child, the court, upon its own motion or 14  
the motion of one of the parties, may order the parents to 15  
undergo conciliation with a magistrate in order to resolve any 16  
disputes regarding the allocation of parental rights and 17



responsibilities between the parents in a case pending before  
the court. An order requiring conciliation shall set forth the  
the name of the magistrate who will serve as the conciliator and  
the manner in which the costs of any conciliation procedures are  
to be paid.

(B) A magistrate who serves as a conciliator shall use  
conciliation procedures to resolve a dispute regarding the  
allocation of parental rights and responsibilities and, upon  
resolution of the dispute, issue an order regarding the  
allocation of parental rights and responsibilities, parenting  
time, or companionship or visitation pursuant to section  
2151.23, 3109.04, or 3109.12 of the Revised Code. The  
conciliation procedures may include without limitation the use  
of family counselors and service agencies, community health  
services, physicians, licensed psychologists, or clergy. If the  
magistrate orders the parties to undergo family counseling, the  
magistrate shall name the counselor and set forth the required  
type of counseling, the length of time for the counseling, and  
any other specific conditions. No order regarding the allocation  
of parental rights and responsibilities, parenting time, or  
companionship or visitation shall be issued until the  
conciliation has concluded and been reported to the magistrate."

The motion was \_\_\_\_\_ agreed to.

#### SYNOPSIS

**Resolve custody disputes between unmarried parents through  
conciliation**

<b>R.C. 3109.055</b>	43
Allows a court to order unmarried parents who are in a custody dispute to undergo conciliation with a magistrate.	44 45
Requires a magistrate to resolve disputes through conciliation procedures and, upon resolution, to issue an order regarding the allocation of parental rights and responsibilities, parenting time, or companionship or visitation.	46 47 48 49 50
Specifies that conciliation procedures may include the use of family counselors and service agencies, community health services, physicians, licensed psychologists, and clergy.	51 52 53

\_\_\_\_\_ moved to amend as follows:

In line 3 of the title, delete the first "and"; after "1745.05" 1  
insert ", and 2505.02" 2

In line 6 of the title, after "corporations" insert "and to allow an 3  
immediate appeal of a court order restricting enforcement of state law" 4

In line 8, delete "and"; after "1745.05" insert ", and 2505.02" 5

After line 772, insert: 6

**"Sec. 2505.02.** (A) As used in this section: 7

(1) "Substantial right" means a right that the United 8  
States Constitution, the Ohio Constitution, a statute, the 9  
common law, or a rule of procedure entitles a person to enforce 10  
or protect. 11

(2) "Special proceeding" means an action or proceeding 12  
that is specially created by statute and that prior to 1853 was 13  
not denoted as an action at law or a suit in equity. 14

(3) "Provisional remedy" means a proceeding ancillary to 15  
an action, including, but not limited to, a proceeding for a 16



preliminary injunction, attachment, discovery of privileged 17  
matter, suppression of evidence, a prima-facie showing pursuant 18  
to section 2307.85 or 2307.86 of the Revised Code, a prima-facie 19  
showing pursuant to section 2307.92 of the Revised Code, or a 20  
finding made pursuant to division (A)(3) of section 2307.93 of 21  
the Revised Code. 22

(B) An order is a final order that may be reviewed, 23  
affirmed, modified, or reversed, with or without retrial, when 24  
it is one of the following: 25

(1) An order that affects a substantial right in an action 26  
that in effect determines the action and prevents a judgment; 27

(2) An order that affects a substantial right made in a 28  
special proceeding or upon a summary application in an action 29  
after judgment; 30

(3) An order that vacates or sets aside a judgment or 31  
grants a new trial; 32

(4) An order that grants or denies a provisional remedy 33  
and to which both of the following apply: 34

(a) The order in effect determines the action with respect 35  
to the provisional remedy and prevents a judgment in the action 36  
in favor of the appealing party with respect to the provisional 37  
remedy. 38

(b) The appealing party would not be afforded a meaningful 39  
or effective remedy by an appeal following final judgment as to 40  
all proceedings, issues, claims, and parties in the action. 41

(5) An order that determines that an action may or may not 42  
be maintained as a class action; 43

(6) An order determining the constitutionality of any 44

changes to the Revised Code made by Am. Sub. S.B. 281 of the 45  
124th general assembly, including the amendment of sections 46  
1751.67, 2117.06, 2305.11, 2305.15, 2305.234, 2317.02, 2317.54, 47  
2323.56, 2711.21, 2711.22, 2711.23, 2711.24, 2743.02, 2743.43, 48  
2919.16, 3923.63, 3923.64, 4705.15, and 5111.018 (renumbered as 49  
5164.07 by H.B. 59 of the 130th general assembly), and the 50  
enactment of sections 2305.113, 2323.41, 2323.43, and 2323.55 of 51  
the Revised Code or any changes made by Sub. S.B. 80 of the 52  
125th general assembly, including the amendment of sections 53  
2125.02, 2305.10, 2305.131, 2315.18, 2315.19, and 2315.21 of the 54  
Revised Code; 55

(7) An order in an appropriation proceeding that may be 56  
appealed pursuant to division (B)(3) of section 163.09 of the 57  
Revised Code; 58

(8) An order restraining or restricting enforcement, 59  
whether on a temporary, preliminary, or permanent basis, in 60  
whole or in part, facially or as applied, of any state statute 61  
or regulation, including, but not limited to, orders in the form 62  
of injunctions, declaratory judgments, or writs. 63

(C) When a court issues an order that vacates or sets 64  
aside a judgment or grants a new trial, the court, upon the 65  
request of either party, shall state in the order the grounds 66  
upon which the new trial is granted or the judgment vacated or 67  
set aside. 68

(D) This section applies to and governs any action, 69  
including an appeal, that is pending in any court on July 22, 70  
1998, and all claims filed or actions commenced on or after July 71  
22, 1998, notwithstanding any provision of any prior statute or 72  
rule of law of this state." 73

In line 774, delete "and" 74

In line 775, after "1745.05" insert ", and 2505.02" 75

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS 76

**Final, appealable order** 77

**R.C. 2505.02** 78

Classifies the following as a final order that may be 79  
reviewed on appeal: an order that restrains or restricts 80  
enforcement of a state statute or regulation, whether on a 81  
temporary, preliminary, or permanent basis, in whole or in part, 82  
facially or as applied. 83

\_\_\_\_\_ moved to amend as follows:

In line \_\_\_\_\_ of the title, after "\_\_\_\_\_" insert "2929.20 and 2967.26" 1 2

In line \_\_\_\_\_ of the title, after "\_\_\_\_\_" insert "and to reiterate the effective date of judicial release and transitional control provisions enacted in S.B. 288 of the 134th General Assembly" 3 4 5

After line \_\_\_\_\_, insert: 6

"Section 1. That sections 2929.20 and 2967.26 of the Revised Code be amended to read as follows: 7 8

**Sec. 2929.20.** (A) As used in this section: 9

(1)(a) Except as provided in division (A)(1)(b) of this section, "eligible offender" means any person who, on or after April 7, 2009, is serving a stated prison term that includes one or more nonmandatory prison terms. A person may be an eligible offender and also may be an eighty per cent-qualifying offender or, during a declared state of emergency, a state of emergency-qualifying offender. 10 11 12 13 14 15 16

(b) "Eligible offender" does not include any person who, on or after April 7, 2009, is serving a stated prison term for any of the following criminal offenses that was a felony and was committed while the person held a public office in this state: 17 18 19 20

(i) A violation of section 2921.02, 2921.03, 2921.05, 21

2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised Code; 22  
23

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 24  
2921.12 of the Revised Code, when the conduct constituting the 25  
violation was related to the duties of the offender's public 26  
office or to the offender's actions as a public official holding 27  
that public office; 28

(iii) A violation of an existing or former municipal 29  
ordinance or law of this or any other state or the United States 30  
that is substantially equivalent to any violation listed in 31  
division (A) (1) (b) (i) of this section; 32

(iv) A violation of an existing or former municipal 33  
ordinance or law of this or any other state or the United States 34  
that is substantially equivalent to any violation listed in 35  
division (A) (1) (b) (ii) of this section, when the conduct 36  
constituting the violation was related to the duties of the 37  
offender's public office or to the offender's actions as a 38  
public official holding that public office; 39

(v) A conspiracy to commit, attempt to commit, or 40  
complicity in committing any offense listed in division (A) (1) 41  
(b) (i) or described in division (A) (1) (b) (iii) of this section; 42

(vi) A conspiracy to commit, attempt to commit, or 43  
complicity in committing any offense listed in division (A) (1) 44  
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 45  
if the conduct constituting the offense that was the subject of 46  
the conspiracy, that would have constituted the offense 47  
attempted, or constituting the offense in which the offender was 48  
complicit was or would have been related to the duties of the 49  
offender's public office or to the offender's actions as a 50

public official holding that public office. 51

(2) "State of emergency-qualifying offender" means any 52  
inmate to whom all of the following apply: 53

(a) The inmate is serving a stated prison term during a 54  
state of emergency that is declared by the governor as a direct 55  
response to a pandemic or public health emergency. 56

(b) The geographical area covered by the declared state of 57  
emergency includes the location at which the inmate is serving 58  
the stated prison term described in division (A) (2) (a) of this 59  
section. 60

(c) There is a direct nexus between the emergency that is 61  
the basis of the governor's declaration of the state of 62  
emergency and the circumstances of, and need for release of, the 63  
inmate. 64

(3) (a) "Eighty per cent-qualifying offender" means an 65  
offender who is serving a stated prison term of one year or 66  
more, on or after April 4, 2023, who has commenced service of 67  
that stated prison term, who is not serving a stated prison term 68  
that includes a disqualifying prison term or a stated prison 69  
term that consists solely of one or more restricting prison 70  
terms, and to whom either of the following applies: 71

(i) If the offender is serving a stated prison term of one 72  
year or more that includes one or more restricting prison terms 73  
and one or more eligible prison terms, the offender has fully 74  
served all restricting prison terms and has served eighty per 75  
cent of that stated prison term that remains to be served after 76  
all restricting prison terms have been fully served. 77

(ii) If the offender is serving a stated prison term of 78  
one year or more that consists solely of one or more eligible 79

prison terms, the offender has served eighty per cent of that 80  
stated prison term. 81

(b) For purposes of determining whether an offender is an 82  
eighty per cent-qualifying offender under division (A)(3)(a) of 83  
this section: 84

(i) If the offender's stated prison term includes 85  
consecutive prison terms, any restricting prison terms shall be 86  
deemed served prior to any eligible prison terms that run 87  
consecutively to the restricting prison terms, and the eligible 88  
prison terms are deemed to commence after all of the restricting 89  
prison terms have been fully served. 90

(ii) An offender serving a stated prison term of one year 91  
or more that includes a mandatory prison term that is not a 92  
disqualifying prison term and is not a restricting prison term 93  
is not automatically disqualified from being an eighty per cent- 94  
qualifying offender as a result of the offender's service of 95  
that mandatory term for release from prison under this section, 96  
and the offender may be eligible for release from prison in 97  
accordance with this division and division (O) of this section. 98

(4) "Nonmandatory prison term" means a prison term that is 99  
not a mandatory prison term. 100

(5) "Public office" means any elected federal, state, or 101  
local government office in this state. 102

(6) "Victim's representative" has the same meaning as in 103  
section 2930.01 of the Revised Code. 104

(7) "Imminent danger of death," "medically incapacitated," 105  
and "terminal illness" have the same meanings as in section 106  
2967.05 of the Revised Code. 107

(8) "Aggregated nonmandatory prison term or terms" means 108  
the aggregate of the following: 109

(a) All nonmandatory definite prison terms; 110

(b) With respect to any non-life felony indefinite prison 111  
term, all nonmandatory minimum prison terms imposed as part of 112  
the non-life felony indefinite prison term or terms. 113

(9) "Deadly weapon" and "dangerous ordnance" have the same 114  
meanings as in section 2923.11 of the Revised Code. 115

(10) "Disqualifying prison term" means any of the 116  
following: 117

(a) A prison term imposed for aggravated murder, murder, 118  
voluntary manslaughter, involuntary manslaughter, felonious 119  
assault, kidnapping, rape, aggravated arson, aggravated 120  
burglary, or aggravated robbery; 121

(b) A prison term imposed for complicity in, an attempt to 122  
commit, or conspiracy to commit any offense listed in division 123  
(A) (10) (a) of this section; 124

(c) A prison term of life imprisonment, including any term 125  
of life imprisonment that has parole eligibility; 126

(d) A prison term imposed for any felony other than 127  
carrying a concealed weapon an essential element of which is any 128  
conduct or failure to act expressly involving any deadly weapon 129  
or dangerous ordnance; 130

(e) A prison term imposed for any violation of section 131  
2925.03 of the Revised Code that is a felony of the first or 132  
second degree; 133

(f) A prison term imposed for engaging in a pattern of 134

corrupt activity in violation of section 2923.32 of the Revised Code; 135  
136

(g) A prison term imposed pursuant to section 2971.03 of the Revised Code; 137  
138

(h) A prison term imposed for any sexually oriented offense. 139  
140

(11) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term. 141  
142  
143

(12) "Restricting prison term" means any of the following: 144

(a) A mandatory prison term imposed under division (B) (1) (a), (B) (1) (c), (B) (1) (f), (B) (1) (g), (B) (2), or (B) (7) of section 2929.14 of the Revised Code for a specification of the type described in that division; 145  
146  
147  
148

(b) In the case of an offender who has been sentenced to a mandatory prison term for a specification of the type described in division (A) (12) (a) of this section, the prison term imposed for the felony offense for which the specification was stated at the end of the body of the indictment, count in the indictment, or information charging the offense; 149  
150  
151  
152  
153  
154

(c) A prison term imposed for trafficking in persons; 155

(d) A prison term imposed for any offense that is described in division (A) (12) (d) (i) of this section if division (A) (12) (d) (ii) of this section applies to the offender: 156  
157  
158

(i) The offense is a felony of the first or second degree that is an offense of violence and that is not described in division (A) (10) (a) or (b) of this section, an attempt to commit a felony of the first or second degree that is an offense of 159  
160  
161  
162

violence and that is not described in division (A) (10) (a) or (b) 163  
of this section if the attempt is a felony of the first or 164  
second degree, or an offense under an existing or former law of 165  
this state, another state, or the United States that is or was 166  
substantially equivalent to any other offense described in this 167  
division. 168

(ii) The offender previously was convicted of or pleaded 169  
guilty to any offense listed in division (A) (10) or (A) (12) (d) 170  
(i) of this section. 171

(13) "Sexually oriented offense" has the same meaning as 172  
in section 2950.01 of the Revised Code. 173

(14) "Stated prison term of one year or more" means a 174  
definite prison term of one year or more imposed as a stated 175  
prison term, or a minimum prison term of one year or more 176  
imposed as part of a stated prison term that is a non-life 177  
felony indefinite prison term. 178

(B) On the motion of an eligible offender, on the motion 179  
of a state of emergency-qualifying offender made during the 180  
declared state of emergency, or on its own motion with respect 181  
to an eligible offender or with respect to a state of emergency- 182  
qualifying offender during the declared state of emergency, the 183  
sentencing court may reduce the offender's aggregated 184  
nonmandatory prison term or terms through a judicial release 185  
under this section. 186

(C) (1) Subject to division (C) (2) of this section, an 187  
eligible offender may file a motion for judicial release with 188  
the sentencing court, or a state of emergency-qualifying 189  
offender may file a motion for judicial release with the 190  
sentencing court during the declared state of emergency, within 191

the following applicable periods: 192

(a) If the aggregated nonmandatory prison term or terms is 193  
less than two years, the eligible offender or state of 194  
emergency-qualifying offender may file the motion at any time 195  
after the offender is delivered to a state correctional 196  
institution or, if the prison term includes a mandatory prison 197  
term or terms, at any time after the expiration of all mandatory 198  
prison terms. 199

(b) If the aggregated nonmandatory prison term or terms is 200  
at least two years but less than five years, the eligible 201  
offender or state of emergency-qualifying offender may file the 202  
motion not earlier than one hundred eighty days after the 203  
offender is delivered to a state correctional institution or, if 204  
the prison term includes a mandatory prison term or terms, not 205  
earlier than one hundred eighty days after the expiration of all 206  
mandatory prison terms. 207

(c) If the aggregated nonmandatory prison term or terms is 208  
five years, the eligible offender or state of emergency- 209  
qualifying offender may file the motion not earlier than the 210  
date on which the offender has served four years of the 211  
offender's stated prison term or, if the prison term includes a 212  
mandatory prison term or terms, not earlier than four years 213  
after the expiration of all mandatory prison terms. 214

(d) If the aggregated nonmandatory prison term or terms is 215  
more than five years but not more than ten years, the eligible 216  
offender or state of emergency-qualifying offender may file the 217  
motion not earlier than the date on which the offender has 218  
served five years of the offender's stated prison term or, if 219  
the prison term includes a mandatory prison term or terms, not 220  
earlier than five years after the expiration of all mandatory 221

prison terms. 222

(e) If the aggregated nonmandatory prison term or terms is 223  
more than ten years, the eligible offender or state of 224  
emergency-qualifying offender may file the motion not earlier 225  
than the later of the date on which the offender has served one- 226  
half of the offender's stated prison term or the date specified 227  
in division (C) (1) (d) of this section. 228

(f) With respect to a state of emergency-qualifying 229  
offender, if the offender's prison term does not include a 230  
mandatory prison term or terms, or if the offender's prison term 231  
includes one or more mandatory prison terms and the offender has 232  
completed the mandatory prison term or terms, the state of 233  
emergency-qualifying offender may file the motion at any time 234  
during the offender's aggregated nonmandatory prison term or 235  
terms, provided that time also is during the declared state of 236  
emergency. 237

(2) During any single declared state of emergency, a state 238  
of emergency-qualifying offender may only file a motion for 239  
judicial release as a state of emergency-qualifying offender 240  
with the sentencing court during that declared state of 241  
emergency once every six months. 242

(D) (1) (a) Upon receipt of a timely motion for judicial 243  
release filed by an eligible offender or a state of emergency- 244  
qualifying offender under division (C) of this section, or upon 245  
the sentencing court's own motion made within the appropriate 246  
time specified in that division, the court may deny the motion 247  
without a hearing or schedule a hearing on the motion. The court 248  
may grant the motion without a hearing for an offender under 249  
consideration for judicial release as a state of emergency- 250  
qualifying offender, but the court shall not grant the motion 251

without a hearing for an offender under consideration as an 252  
eligible offender. If a court denies a motion without a hearing, 253  
the court later may consider judicial release for that eligible 254  
offender or that state of emergency-qualifying offender on a 255  
subsequent motion. For an offender under consideration for 256  
judicial release as an eligible offender, but not for one under 257  
consideration as a state of emergency-qualifying offender, the 258  
court may deny the motion with prejudice. If a court denies a 259  
motion with prejudice, the court may later consider judicial 260  
release on its own motion. For an offender under consideration 261  
for judicial release as a state of emergency-qualifying 262  
offender, the court shall not deny a motion with prejudice. For 263  
an offender under consideration for judicial release as an 264  
eligible offender, but not for one under consideration as a 265  
state of emergency-qualifying offender, if a court denies a 266  
motion after a hearing, the court shall not consider a 267  
subsequent motion for that offender based on the offender's 268  
classification as an eligible offender. The court may hold 269  
multiple hearings for any offender under consideration for 270  
judicial release as a state of emergency-qualifying offender, 271  
but shall hold only one hearing for any offender under 272  
consideration as an eligible offender. 273

(b) If an offender is under consideration for judicial 274  
release as an eligible offender and the motion is denied, and if 275  
the offender at that time also is or subsequently becomes a 276  
state of emergency-qualifying offender, the denial does not 277  
limit or affect any right of the offender to file a motion under 278  
this section for consideration for judicial release as a state 279  
of emergency-qualifying offender or for the court on its own 280  
motion to consider the offender for judicial release as a state 281  
of emergency-qualifying offender. 282

If an offender is under consideration for judicial release 283  
as a state of emergency-qualifying offender and the motion is 284  
denied, and if the offender at that time also is or subsequently 285  
becomes an eligible offender, the denial does not limit or 286  
affect any right of the offender to file a motion under this 287  
section for consideration for judicial release as an eligible 288  
offender or for the court on its own motion to consider the 289  
offender for judicial release as an eligible offender. 290

(2) (a) With respect to a motion for judicial release filed 291  
by an offender as an eligible offender or made by the court on 292  
its own motion for an offender as an eligible offender, a 293  
hearing under this section shall be conducted in open court not 294  
less than thirty or more than sixty days after the motion is 295  
filed, provided that the court may delay the hearing for one 296  
hundred eighty additional days. If the court holds a hearing, 297  
the court shall enter a ruling on the motion within ten days 298  
after the hearing. If the court denies the motion without a 299  
hearing, the court shall enter its ruling on the motion within 300  
sixty days after the motion is filed. 301

(b) With respect to a motion for judicial release filed by 302  
an offender as a state of emergency-qualifying offender or made 303  
by the court on its own motion for an offender as a state of 304  
emergency-qualifying offender, the court shall notify the 305  
prosecuting attorney of the county in which the offender was 306  
indicted and may order the prosecuting attorney to respond to 307  
the motion in writing within ten days. The prosecuting attorney 308  
shall notify the victim pursuant to the Ohio Constitution. The 309  
prosecuting attorney shall include in the response any statement 310  
that the victim wants to be represented to the court. The court 311  
shall consider any response from the prosecuting attorney and 312  
any statement from the victim in its ruling on the motion. After 313

receiving the response from the prosecuting attorney, the court 314  
either shall order a hearing consistent with divisions (E) to 315  
(I) of this section as soon as possible, or shall enter its 316  
ruling on the motion for judicial release as soon as possible. 317  
If the court conducts a hearing, the hearing shall be conducted 318  
in open court or by a virtual, telephonic, or other form of 319  
remote hearing. If the court holds a hearing, the court shall 320  
enter a ruling on the motion within ten days after the hearing. 321  
If the court denies the motion without a hearing, the court 322  
shall enter its ruling on the motion within ten days after the 323  
motion is filed or after it receives the response from the 324  
prosecuting attorney. 325

(E) If a court schedules a hearing under divisions (D) (1) 326  
and (2) (a) of this section or under divisions (D) (1) and (2) (b) 327  
of this section, the court shall notify the subject eligible 328  
offender or state of emergency-qualifying offender and the head 329  
of the state correctional institution in which that subject 330  
offender is confined prior to the hearing. The head of the state 331  
correctional institution immediately shall notify the 332  
appropriate person at the department of rehabilitation and 333  
correction of the hearing, and the department within twenty-four 334  
hours after receipt of the notice, shall post on the database it 335  
maintains pursuant to section 5120.66 of the Revised Code the 336  
subject offender's name and all of the information specified in 337  
division (A) (1) (c) (i) of that section. If the court schedules a 338  
hearing for judicial release, the court promptly shall give 339  
notice of the hearing to the prosecuting attorney of the county 340  
in which the subject eligible offender or state of emergency- 341  
qualifying offender was indicted. Upon receipt of the notice 342  
from the court, the prosecuting attorney shall do whichever of 343  
the following is applicable: 344

(1) Subject to division (E)(2) of this section, notify the 345  
victim of the offense and the victim's representative, if 346  
applicable, pursuant to the Ohio Constitution and division (B) 347  
of section 2930.16 of the Revised Code; 348

(2) If the offense was an offense of violence that is a 349  
felony of the first, second, or third degree, except as 350  
otherwise provided in this division, pursuant to the Ohio 351  
Constitution, notify the victim and the victim's representative, 352  
if applicable, of the hearing regardless of whether the victim 353  
or victim's representative has requested the notification. 354  
Except when notice to the victim is required under the Ohio 355  
Constitution, the notice of the hearing shall not be given under 356  
this division to a victim or victim's representative if the 357  
victim or victim's representative has requested pursuant to 358  
division (B)(2) of section 2930.03 of the Revised Code that the 359  
victim or the victim's representative not be provided the 360  
notice. If notice is to be provided to a victim or victim's 361  
representative under this division, the prosecuting attorney may 362  
give the notice by any reasonable means, including regular mail, 363  
telephone, and electronic mail, in accordance with division (D) 364  
(1) of section 2930.16 of the Revised Code. If the notice is 365  
based on an offense committed prior to March 22, 2013, the 366  
notice also shall include the opt-out information described in 367  
division (D)(1) of section 2930.16 of the Revised Code. The 368  
prosecuting attorney, in accordance with division (D)(2) of 369  
section 2930.16 of the Revised Code, shall keep a record of all 370  
attempts to provide the notice, and of all notices provided, 371  
under this division. Division (E)(2) of this section, and the 372  
notice-related provisions of division (K) of this section, 373  
division (D)(1) of section 2930.16, division (H) of section 374  
2967.12, division (E)(1)(b) of section 2967.19 as it existed 375

prior to April 4, 2023, division (A) (3) (b) of section 2967.26, 376  
division (D) (1) of section 2967.28, and division (A) (2) of 377  
section 5149.101 of the Revised Code enacted in the act in which 378  
division (E) (2) of this section was enacted, shall be known as 379  
"Roberta's Law." 380

(F) Upon an offender's successful completion of 381  
rehabilitative activities, the head of the state correctional 382  
institution may notify the sentencing court of the successful 383  
completion of the activities. 384

(G) Prior to the date of the hearing on a motion for 385  
judicial release made by an eligible offender, by a state of 386  
emergency-qualifying offender, or by a court on its own under 387  
this section, the head of the state correctional institution in 388  
which the subject offender is confined shall send to the court 389  
an institutional summary report on the offender's conduct in the 390  
institution and in any institution from which the offender may 391  
have been transferred. Upon the request of the prosecuting 392  
attorney of the county in which the subject offender was 393  
indicted or of any law enforcement agency, the head of the state 394  
correctional institution, at the same time the person sends the 395  
institutional summary report to the court, also shall send a 396  
copy of the report to the requesting prosecuting attorney and 397  
law enforcement agencies. The institutional summary report shall 398  
cover the subject offender's participation in school, vocational 399  
training, work, treatment, and other rehabilitative activities 400  
and any disciplinary action taken against the subject offender. 401  
The report shall be made part of the record of the hearing. A 402  
presentence investigation report is not required for judicial 403  
release. 404

(H) If the court grants a hearing on a motion for judicial 405

release made by an eligible offender, by a state of emergency- 406  
qualifying offender, or by a court on its own under this 407  
section, the subject offender shall attend the hearing if 408  
ordered to do so by the court. Upon receipt of a copy of the 409  
journal entry containing the order, the head of the state 410  
correctional institution in which the subject offender is 411  
incarcerated shall deliver the subject offender to the sheriff 412  
of the county in which the hearing is to be held. The sheriff 413  
shall convey the subject offender to and from the hearing. 414

(I) At the hearing on a motion for judicial release under 415  
this section made by an eligible offender, by a state of 416  
emergency-qualifying offender, or by a court on its own, the 417  
court shall afford the subject offender and the offender's 418  
attorney an opportunity to present written and, if present, oral 419  
information relevant to the motion. The court shall afford a 420  
similar opportunity to the prosecuting attorney, the victim, the 421  
victim's representative, the victim's attorney, if applicable, 422  
and any other person the court determines is likely to present 423  
additional relevant information. The court shall consider any 424  
oral or written statement of a victim, victim's representative, 425  
and victim's attorney, if applicable, made pursuant to section 426  
2930.14 or 2930.17 of the Revised Code, any victim impact 427  
statement prepared pursuant to section 2947.051 of the Revised 428  
Code, and any report made under division (G) of this section. 429  
The court may consider any written statement of any person 430  
submitted to the court pursuant to division (L) of this section. 431

If the motion alleges that the offender who is the subject 432  
of the motion is an eligible offender and the court makes an 433  
initial determination that the offender satisfies the criteria 434  
for being an eligible offender, or if the motion alleges that 435  
the offender who is the subject of the motion is a state of 436

emergency-qualifying offender and the court makes an initial 437  
determination that the offender satisfies the criteria for being 438  
a state of emergency-qualifying offender, the court shall 439  
determine whether to grant the motion. After ruling on the 440  
motion, the court shall notify the prosecuting attorney of the 441  
county in which the eligible offender or state of emergency- 442  
qualifying offender was indicted of the ruling, and the 443  
prosecuting attorney shall notify the victim and the victim's 444  
representative of the ruling in accordance with sections 2930.03 445  
and 2930.16 of the Revised Code or, if the court granted the 446  
motion, in accordance with division (K) of this section. 447

(J) (1) A court shall not grant a judicial release under 448  
this section to an offender who is imprisoned for a felony of 449  
the first or second degree and who is under consideration as an 450  
eligible offender, or to an offender who committed an offense 451  
under Chapter 2925. or 3719. of the Revised Code, who is under 452  
consideration as an eligible offender, and for whom there was a 453  
presumption under section 2929.13 of the Revised Code in favor 454  
of a prison term, unless the court, with reference to factors 455  
under section 2929.12 of the Revised Code, finds both of the 456  
following: 457

(a) That a sanction other than a prison term would 458  
adequately punish the offender and protect the public from 459  
future criminal violations by the offender because the 460  
applicable factors indicating a lesser likelihood of recidivism 461  
outweigh the applicable factors indicating a greater likelihood 462  
of recidivism; 463

(b) That a sanction other than a prison term would not 464  
demean the seriousness of the offense because factors indicating 465  
that the offender's conduct in committing the offense was less 466

serious than conduct normally constituting the offense outweigh 467  
factors indicating that the eligible offender's conduct was more 468  
serious than conduct normally constituting the offense. 469

(2) A court that grants a judicial release under division 470  
(J) (1) of this section to an offender who is under consideration 471  
as an eligible offender shall specify on the record both 472  
findings required in that division and also shall list all the 473  
factors described in that division that were presented at the 474  
hearing. 475

(3) (a) Subject to division (J) (3) (b) of this section, a 476  
court shall grant a judicial release under this section to an 477  
offender who is under consideration as a state of emergency- 478  
qualifying offender if the court determines that the risks posed 479  
by incarceration to the health and safety of the offender, 480  
because of the nature of the declared state of emergency, 481  
outweigh the risk to public safety if the offender were to be 482  
released from incarceration. 483

(b) A court shall not grant a judicial release under this 484  
section to an offender who is imprisoned for a felony of the 485  
first or second degree and is under consideration for judicial 486  
release as a state of emergency-qualifying offender unless the 487  
court, with reference to the factors specified under section 488  
2929.12 of the Revised Code, finds both of the criteria set 489  
forth in divisions (J) (1) (a) and (b) of this section. 490

(K) If the court grants a motion for judicial release 491  
under this section, the court shall order the release of the 492  
eligible offender or state of emergency-qualifying offender, 493  
shall place the offender under an appropriate community control 494  
sanction, under appropriate conditions, and under the 495  
supervision of the department of probation serving the court and 496

shall reserve the right to reimpose the sentence that it reduced 497  
if the offender violates the sanction. If the court reimposes 498  
the reduced sentence, it may do so either concurrently with, or 499  
consecutive to, any new sentence imposed on the eligible 500  
offender or state of emergency-qualifying offender as a result 501  
of the violation that is a new offense. Except as provided in 502  
division (N) (5) (b) of this section, the period of community 503  
control shall be no longer than five years. The court, in its 504  
discretion, may reduce the period of community control by the 505  
amount of time the offender spent in jail or prison for the 506  
offense and in prison. If the court made any findings pursuant 507  
to division (J) (1) of this section, the court shall serve a copy 508  
of the findings upon counsel for the parties within fifteen days 509  
after the date on which the court grants the motion for judicial 510  
release. 511

If the court grants a motion for judicial release, the 512  
court shall notify the appropriate person at the department of 513  
rehabilitation and correction, and the department shall post 514  
notice of the release on the database it maintains pursuant to 515  
section 5120.66 of the Revised Code. The court also shall notify 516  
the prosecuting attorney of the county in which the eligible 517  
offender or state of emergency-qualifying offender was indicted 518  
that the motion has been granted. When notice to the victim is 519  
required under the Ohio Constitution, the prosecuting attorney 520  
shall notify the victim and the victim's representative, if 521  
applicable, of the judicial release. In all other cases, unless 522  
the victim or the victim's representative has requested pursuant 523  
to division (B) (2) of section 2930.03 of the Revised Code that 524  
the victim or victim's representative not be provided the 525  
notice, the prosecuting attorney shall notify the victim and the 526  
victim's representative, if applicable, of the judicial release 527

in any manner, and in accordance with the same procedures, 528  
pursuant to which the prosecuting attorney is authorized to 529  
provide notice of the hearing pursuant to division (E) (2) of 530  
this section. If the notice is based on an offense committed 531  
prior to March 22, 2013, the notice to the victim or victim's 532  
representative also shall include the opt-out information 533  
described in division (D) (1) of section 2930.16 of the Revised 534  
Code. 535

(L) In addition to and independent of the right of a 536  
victim to make a statement pursuant to section 2930.14, 2930.17, 537  
or 2946.051 of the Revised Code and any right of a person to 538  
present written information or make a statement pursuant to 539  
division (I) of this section, any person may submit to the 540  
court, at any time prior to the hearing on the motion for 541  
judicial release of the eligible offender or state of emergency- 542  
qualifying offender, a written statement concerning the effects 543  
of the offender's criminal offense, the circumstances 544  
surrounding the criminal offense, the manner in which the 545  
criminal offense was perpetrated, and the person's opinion as to 546  
whether the offender should be released. 547

(M) (1) The changes to this section that are made on 548  
September 30, 2011, apply to any judicial release decision made 549  
on or after September 30, 2011, for any eligible offender, 550  
subject to division (M) (2) of this section. 551

(2) The changes to this section that are made on April 4, 552  
2023, apply to any judicial release application, and any 553  
judicial release decision, made on or after April 4, 2023, for 554  
any eligible offender or state of emergency-qualifying offender. 555

(N) (1) Notwithstanding the eligibility requirements 556  
specified in divisions (A) (1) and (2) of this section and the 557

filing time frames specified in division (C) of this section and 558  
notwithstanding the findings required under division (J)(1) and 559  
the eligibility criteria specified in division (J)(3) of this 560  
section, the sentencing court, upon the court's own motion and 561  
after considering whether the release of the offender into 562  
society would create undue risk to public safety, may grant a 563  
judicial release to an offender who is not serving a life 564  
sentence at any time during the offender's imposed sentence when 565  
the director of rehabilitation and correction certifies to the 566  
sentencing court through the chief medical officer for the 567  
department of rehabilitation and correction that the offender is 568  
in imminent danger of death, is medically incapacitated, or has 569  
a terminal illness. 570

(2) The director of rehabilitation and correction shall 571  
not certify any offender under division (N)(1) of this section 572  
who is serving a death sentence. 573

(3) A motion made by the court under division (N)(1) of 574  
this section is subject to the notice, hearing, and other 575  
procedural requirements specified in divisions (D), (E), (G), 576  
(H), (I), (K), and (L) of this section with respect to motions 577  
for a grant of judicial release to eligible offenders, including 578  
notice to the victim, except for the following: 579

(a) The court may waive the offender's appearance at any 580  
hearing scheduled by the court if the offender's condition makes 581  
it impossible for the offender to participate meaningfully in 582  
the proceeding. 583

(b) The court may grant the motion without a hearing, 584  
provided that the prosecuting attorney, victim, and victim's 585  
representative, if applicable, to whom notice of the hearing was 586  
provided under division (E) of this section indicate that they 587

do not wish to participate in the hearing or present information 588  
relevant to the motion. 589

(4) The court may request health care records from the 590  
department of rehabilitation and correction to verify the 591  
certification made under division (N)(1) of this section. 592

(5) (a) If the court grants judicial release under division 593  
(N)(1) of this section, the court shall do all of the following: 594

(i) Order the release of the offender; 595

(ii) Place the offender under an appropriate community 596  
control sanction, under appropriate conditions; 597

(iii) Place the offender under the supervision of the 598  
department of probation serving the court or under the 599  
supervision of the adult parole authority. 600

(b) The court, in its discretion, may revoke the judicial 601  
release if the offender violates the community control sanction 602  
described in division (N)(5)(a) of this section. The period of 603  
that community control is not subject to the five-year 604  
limitation described in division (K) of this section and shall 605  
not expire earlier than the date on which all of the offender's 606  
mandatory prison terms expire. 607

(6) If the health of an offender who is released under 608  
division (N)(1) of this section improves so that the offender is 609  
no longer terminally ill, medically incapacitated, or in 610  
imminent danger of death, the court shall, upon the court's own 611  
motion, revoke the judicial release. The court shall not grant 612  
the motion without a hearing unless the offender waives a 613  
hearing. If a hearing is held, the court shall afford the 614  
offender and the offender's attorney an opportunity to present 615  
written and, if the offender or the offender's attorney is 616

present, oral information relevant to the motion. The court 617  
shall afford a similar opportunity to the prosecuting attorney, 618  
the victim, the victim's representative, the victim's attorney, 619  
if applicable, and any other person the court determines is 620  
likely to present additional relevant information. If a hearing 621  
is held, the prosecuting attorney shall notify the victim and 622  
the victim's representative, if applicable, pursuant to the Ohio 623  
Constitution. A court that grants a motion under this division 624  
shall specify its findings on the record. 625

(O) (1) Separate from and independent of the provisions of 626  
divisions (A) to (N) of this section, the director of the 627  
department of rehabilitation and correction may recommend in 628  
writing to the sentencing court that the court consider 629  
releasing from prison, through a judicial release, any offender 630  
who is confined in a state correctional institution and who is 631  
an eighty per cent-qualifying offender. The director may file 632  
such a recommendation for judicial release by submitting to the 633  
sentencing court a notice, in writing, of the recommendation 634  
within the applicable period specified in division (A) (3) of 635  
this section for qualifying as an eighty per cent-qualifying 636  
offender. 637

The director shall include with any notice submitted to 638  
the sentencing court under this division an institutional 639  
summary report that covers the offender's participation while 640  
confined in a state correctional institution in school, 641  
training, work, treatment, and other rehabilitative activities 642  
and any disciplinary action taken against the offender while so 643  
confined. The director shall include with the notice any other 644  
documentation requested by the court, if available. 645

If the director submits a notice under this division 646

recommending judicial release, the department promptly shall 647  
provide to the prosecuting attorney of the county in which the 648  
offender was indicted a copy of the written notice and 649  
recommendation, a copy of the institutional summary report, and 650  
any other information provided to the court, and shall provide a 651  
copy of the institutional summary report to any law enforcement 652  
agency that requests the report. The department also shall 653  
provide written notice of the submission of the director's 654  
notice to any victim of the offender or victim's representative, 655  
if applicable, in the same manner as is specified in divisions 656  
(E) (1) and (2) of this section with respect to notices of 657  
hearings. 658

(2) A recommendation for judicial release in a notice 659  
submitted by the director under division (O) (1) of this section 660  
is subject to the notice, hearing, and other procedural 661  
requirements specified in divisions (E), (H), (I), and (L) of 662  
this section, including notice to the victim pursuant to the 663  
Ohio Constitution, except as otherwise specified in divisions 664  
(O) (3) to (5) of this section, provided that references in 665  
divisions (E), (H), (I), (K), and (L) of this section to "the 666  
motion" shall be construed for purposes of division (O) of this 667  
section as being references to the notice and recommendation 668  
specified in division (O) (1) of this section. 669

(3) The director's submission of a notice under division 670  
(O) (1) of this section constitutes a recommendation by the 671  
director that the court strongly consider a judicial release of 672  
the offender consistent with the purposes and principles of 673  
sentencing set forth in sections 2929.11 and 2929.13 of the 674  
Revised Code and establishes a rebuttable presumption that the 675  
offender shall be released through a judicial release in 676  
accordance with the recommendation. The presumption of release 677

may be rebutted only as described in division (O) (6) of this 678  
section. Only an offender recommended by the director under 679  
division (O) (1) of this section may be considered for a judicial 680  
release under division (O) of this section. 681

(4) Upon receipt of a notice recommending judicial release 682  
submitted by the director under division (O) (1) of this section, 683  
the court shall schedule a hearing to consider the 684  
recommendation for the judicial release of the offender who is 685  
the subject of the notice. The hearing shall be conducted in 686  
open court not less than thirty or more than sixty days after 687  
the notice is submitted. The court shall inform the department 688  
and the prosecuting attorney of the county in which the offender 689  
who is the subject of the notice was indicted of the date, time, 690  
and location of the hearing. Upon receipt of the notice from the 691  
court, the prosecuting attorney shall comply with division (E) 692  
of this section, including providing notice to the victim and 693  
the victim's representative, if applicable, pursuant to the Ohio 694  
Constitution, and the department shall post the information 695  
specified in that division. 696

(5) When a court schedules a hearing under division (O) (4) 697  
of this section, at the hearing, the court shall consider all of 698  
the following in determining whether to grant the offender 699  
judicial release under division (O) of this section: 700

(a) The institutional summary report submitted under 701  
division (O) (1) of this section; 702

(b) The inmate's academic, vocational education programs, 703  
or alcohol or drug treatment programs; or involvement in 704  
meaningful activity; 705

(c) The inmate's assignments and whether the inmate 706

consistently performed each work assignment to the satisfaction 707  
of the department staff responsible for supervising the inmate's 708  
work; 709

(d) The inmate transferred to and actively participated in 710  
core curriculum programming at a reintegration center prison; 711

(e) The inmate's disciplinary history; 712

(f) The inmate's security level; 713

(g) All other information, statements, reports, and 714  
documentation described in division (I) of this section. 715

(6) If the court that receives a notice recommending 716  
judicial release submitted by the director under division (O) (1) 717  
of this section makes an initial determination that the offender 718  
satisfies the criteria for being an eighty per cent-qualifying 719  
offender, the court then shall determine whether to grant the 720  
offender judicial release. In making the second determination, 721  
the court shall grant the offender judicial release unless the 722  
prosecuting attorney proves to the court, by a preponderance of 723  
the evidence, that the legitimate interests of the government in 724  
maintaining the offender's confinement outweigh the interests of 725  
the offender in being released from that confinement. If the 726  
court grants a judicial release under this division, division 727  
(K) of this section applies regarding the judicial release, 728  
including notice to the victim and the victim's representative, 729  
if applicable, pursuant to the Ohio Constitution, provided that 730  
references in division (K) of this section to "the motion" shall 731  
be construed for purposes of the judicial release granted under 732  
this division as being references to the notice and 733  
recommendation specified in division (O) (1) of this section. 734

The court shall enter its ruling on the notice 735

recommending judicial release submitted by the director under 736  
division (O) (1) of this section within ten days after the 737  
hearing is conducted. After ruling on whether to grant the 738  
offender judicial release under division (O) of this section, 739  
the court shall notify the offender, the prosecuting attorney, 740  
and the department of rehabilitation and correction of its 741  
decision, and shall notify the victim of its decision in 742  
accordance with the Ohio Constitution and sections 2930.03 and 743  
2930.16 of the Revised Code. If the court does not enter a 744  
ruling on the notice within ten days after the hearing is 745  
conducted as required under this division, the division of 746  
parole and community services of the department of 747  
rehabilitation and correction may release the offender. 748

(P) All notices to a victim of an offense provided under 749  
division (D), (E), (K), (N), or (O) of this section shall be 750  
provided in accordance with the Ohio Constitution. 751

**Sec. 2967.26.** (A) (1) The department of rehabilitation and 752  
correction, by rule, may establish a transitional control 753  
program for the purpose of closely monitoring a prisoner's 754  
adjustment to community supervision during the final one hundred 755  
eighty days of the prisoner's confinement. If the department 756  
establishes a transitional control program under this division, 757  
the division of parole and community services of the department 758  
of rehabilitation and correction may transfer eligible prisoners 759  
to transitional control status under the program during the 760  
final one hundred eighty days of their confinement and under the 761  
terms and conditions established by the department, shall 762  
provide for the confinement as provided in this division of each 763  
eligible prisoner so transferred, and shall supervise each 764  
eligible prisoner so transferred in one or more community 765  
control sanctions. Each eligible prisoner who is transferred to 766

transitional control status under the program shall be confined 767  
in a suitable facility that is licensed pursuant to division (C) 768  
of section 2967.14 of the Revised Code, or shall be confined in 769  
a residence the department has approved for this purpose and be 770  
monitored pursuant to an electronic monitoring device, as 771  
defined in section 2929.01 of the Revised Code. If the 772  
department establishes a transitional control program under this 773  
division, the rules establishing the program shall include 774  
criteria that define which prisoners are eligible for the 775  
program, criteria that must be satisfied to be approved as a 776  
residence that may be used for confinement under the program of 777  
a prisoner that is transferred to it and procedures for the 778  
department to approve residences that satisfy those criteria, 779  
and provisions of the type described in division (C) of this 780  
section. At a minimum, the criteria that define which prisoners 781  
are eligible for the program shall provide all of the following: 782

(a) That a prisoner is eligible for the program if the 783  
prisoner is serving a prison term or term of imprisonment for an 784  
offense committed prior to March 17, 1998, and if, at the time 785  
at which eligibility is being determined, the prisoner would 786  
have been eligible for a furlough under this section as it 787  
existed immediately prior to March 17, 1998, or would have been 788  
eligible for conditional release under former section 2967.23 of 789  
the Revised Code as that section existed immediately prior to 790  
March 17, 1998; 791

(b) That no prisoner who is serving a mandatory prison 792  
term is eligible for the program until after expiration of the 793  
mandatory term; 794

(c) That no prisoner who is serving a prison term or term 795  
of life imprisonment without parole imposed pursuant to section 796

2971.03 of the Revised Code is eligible for the program. 797

(2) At least sixty days prior to transferring to 798  
transitional control under this section a prisoner who is 799  
serving a definite term of imprisonment or definite prison term 800  
of less than one year for an offense committed on or after July 801  
1, 1996, or who is serving a minimum term of less than one year 802  
under a non-life felony indefinite prison term, on or after 803  
April 4, 2023, the division of parole and community services of 804  
the department of rehabilitation and correction shall give 805  
notice of the pendency of the transfer to transitional control 806  
to the court of common pleas of the county in which the 807  
indictment against the prisoner was found and of the fact that 808  
the court may disapprove the transfer of the prisoner to 809  
transitional control and shall include the institutional summary 810  
report prepared by the head of the state correctional 811  
institution in which the prisoner is confined. The head of the 812  
state correctional institution in which the prisoner is 813  
confined, upon the request of the division of parole and 814  
community services, shall provide to the division for inclusion 815  
in the notice sent to the court under this division an 816  
institutional summary report on the prisoner's conduct in the 817  
institution and in any institution from which the prisoner may 818  
have been transferred. The institutional summary report shall 819  
cover the prisoner's participation in school, vocational 820  
training, work, treatment, and other rehabilitative activities 821  
and any disciplinary action taken against the prisoner. If the 822  
court disapproves of the transfer of the prisoner to 823  
transitional control, the court shall notify the division of the 824  
disapproval within thirty days after receipt of the notice. If 825  
the court timely disapproves the transfer of the prisoner to 826  
transitional control, the division shall not proceed with the 827

transfer. If the court does not timely disapprove the transfer 828  
of the prisoner to transitional control, the division may 829  
transfer the prisoner to transitional control. 830

(3) (a) If the victim of an offense for which a prisoner 831  
was sentenced to a prison term or term of imprisonment has 832  
requested notification under section 2930.16 of the Revised Code 833  
and has provided the department of rehabilitation and correction 834  
with the victim's name and address or if division (A) (3) (b) of 835  
this section applies, the division of parole and community 836  
services, at least sixty days prior to transferring the prisoner 837  
to transitional control pursuant to this section, shall notify 838  
the victim and the victim's representative, if applicable, of 839  
the pendency of the transfer and of the victim's and victim's 840  
representative's right to submit a statement to the division 841  
regarding the impact of the transfer of the prisoner to 842  
transitional control. If the victim or victim's representative's 843  
subsequently submits a statement of that nature to the division, 844  
the division shall consider the statement in deciding whether to 845  
transfer the prisoner to transitional control. 846

(b) If a prisoner is incarcerated for the commission of 847  
aggravated murder, murder, or an offense of violence that is a 848  
felony of the first, second, or third degree or under a sentence 849  
of life imprisonment, except as otherwise provided in this 850  
division, the notice described in division (A) (3) (a) of this 851  
section shall be given regardless of whether the victim has 852  
requested the notification. The notice described in division (A) 853  
(3) (a) of this section shall not be given under this division to 854  
a victim if the victim has requested pursuant to division (B) (2) 855  
of section 2930.03 of the Revised Code that the victim not be 856  
provided the notice. If notice is to be provided to a victim 857  
under this division, the authority may give the notice by any 858

reasonable means, including regular mail, telephone, and 859  
electronic mail, in accordance with division (D) (1) of section 860  
2930.16 of the Revised Code. If the notice is based on an 861  
offense committed prior to March 22, 2013, the notice also shall 862  
include the opt-out information described in division (D) (1) of 863  
section 2930.16 of the Revised Code. The authority, in 864  
accordance with division (D) (2) of section 2930.16 of the 865  
Revised Code, shall keep a record of all attempts to provide the 866  
notice, and of all notices provided, under this division. 867

Division (A) (3) (b) of this section, and the notice-related 868  
provisions of divisions (E) (2) and (K) of section 2929.20, 869  
division (D) (1) of section 2930.16, division (H) of section 870  
2967.12, division (E) (1) (b) of section 2967.19 as it existed 871  
prior to April 4, 2023, division (D) (1) of section 2967.28, and 872  
division (A) (2) of section 5149.101 of the Revised Code enacted 873  
in the act in which division (A) (3) (b) of this section was 874  
enacted, shall be known as "Roberta's Law." 875

(4) The department of rehabilitation and correction, at 876  
least sixty days prior to transferring a prisoner to 877  
transitional control pursuant to this section, shall post on the 878  
database it maintains pursuant to section 5120.66 of the Revised 879  
Code the prisoner's name and all of the information specified in 880  
division (A) (1) (c) (iv) of that section. In addition to and 881  
independent of the right of a victim to submit a statement as 882  
described in division (A) (3) of this section or to otherwise 883  
make a statement and in addition to and independent of any other 884  
right or duty of a person to present information or make a 885  
statement, any person may send to the division of parole and 886  
community services at any time prior to the division's transfer 887  
of the prisoner to transitional control a written statement 888  
regarding the transfer of the prisoner to transitional control. 889

In addition to the information, reports, and statements it 890  
considers under divisions (A) (2) and (3) of this section or that 891  
it otherwise considers, the division shall consider each 892  
statement submitted in accordance with this division in deciding 893  
whether to transfer the prisoner to transitional control. 894

(B) Each prisoner transferred to transitional control 895  
under this section shall be confined in the manner described in 896  
division (A) of this section during any period of time that the 897  
prisoner is not actually working at the prisoner's approved 898  
employment, engaged in a vocational training or another 899  
educational program, engaged in another program designated by 900  
the director, or engaged in other activities approved by the 901  
department. 902

(C) The department of rehabilitation and correction shall 903  
adopt rules for transferring eligible prisoners to transitional 904  
control, supervising and confining prisoners so transferred, 905  
administering the transitional control program in accordance 906  
with this section, and using the moneys deposited into the 907  
transitional control fund established under division (E) of this 908  
section. 909

(D) The department of rehabilitation and correction may 910  
adopt rules for the issuance of passes for the limited purposes 911  
described in this division to prisoners who are transferred to 912  
transitional control under this section. If the department 913  
adopts rules of that nature, the rules shall govern the granting 914  
of the passes and shall provide for the supervision of prisoners 915  
who are temporarily released pursuant to one of those passes. 916  
Upon the adoption of rules under this division, the department 917  
may issue passes to prisoners who are transferred to 918  
transitional control status under this section in accordance 919

with the rules and the provisions of this division. All passes 920  
issued under this division shall be for a maximum of forty-eight 921  
hours and may be issued only for the following purposes: 922

(1) To visit a relative in imminent danger of death; 923

(2) To have a private viewing of the body of a deceased 924  
relative; 925

(3) To visit with family; 926

(4) To otherwise aid in the rehabilitation of the 927  
prisoner. 928

(E) The division of parole and community services may 929  
require a prisoner who is transferred to transitional control to 930  
pay to the division the reasonable expenses incurred by the 931  
division in supervising or confining the prisoner while under 932  
transitional control. Inability to pay those reasonable expenses 933  
shall not be grounds for refusing to transfer an otherwise 934  
eligible prisoner to transitional control. Amounts received by 935  
the division of parole and community services under this 936  
division shall be deposited into the transitional control fund, 937  
which is hereby created in the state treasury and which hereby 938  
replaces and succeeds the furlough services fund that formerly 939  
existed in the state treasury. All moneys that remain in the 940  
furlough services fund on March 17, 1998, shall be transferred 941  
on that date to the transitional control fund. The transitional 942  
control fund shall be used solely to pay costs related to the 943  
operation of the transitional control program established under 944  
this section. The director of rehabilitation and correction 945  
shall adopt rules in accordance with section 111.15 of the 946  
Revised Code for the use of the fund. 947

(F) A prisoner who violates any rule established by the 948

department of rehabilitation and correction under division (A), 949  
(C), or (D) of this section may be transferred to a state 950  
correctional institution pursuant to rules adopted under 951  
division (A), (C), or (D) of this section, but the prisoner 952  
shall receive credit towards completing the prisoner's sentence 953  
for the time spent under transitional control. 954

If a prisoner is transferred to transitional control under 955  
this section, upon successful completion of the period of 956  
transitional control, the prisoner may be released on parole or 957  
under post-release control pursuant to section 2967.13 or 958  
2967.28 of the Revised Code and rules adopted by the department 959  
of rehabilitation and correction. If the prisoner is released 960  
under post-release control, the duration of the post-release 961  
control, the type of post-release control sanctions that may be 962  
imposed, the enforcement of the sanctions, and the treatment of 963  
prisoners who violate any sanction applicable to the prisoner 964  
are governed by section 2967.28 of the Revised Code. 965

**Section 2.** That existing sections 2929.20 and 2967.26 of 966  
the Revised Code are hereby repealed." 967

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS 968

**Judicial release and transitional control** 969

**R.C. 2929.20 and 2967.26** 970

Reiterates that amendments to the judicial release and 971  
transitional control processes made in S.B. 288 of the 134th 972  
General Assembly apply only to prisoners serving prison terms on 973

or after April 4, 2023, the effective date of that act.

974