

As Passed by the Senate

135th General Assembly

Regular Session

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Sub. H. B. No. 301

Representative Swearingen

Cosponsors: Representatives Hillyer, Schmidt, Abrams, Brennan, Callender, Carruthers, Cross, Dell'Aquila, Dobos, Isaacsohn, Jarrells, Jones, Kick, Lampton, Lorenz, Mathews, Oelslager, Robb Blasdel, Rogers, Russo, Seitz, Williams, Young, T.

Senators Manning, Cirino, Gavarone, Lang

A BILL

To amend sections 181.21, 345.13, 517.23, 1701.86, 1
1702.27, 1702.30, 1702.33, 1702.38, 1702.521, 2
1702.53, 1702.55, 1745.05, 1901.02, 1907.11, 3
2505.02, 2929.20, and 2967.26; to enact new 4
section 135.032 and sections 181.26, 1702.341, 5
1702.531, and 3109.055; and to repeal sections 6
135.032 and 135.321 of the Revised Code to amend 7
the Nonprofit Corporation Law, the law governing 8
dissolving corporations, and the law governing 9
the repair or replacement of a mausoleum or 10
columbarium; to replace two part-time judgeships 11
in the Ashtabula County County Court with one 12
full-time judge, and to include the village of 13
North Kingsville and Kingsville, Monroe, and 14
Sheffield Townships within the territorial 15
jurisdiction of the Conneaut Municipal Court; to 16
expand the authority of a board of trustees of a 17
political subdivision soldiers' memorial; to 18
modify the law governing public depositories; to 19
establish a standing juvenile committee within 20

the state criminal sentencing commission; to 21
allow an immediate appeal of a court order 22
restricting enforcement of state law; to allow a 23
court to order parents to undergo conciliation 24
with a magistrate in a custody proceeding; and 25
to reiterate the effective date of judicial 26
release and transitional control provisions 27
enacted in S.B. 288 of the 134th General 28
Assembly. 29

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

Section 1. That sections 181.21, 345.13, 517.23, 1701.86, 30
1702.27, 1702.30, 1702.33, 1702.38, 1702.521, 1702.53, 1702.55, 31
1745.05, 1901.02, 1907.11, 2505.02, 2929.20, and 2967.26 be 32
amended and new section 135.032 and sections 181.26, 1702.341, 33
1702.531, and 3109.055 of the Revised Code be enacted to read as 34
follows: 35

Sec. 135.032. (A) For the purposes of this section: 36

(1) "Institution" means an institution eligible to become 37
a public depository under section 135.03 or 135.32 of the 38
Revised Code or an eligible credit union, as defined in section 39
135.62 of the Revised Code. 40

(2) "Prompt corrective action directive" means a directive 41
issued by a regulatory authority of the United States as 42
authorized under 12 U.S.C. 1790d or 1831o. 43

(B) An institution designated as a public depository under 44
this chapter shall notify each governing board that made such 45

designation if the institution becomes party to an active prompt 46
corrective action directive. 47

(C) Except as otherwise provided in division (D) of this 48
section, an institution is ineligible to become a public 49
depository under this chapter or to have active, interim, or 50
inactive deposits awarded, placed, purchased, made, or 51
designated pursuant to this chapter, if the institution is party 52
to an active prompt corrective action directive. 53

(D) If a governing board receives notice under division 54
(B) of this section, or otherwise becomes aware that an 55
institution the board designated as a public depository is party 56
to an active prompt corrective action directive, the board may 57
do either or both of the following, if the board determines that 58
it is in the public interest: 59

(1) Allow the public depository to continue to have 60
active, interim, or inactive deposits awarded, placed, 61
purchased, made, or designated for the remainder of the 62
designation period; 63

(2) Designate the institution as a public depository for 64
additional succeeding designation periods. 65

(E) If a governing board determines that one or both of 66
the actions permitted by division (D) of this section are in the 67
public interest, and public moneys are lost due to the failure 68
of the public depository subject to the active prompt correction 69
directive, all of the following are relieved from any liability 70
for that loss: 71

(1) The governing board's treasurer and deputy treasurer; 72

(2) An executive director, director, or other person 73
employed by the governing board, its treasurer, or its deputy 74

<u>treasurer;</u>	75
<u>(3) Bondspersons and surety of any person described in</u>	76
<u>divisions (E) (1) and (2) of this section.</u>	77
Sec. 181.21. (A) There is hereby created within the	78
supreme court the state criminal sentencing commission,	79
consisting of thirty-one members. One member shall be the chief	80
justice of the supreme court, who shall be the chairperson of	81
the commission. The following ten members of the commission, no	82
more than six of whom shall be members of the same political	83
party, shall be appointed by the chief justice: one judge of a	84
court of appeals, three judges of courts of common pleas who are	85
not juvenile court judges, three judges of juvenile courts, and	86
three judges of municipal courts or county courts. Four members	87
shall be the superintendent of the state highway patrol, the	88
state public defender, the director of youth services, and the	89
director of rehabilitation and correction, or their individual	90
designees. The following twelve members, no more than seven of	91
whom shall be members of the same political party, shall be	92
appointed by the governor after consulting with the appropriate	93
state associations, if any, that are represented by these	94
members: one sheriff; two county prosecuting attorneys, at least	95
one of whom shall be experienced in the prosecution of cases in	96
juvenile court involving alleged delinquent children, unruly	97
children, and juvenile traffic offenders; two peace officers of	98
a municipal corporation or township, at least one of whom shall	99
be experienced in the investigation of cases involving	100
juveniles; one former victim of a violation of Title XXIX of the	101
Revised Code; one attorney whose practice of law primarily	102
involves the representation of criminal defendants; one member	103
of the Ohio state bar association; one attorney whose practice	104
of law primarily involves the representation in juvenile court	105

of alleged delinquent children, unruly children, and juvenile 106
traffic offenders; one full-time city prosecuting attorney; one 107
county commissioner; and one mayor, city manager, or member of a 108
legislative authority of a municipal corporation. Two members 109
shall be members of the senate, one appointed by the president 110
of the senate and one appointed by the minority leader of the 111
senate. Two members shall be members of the house of 112
representatives, one appointed by the speaker of the house of 113
representatives and one appointed by the minority leader of the 114
house of representatives. 115

The chief justice shall become a member of the commission 116
on August 22, 1990, and the chief justice's successors in office 117
shall become members of the commission on the day that they 118
assume the office of chief justice. The term of office of the 119
chief justice as a member of the commission shall continue for 120
as long as that person holds the office of chief justice. The 121
term of office of the member who is an attorney whose practice 122
of law primarily involves the representation of criminal 123
defendants, the term of office of the member who is an attorney 124
whose practice of law primarily involves the representation in 125
juvenile court of alleged delinquent children, unruly children, 126
and juvenile traffic offenders, and the term of office of the 127
former victim of a violation of Title XXIX of the Revised Code 128
shall be four years. The term of office of the superintendent of 129
the state highway patrol, the state public defender, the 130
director of youth services, and the director of rehabilitation 131
and correction, or their individual designees, as members of the 132
commission shall continue for as long as they hold the office of 133
superintendent of the state highway patrol, state public 134
defender, director of youth services, or director of 135
rehabilitation and correction. The term of office of a municipal 136

corporation or township peace officer as a member of the 137
commission shall be the lesser of four years or until that 138
person ceases to be a peace officer of a municipal corporation 139
or township. Unless the full-time city prosecuting attorney is 140
an elected official, the term of office of the full-time city 141
prosecuting attorney shall be the lesser of four years or until 142
the full-time city prosecuting attorney ceases to be a full-time 143
city prosecuting attorney. All of the members of the commission 144
who are elected officials shall serve the lesser of four years 145
or until the expiration of their term of office. Any vacancy on 146
the commission shall be filled in the same manner as the 147
original appointment. 148

When the chief justice and governor make their 149
appointments to the commission, they shall consider adequate 150
representation by race and gender. 151

(B) The commission shall select a vice-chairperson and any 152
other necessary officers and adopt rules to govern its 153
proceedings. The commission shall meet as necessary at the call 154
of the chairperson or on the written request of eight or more of 155
its members. Sixteen members of the commission constitute a 156
quorum, and the votes of a majority of the quorum present shall 157
be required to validate any action of the commission. All 158
business of the commission shall be conducted in public 159
meetings. 160

The members of the commission shall serve without 161
compensation, but each member shall be reimbursed for the 162
member's actual and necessary expenses incurred in the 163
performance of the member's official duties on the commission. 164
In the absence of the chairperson, the vice-chairperson shall 165
perform the duties of the chairperson. 166

(C) The commission shall establish an office and shall 167
appoint and fix the compensation of a project director and any 168
other employees necessary to assist the commission in the 169
execution of its authority under sections 181.21 to 181.25 of 170
the Revised Code. The project director shall have a thorough 171
understanding of the criminal laws of this state and experience 172
in committee-oriented research. The other employees may include 173
a research coordinator with experience and training in policy- 174
oriented research; professional staff employees with backgrounds 175
in criminal law, criminal justice, political science, or related 176
fields of expertise; administrative assistants; and secretaries. 177
The commission also may appoint and fix the compensation of 178
part-time data collectors, clerical employees, and other 179
temporary employees as needed to enable the commission to 180
execute its authority under sections 181.21 to 181.25 of the 181
Revised Code. 182

(D) (1) The sentencing commission shall establish a 183
standing juvenile committee. The committee may consist of the 184
following commission members: 185

(a) The chief justice of the supreme court or the chief 186
justice's designee; 187

(b) The director of youth services, or the director's 188
designee; 189

(c) The three juvenile court judges; 190

(d) One court of common pleas judge who is not a juvenile 191
court judge; 192

(e) One county prosecuting attorney who is experienced in 193
the prosecution of cases in juvenile court involving alleged 194
delinquent children, unruly children, and juvenile traffic 195

<u>offenders;</u>	196
<u>(f) The attorney whose practice of law primarily involves</u>	197
<u>the representation in juvenile court of alleged delinquent</u>	198
<u>children, unruly children, and juvenile traffic offenders;</u>	199
<u>(g) The former victim of a violation of Title XXIX of the</u>	200
<u>Revised Code;</u>	201
<u>(h) The county commissioner;</u>	202
<u>(i) One legislator from each political party;</u>	203
<u>(j) The sheriff;</u>	204
<u>(k) One municipal corporation or township peace officer</u>	205
<u>who is experienced in the investigation of cases involving</u>	206
<u>juveniles;</u>	207
<u>(l) Any other persons that the chief justice or the</u>	208
<u>chairperson of the committee designates.</u>	209
<u>(2) The members may serve on the committee by designation</u>	210
<u>of the chief justice or the chairperson of the committee.</u>	211
<u>(3) The chief justice shall designate a member to serve as</u>	212
<u>chairperson of the committee. The committee shall select a vice-</u>	213
<u>chairperson and any other necessary officers and adopt rules to</u>	214
<u>govern its proceedings.</u>	215
<u>(4) The committee shall meet as necessary at the call of</u>	216
<u>the chairperson or on the written request of four or more of the</u>	217
<u>committee's members. A majority of the members of the committee</u>	218
<u>constitutes a quorum, and the votes of a majority of the quorum</u>	219
<u>present are required to validate any action of the committee,</u>	220
<u>including recommendations to the commission.</u>	221
<u>(5) The committee and the commission shall comply with</u>	222

<u>section 181.26 of the Revised Code.</u>	223
<u>Sec. 181.26. (A) In addition to its duties set forth in</u>	224
<u>this chapter, the state criminal sentencing commission shall do</u>	225
<u>all of the following:</u>	226
<u>(1) Review all statutes governing delinquent child, unruly</u>	227
<u>child, and juvenile traffic offender dispositions in this state;</u>	228
<u>(2) Review state and local resources, including facilities</u>	229
<u>and programs, used for delinquent child, unruly child, and</u>	230
<u>juvenile traffic offender dispositions and the populations of</u>	231
<u>youthful offenders in the facilities and programs;</u>	232
<u>(3) Develop a juvenile justice policy for the state. The</u>	233
<u>policy shall be designed to:</u>	234
<u>(a) Assist in the managing of the number of persons in,</u>	235
<u>operation of, and costs of the facilities, the programs, and</u>	236
<u>other resources used in delinquent child, unruly child, and</u>	237
<u>juvenile traffic offender dispositions;</u>	238
<u>(b) Further the purposes for disposition under section</u>	239
<u>2152.01 of the Revised Code;</u>	240
<u>(c) Provide greater certainty, proportionality,</u>	241
<u>uniformity, fairness, and simplicity in delinquent child, unruly</u>	242
<u>child, and juvenile traffic offender dispositions while</u>	243
<u>retaining reasonable judicial discretion.</u>	244
<u>(B) The commission shall do all of the following:</u>	245
<u>(1) Assist in the implementation of statutes governing</u>	246
<u>delinquent child, unruly child, and juvenile traffic offender</u>	247
<u>dispositions in this state;</u>	248
<u>(2) Monitor the operation of statutes governing delinquent</u>	249

child, unruly child, and juvenile traffic offender dispositions 250
in this state, periodically report to the general assembly on 251
the statutes' operation and the statutes' impact on resources 252
used in delinquent child, unruly child, and juvenile traffic 253
offender dispositions, and recommend necessary changes in the 254
statutes to the general assembly in the biennial monitoring 255
report described in section 181.25 of the Revised Code; 256

(3) Review all bills that are introduced in the general 257
assembly related to delinquent child, unruly child, and juvenile 258
traffic offender dispositions, determine if those bills are 259
consistent with the juvenile justice policy adopted under 260
division (A) (3) of this section, recommend to the general 261
assembly amendments to those bills if necessary, and assist the 262
general assembly in making legislation consistent with the 263
juvenile justice policy adopted under division (A) (3) of this 264
section. 265

Sec. 345.13. A soldiers' memorial, provided for by section 266
345.01 of the Revised Code, shall be maintained so as to 267
commemorate the services of all members and veterans of the 268
armed forces of the United States. The board of trustees shall 269
make rules and regulations for the use, administration, and 270
maintenance of such memorial as is fitting and necessary to 271
carry out the purposes thereof. The board of trustees may make 272
rules and regulations for entertainment, retail, educational, 273
sporting, social, cultural, or arts opportunities at the 274
memorial. 275

When such memorial is a building, it shall provide 276
suitable apartments of sufficient dimensions to commemorate the 277
soldiers, sailors, marines, and all members of the armed forces 278
of the United States, so designated by congress, ~~both men and~~ 279

~~women of the county,~~ who have lost their lives while in the 280
service of the country. Suitable tablets shall be maintained 281
with the names of such soldiers, sailors, and marines inscribed 282
thereon. The building may include a public auditorium, music 283
hall, and recreational facilities. 284

The board may establish rental fees and other charges for 285
the use of the memorial, and it may waive any portion of such 286
charges. 287

With the approval of the board of county commissioners, 288
the board of trustees may enter into contracts with political 289
subdivisions or nonprofit organizations for the use of other 290
facilities separate and apart from the memorial, and to provide 291
other services. Such use shall adhere to the rules and 292
regulations established by the board of trustees to carry out 293
the purposes of the memorial. 294

Sec. 517.23. (A) Subject to divisions (B), (D), ~~and (E),~~ 295
and (F) of this section, the board of township trustees, the 296
trustees or directors of a cemetery association, or the other 297
officers having control and management of a cemetery or the 298
officer of a municipal corporation who has control and 299
management of a municipal cemetery shall disinter or grant 300
permission to disinter any remains ~~buried~~ interred in the 301
cemetery in either of the following circumstances: 302

(1) Within thirty days after an application for 303
disinterment is filed with the cemetery in accordance with 304
division (A) of section 517.24 of the Revised Code and payment 305
of the reasonable costs and expense of disinterment is made by 306
the following applicants: 307

(a) A designated representative, or successor, to whom the 308

decedent had assigned the right of disposition in a written 309
declaration pursuant to section 2108.70 of the Revised Code and 310
who had exercised such right at the time of the declarant's 311
death; 312

(b) If no designated representative exercised the right of 313
disposition pursuant to section 2108.70 of the Revised Code, the 314
surviving spouse of the decedent who is eighteen years of age or 315
older. 316

(2) On order of a probate court issued under division (B) 317
of section 517.24 of the Revised Code and payment by the person 318
who applied for the order under that division of the reasonable 319
costs and expense of disinterment. 320

(B) No disinterment shall be made pursuant to this section 321
and section 517.24 of the Revised Code if the decedent died of a 322
contagious or infectious disease until a permit has been issued 323
by the board of health of a general health district or of a city 324
health district. This division does not apply to cremated 325
remains. 326

(C) Upon disinterment of remains under division (A) (1) or 327
(2) of this section, the involved board, trustees, directors, 328
other officers, or officer of the municipal corporation shall 329
deliver or cause to be delivered the disinterred remains to the 330
applicant under division (A) (1) of this section or, if the 331
disinterment was pursuant to court order issued under division 332
(B) of section 517.24 of the Revised Code, to the person who 333
applied for the order under that division. 334

(D) The board of township trustees, the trustees or 335
directors of a cemetery association, or the other officers 336
having control and management of a cemetery or the officer of a 337

municipal corporation who has control and management of a 338
municipal cemetery may disinter or grant permission to disinter 339
and, if appropriate, may reinter or grant permission to reinter 340
any remains ~~buried~~interred in the cemetery to correct an 341
interment error in the cemetery if the board, trustees, 342
directors, other officers, or officer of the municipal 343
corporation comply with the internal rules of the cemetery 344
pertaining to disinterments and if the board, trustees, 345
directors, other officers, or officer of the municipal 346
corporation provide notice of the disinterment to the person who 347
has been assigned or reassigned the rights of disposition for 348
the deceased person under the provisions of section 2108.70 or 349
2108.81 of the Revised Code. The board, trustees, directors, 350
other officers, or officer of the municipal corporation may 351
correct an interment error under this division without a court 352
order or an application by a person. 353

(E) (1) A person who is an interested party and who is 354
eighteen years of age or older and of sound mind may apply to 355
the probate court of the county in which the decedent is ~~buried~~ 356
interred for an order to prevent the applicant under division 357
(A) (1) of this section from having the remains of the decedent 358
disinterred. An application to prevent the disinterment of the 359
remains of the decedent shall be in writing, subscribed and 360
verified by oath, and include all of the following: 361

(a) If applicable, a statement that the applicant assumed 362
financial responsibility for the funeral and ~~burial~~interment 363
expenses of the decedent; 364

(b) If division (E) (1) (a) of this section is inapplicable 365
relative to the applicant, a statement that the applicant did 366
not assume financial responsibility for the funeral and ~~burial~~ 367

<u>interment expenses of the decedent;</u>	368
(c) A statement that the applicant is eighteen years of age or older and of sound mind;	369 370
(d) The relationship of the applicant to the decedent;	371
(e) A statement of the applicant's reasons to oppose the disinterment of the remains of the decedent.	372 373
(2) An applicant for an order to prevent the disinterment of the remains of the decedent under division (E) of this section promptly shall give notice of the filing of the application by certified mail, return receipt requested, to the applicant under division (A)(1) of this section. The notice shall indicate that the applicant has filed an application for an order to prevent the disinterment of the remains of the decedent.	374 375 376 377 378 379 380 381
(F) <u>(F)(1) If the repair or replacement of a mausoleum or columbarium necessitates the disinterment of one or more sets of remains, the board, trustees, directors, other officers, or officer of the municipal corporation, shall file a single application with the probate court in the county where the mausoleum or columbarium is situated for a disinterment order that authorizes the disinterment and reinterment of those affected remains in the mausoleum or columbarium. Upon the filing of the application, the probate court shall schedule a hearing.</u>	382 383 384 385 386 387 388 389 390 391
<u>(2) The board, trustees, directors, other officers, or officer of the municipal corporation promptly shall provide notice to the surviving spouses of the affected decedents and to the persons who have been assigned or reassigned the rights of disposition for the affected remains under the provisions of</u>	392 393 394 395 396

sections 2108.70 to 2108.90 of the Revised Code. The notice 397
shall state that an application for disinterment has been filed 398
and shall provide the time, date, and location of the hearing. 399
The notice shall be sent by certified mail, return receipt 400
requested, or, if the names or addresses of such persons are 401
unknown and cannot with reasonable diligence be ascertained, the 402
notice shall be made by publication in a newspaper of general 403
circulation in the county where the probate court is located and 404
as otherwise required by the probate court. 405

(3) Upon conducting the hearing, the court shall issue an 406
order of disinterment if all of the following are satisfied: 407

(a) The affected remains shall be held in a permanent or 408
temporary structure on cemetery property that allows for access 409
for visitation during the times that the cemetery's other 410
grounds and facilities are open for visitation, shall be 411
properly identified and held in a secure manner without any 412
commingling of cremated remains, and shall not be held for a 413
period exceeding eighteen months unless an extension of time is 414
granted by the probate court for good cause; 415

(b) If a mausoleum or columbarium is being replaced, the 416
replacement mausoleum or columbarium shall be built on property 417
that is owned by the cemetery and that is either the same 418
property upon which the original mausoleum or columbarium was 419
located or property that is contiguous thereto; 420

(c) The cemetery provided notice as required under 421
division (F) (2) of this section; 422

(d) Upon considering all of the following, the court finds 423
there are one or more compelling reasons to issue the requested 424
order of disinterment: 425

<u>(i) The cost, feasibility, and timetable for the repairs</u>	426
<u>or replacement;</u>	427
<u>(ii) The current condition of the structure to be repaired</u>	428
<u>or replaced;</u>	429
<u>(iii) The location, design, features, and overall quality</u>	430
<u>of the proposed replacement structure;</u>	431
<u>(iv) The input of the persons receiving notice under</u>	432
<u>division (F) (2) of this section.</u>	433
<u>(4) A cemetery is not liable in damages in a civil action</u>	434
<u>if the cemetery changes the specific location of entombment</u>	435
<u>rights or columbarium rights due to the repair or replacement of</u>	436
<u>a mausoleum or columbarium made in accordance with an order</u>	437
<u>issued by the probate court under division (F) (3) of this</u>	438
<u>section.</u>	439
<u>(G) As used in this section and in section 517.24 of the</u>	440
Revised Code:	441
(1) "Cemetery" and "interment" have the same meanings as	442
in section 1721.21 of the Revised Code.	443
(2) "Disinterment" means the recovery of human remains by	444
exhumation, disentombment, or disinurnment. "Disinterment" does	445
not include the raising and lowering of remains to accommodate	446
two interments within a single grave and does not include the	447
repositioning of an outside burial container that encroaches an	448
adjoining burial space.	449
Sec. 1701.86. (A) A corporation may be dissolved	450
voluntarily in the manner provided in this section, provided the	451
provisions of Chapter 1704. of the Revised Code do not prevent	452
the dissolution from being effected.	453

(B) A resolution of dissolution for a corporation shall 454
set forth that the corporation elects to be dissolved. The 455
resolution also may include any of the following: 456

(1) The date on which the certificate of dissolution is to 457
be filed or the conditions or events that will result in the 458
filing of the certificate; 459

(2) Authorization for the officers or directors to abandon 460
the proposed dissolution before the filing of the certificate of 461
dissolution; 462

(3) Any additional provision considered necessary with 463
respect to the proposed dissolution and winding up. 464

(C) If an initial stated capital is not set forth in the 465
articles then before the corporation begins business, or if an 466
initial stated capital is set forth in the articles then before 467
subscriptions to shares shall have been received in the amount 468
of that initial stated capital, the incorporators or a majority 469
of them may adopt, by a writing signed by each of them, a 470
resolution of dissolution. 471

(D) The directors may adopt a resolution of dissolution in 472
any of the following cases: 473

(1) When the corporation has been adjudged bankrupt or has 474
made a general assignment for the benefit of creditors; 475

(2) By leave of the court, when a receiver has been 476
appointed in a general creditors' suit or in any suit in which 477
the affairs of the corporation are to be wound up; 478

(3) When substantially all of the assets have been sold at 479
judicial sale or otherwise; 480

(4) When the articles have been canceled for failure to 481

file annual franchise or excise tax returns or for failure to 482
pay franchise or excise taxes and the corporation has not been 483
reinstated or does not desire to be reinstated; 484

(5) When the period of existence of the corporation 485
specified in its articles has expired. 486

(E) The shareholders at a meeting held for such purpose 487
may adopt a resolution of dissolution by the affirmative vote of 488
the holders of shares entitling them to exercise two-thirds of 489
the voting power of the corporation on such proposal or, if the 490
articles provide or permit, by the affirmative vote of a greater 491
or lesser proportion, though not less than a majority, of such 492
voting power, and by such affirmative vote of the holders of 493
shares of any particular class as is required by the articles. 494
Notice of the meeting of the shareholders shall be given to all 495
the shareholders whether or not entitled to vote at it. 496

(F) Upon the adoption of a resolution of dissolution, a 497
certificate shall be prepared, on a form prescribed by the 498
secretary of state, setting forth all of the following: 499

(1) The name of the corporation; 500

(2) A statement that a resolution of dissolution has been 501
adopted; 502

(3) A statement of the manner of adoption of such 503
resolution, and, in the case of its adoption by the 504
incorporators or directors, a statement of the basis for such 505
adoption; 506

(4) The place in this state where its principal office is 507
or is to be located; 508

(5) The internet address of each domain name held or 509

maintained by or on behalf of the corporation;	510
(6) The name and address of its statutory agent;	511
(7) The date of dissolution, if other than the filing date. The date of dissolution shall not be more than ninety days after the filing of the certificate of dissolution.	512 513 514
(G) When the resolution of dissolution is adopted by the incorporators, the certificate shall be signed by not less than a majority of them. In all other cases, the certificate shall be signed by any authorized officer, unless the officer fails to execute and file such certificate within thirty days after the date upon which such certificate is to be filed. In that latter event, the certificate of dissolution may be signed by any three shareholders or, if there are less than three shareholders, all of the shareholders and shall set forth a statement that the persons signing the certificate are shareholders and are filing the certificate because of the failure of the officers to do so.	515 516 517 518 519 520 521 522 523 524 525
(H) Except as otherwise provided in division (I) of this section, a certificate of dissolution, filed with the secretary of state, shall be accompanied by all of the following:	526 527 528
(1) An affidavit of one or more of the persons executing the certificate of dissolution or of an officer of the corporation containing a statement of the counties, if any, in this state in which the corporation has personal property or a statement that the corporation is of a type required to pay personal property taxes to state authorities only;	529 530 531 532 533 534
(2) A certificate or other evidence from the department of taxation showing that the corporation has paid all taxes administered by and required to be paid to the tax commissioner that are or will be due from the corporation on the date of the	535 536 537 538

dissolution, ~~or that the department has received an adequate~~ 539
~~guarantee for the payment of all such taxes;~~ 540

(3) A certificate or other evidence showing the payment of 541
all personal property taxes accruing up to the date of 542
dissolution or showing that such payment has been adequately 543
guaranteed, or an affidavit of one or more of the persons 544
executing the certificate of dissolution or of an officer of the 545
corporation containing a statement that the corporation is not 546
required to pay or the department of taxation has not assessed 547
any tax for which such a certificate or other evidence is not 548
provided; 549

(4) A receipt, certificate, or other evidence from the 550
director of job and family services showing that all 551
contributions due from the corporation as an employer have been 552
paid, or that such payment has been adequately guaranteed, or 553
that the corporation is not subject to such contributions; 554

(5) A receipt, certificate, or other evidence from the 555
bureau of workers' compensation showing that all premiums due 556
from the corporation as an employer have been paid, or that such 557
payment has been adequately guaranteed, or that the corporation 558
is not subject to such premium payments. 559

(I) In lieu of the receipt, certificate, or other evidence 560
described in division ~~(H) (3)~~ (H) (2), (3), (4), or (5) of this 561
section, a certificate of dissolution shall be accompanied by an 562
affidavit of one or more persons executing the certificate of 563
dissolution or of an officer of the corporation containing ~~a~~ all 564
of the following: 565

(1) A statement of the date upon which the particular 566
department, agency, or authority was advised in writing of the 567

scheduled effective date of the dissolution and was advised in 568
writing of the acknowledgment by the corporation of the 569
applicability of the provisions of section 1701.95 of the 570
Revised Code; 571

(2) Acknowledgment by the corporation that the 572
dissolution, consolidation, merger, or conversion of the 573
corporation, as applicable, does not in and of itself 574
automatically relieve the corporation from payment of tax 575
liabilities; 576

(3) A statement confirming that the corporation has 577
submitted to the department of taxation information regarding 578
the Ohio tax circumstances of the corporation on a form 579
prescribed by the tax commissioner. Such form shall not include 580
any covenants, agreements, or certifications by the corporation 581
regarding payment of taxes, filing of returns, closing of tax 582
accounts, or any other matter, except that the form may require 583
the corporation to certify that the information provided in the 584
form is accurate. 585

(J) Upon the filing of a certificate of dissolution and 586
such accompanying documents or on a later date specified in the 587
certificate that is not more than ninety days after the filing, 588
the corporation shall be dissolved. 589

Sec. 1702.27. (A) Except as provided in division (B) of 590
this section and section 1702.521 of the Revised Code: 591

(1) The number of directors as fixed by the articles or 592
the regulations shall be not less than three or, if not so 593
fixed, the number shall be three, except that if there are only 594
one or two members of the corporation, the number of directors 595
may be less than three but not less than the number of members. 596

(2) (a) Subject to division (A) (2) (c) of this section, 597
unless the articles or the regulations fix the number of 598
directors or provide the manner in which that number may be 599
fixed or changed by the voting members, the number may be fixed 600
or changed at a meeting of the voting members called for the 601
purpose of electing directors, if a quorum is present, by the 602
affirmative vote of a majority of the voting members present in 603
person, by the use of authorized communications equipment, by 604
mail, or, if permitted, by proxy. 605

(b) For purposes of division (A) (2) (a) of this section, 606
participation by a voting member in a meeting through the use of 607
any of the means of communication described in that division 608
constitutes presence in person of that voting member at the 609
meeting for purposes of determining a quorum. 610

(c) No reduction in the number of directors shall of 611
itself have the effect of shortening the term of any incumbent 612
director. 613

(3) ~~The~~ Each director shall be a natural person and shall 614
have the qualifications, if any, that are stated in the articles 615
or the regulations. 616

(4) The articles or the regulations may provide that 617
persons occupying certain positions within or without the 618
corporation shall be ex officio directors, but, unless otherwise 619
provided in the articles or the regulations, such ex officio 620
directors shall not be considered for quorum purposes and shall 621
have no vote. 622

(B) The court of common pleas of the county in which the 623
corporation maintains its principal office may, pursuant to 624
division (A) of section 1702.521 of the Revised Code, order the 625

appointment of a provisional director for the corporation 626
without regard to the number or qualifications of directors 627
stated in the articles or regulations of the corporation. 628

Sec. 1702.30. (A) Except where the law, the articles, or 629
the regulations require that action be otherwise authorized or 630
taken, all of the authority of a corporation shall be exercised 631
by or under the direction of its directors. For their own 632
government, the directors may adopt bylaws that are not 633
inconsistent with the articles or the regulations. 634

(B) A director shall perform the director's duties ~~of as a~~ 635
director, including the duties as a member of any committee of 636
the directors upon which the director may serve, in good faith, 637
in a manner the director reasonably believes to be in or not 638
opposed to the best interests of the corporation, and with the 639
care that an ordinarily prudent person in a like position would 640
use under similar circumstances. A director serving on a 641
committee of directors is acting as a director. 642

(C) In performing ~~the duties of a director~~ director's 643
duties, a director is entitled to rely on information, opinions, 644
reports, or statements, including financial statements and other 645
financial data, that are prepared or presented by any of the 646
following: 647

(1) One or more directors, officers, or employees of the 648
corporation who the director reasonably believes are reliable 649
and competent in the matters prepared or presented; 650

(2) Counsel, public accountants, or other persons as to 651
matters that the director reasonably believes are within the 652
person's professional or expert competence; 653

(3) A committee of the directors upon which the director 654

does not serve, duly established in accordance with a provision 655
of the articles or the regulations, as to matters within its 656
designated authority, which committee the director reasonably 657
believes to merit confidence. 658

(D) For purposes of division (B) of this section, the 659
following apply: 660

(1) A director shall not be found to have ~~failed to~~ 661
~~perform~~ violated the director's duties ~~in accordance with that~~ 662
under division (B) of this section, unless it is proved, by 663
clear and convincing evidence, ~~in an action brought against the~~ 664
~~director~~ that the director has not acted in good faith, in a 665
manner the director reasonably believes to be in or not opposed 666
to the best interests of the corporation, or with the care that 667
an ordinarily prudent person in a like position would use under 668
similar circumstances. ~~Such an action includes, but is not~~ 669
~~limited to, an action that involves or affects~~ in any action 670
brought against a director, including actions involving or 671
affecting any of the following: 672

(a) A change or potential change in control of the 673
corporation; 674

(b) A termination or potential termination of the 675
director's service to the corporation as a director; 676

(c) The director's service in any other position or 677
relationship with the corporation. 678

(2) A director shall not be considered to be acting in 679
good faith if the director has knowledge concerning the matter 680
in question that would cause reliance on information, opinions, 681
reports, or statements that are prepared or presented by the 682
persons described in divisions (C) (1) to (3) of this section, to 683

be unwarranted. 684

(3) ~~The provisions of~~ Nothing in this division ~~do not~~ 685
~~limit~~ limits relief available under section 1702.301 of the 686
Revised Code. 687

~~(E) (1) Subject to divisions (E) (2) and (3) of this~~ 688
~~section, a (E) A director is~~ shall be liable in damages for any 689
~~act~~ action that the director takes or fails to take as a 690
director only if it is proved, by clear and convincing evidence, 691
in a court ~~with~~ of competent jurisdiction that the director's 692
action or failure to act involved an act or omission ~~of the~~ 693
~~director was one~~ undertaken with a deliberate intent to cause 694
injury to the corporation or ~~was one~~ undertaken with a reckless 695
disregard for the best interests of the corporation. 696

~~(2) Division (E) (1) of this section does not affect~~ 697
Nothing in this division affects the liability of a ~~director~~ 698
directors under section 1702.55 of the Revised Code. 699

~~(3) Subject to~~ This division (E) (2) of this section, 700
~~division (E) (1) of this section~~ does not apply if, and only to 701
the extent that, at the time of ~~an~~ a director's act or omission 702
~~of a director~~ that is the subject of complaint, the articles or 703
the regulations of the corporation state, by specific reference 704
to ~~that~~ this division, that ~~its~~ the provisions of this division 705
do not apply to the corporation. 706

(F) For purposes of this section, a director, in 707
determining what ~~a~~ the director reasonably believes to be in ~~or~~ 708
~~not opposed to~~ the best interests of the corporation, ~~a director~~ 709
shall consider the purposes of the corporation and, in the 710
director's discretion, may consider any of the following: 711

(1) The interests of the corporation's employees, 712

suppliers, creditors, and customers of the corporation;	713
(2) The economy of this state and of the nation;	714
(3) Community and societal considerations;	715
(4) The long-term and as well as short-term best interests	716
of the corporation, including, but not limited to, the	717
possibility that those <u>these</u> interests may be best served by the	718
continued independence of the corporation.	719
(G) Divisions	720
<u>Nothing in division (D) and or (E)</u> of this section do not	721
affect <u>affects</u> the duties of a director who acts in any capacity	722
other than in the capacity as a director.	723
Sec. 1702.33. (A) The regulations may provide for the	724
creation by the directors of an executive committee or any other	725
committee of the directors, to consist of one or more directors,	726
and may authorize the delegation to any such committee of any of	727
the authority of the directors, however conferred.	728
(B) The directors may appoint one or more directors as	729
alternate members of any committee described in division (A) of	730
this section, who may take the place of any absent member or	731
members at any meeting of the particular committee.	732
(C) Each committee described in division (A) of this	733
section shall serve at the pleasure of the directors, shall act	734
only in the intervals between meetings of the directors, and	735
shall be subject to the control and direction of the directors.	736
(D) Unless otherwise provided in the regulations or	737
ordered by the directors, any committee described in division	738
(A) of this section may act by a majority of its members at a	739
meeting or by a writing or writings signed by all of its	740

members. 741

(E) Meetings of committees described in division (A) of 742
this section may be held by any means of authorized 743
communications equipment, unless participation by members of the 744
committee at a meeting by means of authorized communications 745
equipment is prohibited by the articles, the regulations, or an 746
order of the directors. Participation in a meeting pursuant to 747
this division constitutes presence at the meeting. 748

(F) An act or authorization of an act by any committee 749
described in division (A) of this section within the authority 750
delegated to it shall be as effective for all purposes as the 751
act or authorization of the directors. 752

(G) Unless otherwise provided in the articles, the 753
regulations, or the resolution of the directors creating a 754
committee described in division (A) of this section, a committee 755
described in division (A) of this section may do both of the 756
following: 757

(1) Create one or more subcommittees, each of which 758
consists of one or more members of the committee; 759

(2) Delegate to a subcommittee any or all of the powers 760
and authority of the committee. 761

Sec. 1702.341. (A) Unless the articles, the regulations, 762
or a written agreement with an officer establishes additional 763
fiduciary duties, the only fiduciary duties of an officer are 764
the duties to the corporation set forth in division (B) of this 765
section. 766

(B) An officer shall perform the officer's duties to the 767
corporation in good faith, in a manner the officer reasonably 768
believes to be in or not opposed to the best interests of the 769

corporation, and with the care that an ordinarily prudent person 770
in a like position would use under similar circumstances. In 771
performing an officer's duties, an officer is entitled to rely 772
on information, opinions, reports, or statements, including 773
financial statements and other financial data, that are prepared 774
or presented by any of the following: 775

(1) One or more directors, officers, or employees of the 776
corporation who the officer reasonably believes are reliable and 777
competent in the matters prepared or presented; 778

(2) Counsel, public accountants, or other persons as to 779
matters that the officer reasonably believes are within the 780
person's professional or expert competence. 781

(C) For purposes of this section, both of the following 782
apply: 783

(1) In any action brought against an officer, the officer 784
shall not be found to have violated the officer's duties under 785
division (B) of this section unless it is proved by clear and 786
convincing evidence that the officer has not acted in good 787
faith, in a manner the officer reasonably believes to be in or 788
not opposed to the best interests of the corporation, or with 789
the care that an ordinarily prudent person in a like position 790
would use under similar circumstances. 791

(2) An officer shall not be considered to be acting in 792
good faith if the officer has knowledge concerning the matter in 793
question that would cause reliance on information, opinions, 794
reports, or statements that are prepared or presented by any of 795
the persons described in division (B)(1) or (2) of this section 796
to be unwarranted. 797

(D) An officer shall be liable in damages for a violation 798

of the officer's duties under division (B) of this section only 799
if it is proved by clear and convincing evidence in a court of 800
competent jurisdiction that the officer's action or failure to 801
act involved an act or omission undertaken with deliberate 802
intent to cause injury to the corporation or undertaken with 803
reckless disregard for the best interests of the corporation. 804
This division does not apply if, and only to the extent that, at 805
the time of an officer's act or omission that is the subject of 806
the complaint, either of the following is true: 807

(1) The articles or the regulations of the corporation 808
state by specific reference to division (D) of this section that 809
the provisions of division (D) of this section do not apply to 810
the corporation. 811

(2) A written agreement between the officer and the 812
corporation states by specific reference to division (D) of this 813
section that the provisions of division (D) of this section do 814
not apply to the officer. 815

(E) Nothing in this section affects the duties of an 816
officer who acts in any capacity other than the officer's 817
capacity as an officer. Nothing in this section affects any 818
contractual obligations of an officer to the corporation. 819

Sec. 1702.38. (A) The articles may be amended from time to 820
time in any respect if the articles as amended set forth all the 821
provisions that are required in, and only those provisions that 822
may properly be in, original articles filed at the time of 823
adopting the amendment, other than with respect to the initial 824
directors, except that a public benefit corporation shall not 825
amend its articles in such manner that it will cease to be a 826
public benefit corporation. 827

(B) Without limiting the generality of the authority 828
described in division (A) of this section, the articles may be 829
amended to: 830

(1) Change the name of the corporation; 831

(2) Change the place in this state where its principal 832
office is to be located; 833

(3) Change, enlarge, or diminish its purpose or purposes; 834

(4) Change any provision of the articles or add any 835
provision that may properly be included in the articles. 836

(C) (1) If initial directors are not named in the articles, 837
at any time prior to a meeting of voting members and before the 838
incorporators have elected directors, the incorporators or a 839
majority of them, at a meeting, may adopt an amendment. 840

(2) The voting members present in person, by use of 841
authorized communications equipment, by mail, or, if permitted, 842
by proxy at a meeting held for that purpose, may adopt an 843
amendment by the affirmative vote of a majority of the voting 844
members present if a quorum is present or, if the articles or 845
the regulations provide or permit, by the affirmative vote of a 846
greater or lesser proportion or number of the voting members, 847
and by the affirmative vote of the voting members of any 848
particular class that is required by the articles or the 849
regulations. 850

~~(2)~~ (3) For purposes of division (C) (1) or (2) of this 851
section, participation by a voting member at a meeting through 852
the use of any of the means of communication described in that 853
division constitutes presence in person of that voting member at 854
the meeting for purposes of determining a quorum. 855

(D) In addition to or in lieu of adopting an amendment to 856
the articles, the voting members may adopt amended articles by 857
the same action or vote as that required to adopt the amendment. 858

(E) The directors may adopt amended articles to 859
consolidate the original articles and all previously adopted 860
amendments to the articles that are in force at the time, or the 861
voting members at a meeting held for that purpose may adopt the 862
amended articles by the same vote as that required to adopt an 863
amendment. 864

(F) Amended articles shall set forth all the provisions 865
that are required in, and only the provisions that may properly 866
be in, original articles filed at the time of adopting the 867
amended articles, other than with respect to the initial 868
directors, and shall contain a statement that they supersede the 869
existing articles. 870

(G) Upon the adoption of any amendment or amended 871
articles, a certificate containing a copy of the resolution 872
adopting the amendment or amended articles, a statement of the 873
manner of its adoption, and, in the case of adoption of the 874
resolution by the directors, a statement of the basis for such 875
adoption, shall be filed with the secretary of state, and upon 876
that filing the articles shall be amended accordingly, and the 877
amended articles shall supersede the existing articles. The 878
certificate shall be signed by any authorized officer of the 879
corporation. 880

(H) A copy of an amendment or amended articles changing 881
the name of a corporation or its principal office in this state, 882
certified by the secretary of state, may be filed for record in 883
the office of the county recorder of any county in this state, 884
and for that recording the county recorder shall charge and 885

collect the same fee as provided for in division (A) (1) of 886
section 317.32 of the Revised Code. That copy shall be recorded 887
in the official records of the county recorder. 888

Sec. 1702.521. (A) Upon the complaint of not less than 889
one-fourth of the directors of the corporation or upon the 890
complaint of not less than one-fourth of the voting members of 891
the corporation, the court of common pleas of the county in 892
which the corporation maintains its principal office may order 893
the appointment of a provisional director for that corporation 894
if the articles or regulations of the corporation expressly 895
provide for such an appointment. No appointment shall be made 896
until a hearing is held by the court. Notice of the hearing 897
shall be given to each director and the secretary of the 898
corporation in any manner that the court directs. The 899
complainants shall establish at the hearing that, because of 900
irreconcilable differences among the existing directors or 901
because there are no directors and the voting members are unable 902
to elect any directors, the continued operation of the 903
corporation has been substantially impeded or made impossible. 904

(B) A provisional director shall have the same rights and 905
duties as other directors and shall serve until removed by the 906
appointing court or by the members of the corporation entitled 907
to exercise a majority of the voting power of the corporation in 908
the election of directors or until the provisional director's 909
earlier resignation or death. If the provisional director dies 910
or resigns, the court, pursuant to division (A) of this section, 911
may appoint a replacement provisional director, upon its own 912
motion and without the filing of a complaint for the appointment 913
of a provisional director. If the appointing court finds that 914
the irreconcilable differences no longer exist, it shall order 915
the removal of the provisional director. 916

(C) No person shall be appointed as a provisional director 917
unless the person is generally conversant with corporate 918
affairs, has no legal or equitable interest in the obligations 919
of the corporation of which the person is to be appointed a 920
director, and is not indebted to such corporation. The 921
compensation of a provisional director shall be determined by 922
agreement with the corporation for which the provisional 923
director is serving, subject to the approval of the appointing 924
court, except that the appointing court may fix the provisional 925
director's compensation in the absence of agreement or in the 926
event of disagreement between the provisional director and the 927
corporation. 928

(D) A proceeding concerning the appointment of a 929
provisional director of a corporation is a special proceeding, 930
and final orders issued in the proceeding may be vacated, 931
modified, or reversed on appeal pursuant to the Rules of 932
Appellate Procedure and, to the extent not in conflict with 933
those rules, Chapter 2505. of the Revised Code. 934

Sec. 1702.53. (A) A copy of the articles or amended 935
articles filed in the office of the secretary of state, 936
certified by the secretary of state, shall be conclusive 937
evidence, except as against the state, that the corporation has 938
been incorporated under the laws of this state; and a copy duly 939
certified by the secretary of state of any certificate of 940
amendment or other certificate filed in the secretary of state's 941
office shall be prima-facie evidence of such amendment or of the 942
facts stated in any such certificate, and of the observance and 943
performance of all antecedent conditions necessary to the action 944
which such certificate purports to evidence. 945

(B) A copy of amended articles filed in the office of the 946

secretary of state, certified by the secretary of state, shall 947
be accepted in this state and other jurisdictions in lieu of the 948
original articles, amendments thereto, and prior amended 949
articles. 950

(C) The original or a copy of the record of minutes of the 951
proceedings of the incorporators of a corporation, or of the 952
proceedings or meetings of the members or any class of members, 953
or of the directors, or of any committee thereof, including any 954
written consent, waiver, release, or agreement entered in such 955
record or minutes, or the original or a copy of a statement that 956
no specified proceeding was had or that no specified consent, 957
waiver, release, or agreement exists, shall, when certified to 958
be true by the secretary or an assistant secretary of a 959
corporation, be received in the courts as prima-facie evidence 960
of the facts stated therein. Every meeting referred to in such 961
certified original or copy shall be deemed duly called and held, 962
and all motions and resolutions adopted and proceedings had at 963
such meeting shall be deemed duly adopted and had, and all 964
elections of directors and all elections or appointments of 965
officers chosen at such meeting shall be deemed valid, until the 966
contrary is proved; and whenever a person who is not a member of 967
a corporation has acted in good faith in reliance upon any such 968
certified original or copy, it is conclusive in the person's 969
favor. 970

(D) (1) A certificate issued by the secretary of state 971
confirming that a corporation is in good standing is, for seven 972
days after the date on the certificate, conclusive evidence of 973
both of the following: 974

(a) That the authority of a domestic corporation has not 975
been limited as described in section 1702.49 or 1702.52 of the 976

<u>Revised Code, provided that both of the following apply:</u>	977
<u>(i) The person relying on the certificate had no knowledge that the corporation's articles had been canceled.</u>	978 979
<u>(ii) The certificate is not presented as evidence against the state.</u>	980 981
<u>(b) That the license authorizing a foreign corporation to transact business in this state has not expired, been canceled, or been surrendered.</u>	982 983 984
<u>(2) For purposes of division (D) of this section, "good standing" means that the authority of the corporation to carry on business is not limited by section 1702.49 of the Revised Code.</u>	985 986 987 988
Sec. 1702.531. <u>(A) Absent an express agreement to the contrary, a person providing goods to or performing services for a domestic or foreign corporation owes no duty to, incurs no liability or obligation to, and is not in privity with the members or creditors of the corporation by reason of providing goods to or performing services for the corporation.</u>	989 990 991 992 993 994
<u>(B) Absent an express agreement to the contrary, a person providing goods to or performing services for a member or group of members of a domestic or foreign corporation owes no duty to, incurs no liability or obligation to, and is not in privity with the corporation, any other members of the corporation, or the creditors of the corporation by reason of providing goods to or performing services for the member or group of members.</u>	995 996 997 998 999 1000 1001
Sec. 1702.55. (A) The members, the directors, and the officers of a corporation shall not be personally liable for any obligation of the corporation.	1002 1003 1004

(B) ~~Directors who~~ In addition to any other liabilities 1005
imposed by law upon directors of a corporation and except as 1006
provided in division (D) of this section, directors shall be 1007
jointly and severally liable to the corporation as provided in 1008
division (C) of this section if they vote for or assent to any 1009
of the following: 1010

(1) A distribution of assets to members contrary to law or 1011
the articles; 1012

(2) A distribution of assets to persons other than 1013
creditors during the winding up of the affairs of the 1014
corporation, on dissolution or otherwise, without the payment of 1015
all known obligations of the corporation, or without making 1016
adequate provision therefor; 1017

(3) The making of loans, other than in the usual conduct 1018
of its affairs or in accordance with provisions therefor in the 1019
articles, to an officer, or director, ~~or member~~ of the 1020
corporation; ~~shall be jointly and severally liable to the~~ 1021
~~corporation as follows: in~~ other than if, at the time of the 1022
making of the loan, a majority of the disinterested directors of 1023
the corporation voted for the loan and, taking into account the 1024
terms and provisions of the loan and other relevant factors, 1025
determined that the making of the loan could reasonably be 1026
expected to benefit the corporation. 1027

(C) (1) In cases under division (B) (1) of this section, up 1028
to the amount of such distribution in excess of the amount that 1029
could have been distributed without violation of law or the 1030
articles, but not in excess of the amount that would inure to 1031
the benefit of the creditors of the corporation if it was 1032
insolvent at the time of the distribution or there was 1033
reasonable ground to believe that by such action it would be 1034

rendered insolvent, or to the benefit of the members other than 1035
members of the class in respect of which the distribution was 1036
made; ~~and in~~ 1037

(2) In cases under division (B) (2) of this section, to the 1038
extent that such obligations (not otherwise barred by statute) 1039
are not paid, or for the payment of which adequate provision has 1040
not been made; ~~and in~~ 1041

(3) In cases under division (B) (3) of this section, for 1042
the amount of the loan with interest thereon at the rate ~~of six~~ 1043
~~per cent per annum until such~~ specified in section 1343.03 of 1044
the Revised Code until the amount has been paid, ~~except that a.~~ 1045

(D) A director shall not be liable under ~~division~~ 1046
~~divisions~~ (B) (1) and (C) (1) or ~~(2)~~ divisions (B) (2) and (C) (2) 1047
of this section if in determining the amount available for any 1048
such distribution, the director in good faith relied on a 1049
financial statement of the corporation prepared by an officer or 1050
employee of the corporation in charge of its accounts or 1051
certified by a public accountant or firm of public accountants, 1052
or in good faith the director considered the assets to be of 1053
their book value, or the director followed what the director 1054
believed to be sound accounting and business practice. 1055

~~(C)~~ (E) A director who is present at a meeting of the 1056
directors or a committee thereof at which action on any matter 1057
is authorized or taken and who has not voted for or against such 1058
action shall be presumed to have voted for the action unless the 1059
director's written dissent therefrom is filed either during the 1060
meeting or within a reasonable time after the adjournment 1061
thereof, with the person acting as secretary of the meeting or 1062
with the secretary of the corporation. 1063

~~(D)~~ (F) A member who knowingly receives any distribution 1064
made contrary to law or the articles shall be liable to the 1065
corporation for the amount received by the member that is in 1066
excess of the amount that could have been distributed without 1067
violation of law or the articles. 1068

~~(E)~~ (G) A director against whom a claim is asserted under 1069
or pursuant to this section and who is held liable thereon shall 1070
be entitled to contribution, on equitable principles, from other 1071
directors who also are liable; and in addition, any director 1072
against whom a claim is asserted under or pursuant to this 1073
section or who is held liable shall have a right of contribution 1074
from the members who knowingly received any distribution made 1075
contrary to law or the articles, and such members as among 1076
themselves shall also be entitled to contribution in proportion 1077
to the amounts received by them respectively. 1078

~~(F)~~ (H) The fact that a loan is made in violation of this 1079
section does not affect the borrower's liability on the loan. 1080

(I) No action shall be brought by or on behalf of a 1081
corporation upon any cause of action arising under division (B) 1082
(1) or (2) of this section at any time after two years from the 1083
day on which the violation occurs. 1084

~~(G)~~ (J) Nothing contained in this section shall preclude 1085
any creditor whose claim is unpaid from exercising such rights 1086
as the creditor otherwise would have by law to enforce the 1087
creditor's claim against assets of the corporation distributed 1088
to members or other persons. 1089

Sec. 1745.05. As used in this chapter, unless the context 1090
otherwise requires: 1091

(A) "Authorized communications equipment" means any 1092

communications equipment that provides a transmission, 1093
including, but not limited to, by telephone, telecopy, or any 1094
electronic means, from which it can be determined that the 1095
transmission was authorized by, and accurately reflects the 1096
intention of, the member or manager involved and, with respect 1097
to meetings, allows all persons participating in the meeting to 1098
contemporaneously communicate with each other. 1099

(B) (1) "Entity" means any of the following: 1100

(a) An unincorporated nonprofit association existing under 1101
the laws of this state or any other state; 1102

(b) A nonprofit corporation existing under the laws of 1103
this state or any other state; 1104

(c) A for profit corporation existing under the laws of 1105
this state or any other state; 1106

(d) Any of the following organizations existing under the 1107
laws of this state, the United States, or any other state: 1108

(i) An unincorporated business or for profit organization, 1109
including a general or limited partnership; 1110

(ii) A limited liability company; 1111

(iii) Any other legal or commercial entity the formation 1112
and operation of which is governed by statute. 1113

(2) "Entity" includes a domestic or foreign entity. 1114

(C) "Established practices" means the practices used by an 1115
unincorporated nonprofit association without material change 1116
during the most recent five years of its existence or, if it has 1117
existed for less than five years, during its entire existence. 1118

(D) "Governing principles" means all agreements, whether 1119

oral, in a record, or implied from its established practices, or 1120
any combination of them, that govern the purpose or operation of 1121
an unincorporated nonprofit association and the rights and 1122
obligations of its members and managers. "Governing principles" 1123
includes any amendment or restatement of the agreements 1124
constituting the governing principles. 1125

(E) "Internal Revenue Code" means the "Internal Revenue 1126
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 1127

(F) "Manager" means a person, irrespective of the person's 1128
designation as director or other designation, that is 1129
responsible, alone or in concert with others, for the management 1130
of an unincorporated nonprofit association as stated in division 1131
(E) of section 1745.32 of the Revised Code. 1132

(G) "Member" means a person that, under the governing 1133
principles of an unincorporated nonprofit association, is 1134
entitled to participate in the selection of persons authorized 1135
to manage the affairs of the association or in the adoption of 1136
the policies and activities of the association. 1137

(H) "Mutual benefit association" means any unincorporated 1138
nonprofit association organized under this chapter other than a 1139
public benefit association. 1140

(I) "Person" means an individual, corporation, business 1141
trust, statutory entity trust, estate, trust, partnership, 1142
limited liability company, cooperative, association, joint 1143
venture, public corporation, government or governmental 1144
subdivision, agency, or instrumentality, two or more persons 1145
having a joint or common interest, or any other legal or 1146
commercial entity. 1147

(J) "Public benefit association" means an unincorporated 1148

nonprofit association that is exempt from federal income 1149
taxation under section 501(c)(3) of the Internal Revenue Code or 1150
is organized for a public or charitable purpose and that upon 1151
dissolution must distribute its assets to a public benefit 1152
association, the United States, a state or any political 1153
subdivision of a state, or a person that is recognized as exempt 1154
from federal income taxation under section 501(c)(3) of the 1155
Internal Revenue Code. 1156

(K) "Public benefit entity" means an entity that is 1157
recognized as exempt from federal income taxation under section 1158
501(c)(3) of the Internal Revenue Code or is organized for a 1159
public or charitable purpose and that upon dissolution must 1160
distribute its assets to a public benefit entity, the United 1161
States, a state or any political subdivision of a state, or a 1162
person that is recognized as exempt from federal income taxation 1163
under section 501(c)(3) of the Internal Revenue Code. "Public 1164
benefit entity" does not include an entity that is organized by 1165
one or more municipal corporations to further a public purpose 1166
that is not a charitable purpose. 1167

(L) "Record" means information that is inscribed on a 1168
tangible medium or that is stored in an electronic or other 1169
medium and is retrievable in perceivable form. 1170

(M) "Unincorporated nonprofit association" means an 1171
unincorporated organization, consisting of two or more members 1172
joined by mutual consent pursuant to an agreement, written, 1173
oral, or inferred from conduct, for one or more common, 1174
nonprofit purposes. "Unincorporated nonprofit association" does 1175
not include any of the following: 1176

(1) A trust; 1177

(2) A marriage, domestic partnership, common law relationship, or other domestic living arrangement; 1178
1179

(3) An organization that is formed under any other statute that governs the organization and operation of unincorporated associations; 1180
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(4) A joint tenancy, tenancy in common, or tenancy by the entireties notwithstanding that the co-owners share use of the property for a nonprofit purpose; 1183
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(5) A religious organization that operates according to the rules, regulations, canons, discipline, or customs established by the organization, including any ministry, apostolate, committee, or group within that organization, unless the governing principles of such organization specifically provide that division (M) (5) of this section does not apply to such organization. 1186
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(N) (1) Subject to division (N) (2) of this section, "volunteer" means a manager, officer, member, or agent of an unincorporated nonprofit association, or another person acting for the association, who satisfies both of the following: 1193
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(a) Performs services for or on behalf of, and under the authority or auspices of, that unincorporated nonprofit association; 1197
1198
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(b) Does not receive compensation, either directly or indirectly, for performing those services. 1200
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(2) For purposes of division (N) (1) of this section, "compensation" does not include any of the following: 1202
1203

(a) Actual and necessary expenses that are incurred by a volunteer in connection with the services performed for an 1204
1205

- (6) The municipal court established in London that shall 1234
be styled and known as the "Madison county municipal court"; 1235
- (7) The municipal court established in Newark that shall 1236
be styled and known as the "Licking county municipal court"; 1237
- (8) The municipal court established in Wooster that shall 1238
be styled and known as the "Wayne county municipal court"; 1239
- (9) The municipal court established in Wapakoneta that 1240
shall be styled and known as the "Auglaize county municipal 1241
court"; 1242
- (10) The municipal court established in Troy that shall be 1243
styled and known as the "Miami county municipal court"; 1244
- (11) The municipal court established in Bucyrus that shall 1245
be styled and known as the "Crawford county municipal court"; 1246
- (12) The municipal court established in Logan that shall 1247
be styled and known as the "Hocking county municipal court"; 1248
- (13) The municipal court established in Urbana that shall 1249
be styled and known as the "Champaign county municipal court"; 1250
- (14) The municipal court established in Jackson that shall 1251
be styled and known as the "Jackson county municipal court"; 1252
- (15) The municipal court established in Springfield that 1253
shall be styled and known as the "Clark county municipal court"; 1254
- (16) The municipal court established in Kenton that shall 1255
be styled and known as the "Hardin county municipal court"; 1256
- (17) The municipal court established within Clermont 1257
county in Batavia or in any other municipal corporation or 1258
unincorporated territory within Clermont county that is selected 1259
by the legislative authority of that court that shall be styled 1260

and known as the "Clermont county municipal court"; 1261

(18) The municipal court established in Wilmington that, 1262
beginning July 1, 1992, shall be styled and known as the 1263
"Clinton county municipal court"; 1264

(19) The municipal court established in Port Clinton that 1265
shall be styled and known as the "Ottawa county municipal 1266
court"; 1267

(20) The municipal court established in Lancaster that, 1268
beginning January 2, 2000, shall be styled and known as the 1269
"Fairfield county municipal court"; 1270

(21) The municipal court established within Columbiana 1271
county in Lisbon or in any other municipal corporation or 1272
unincorporated territory selected pursuant to division (I) of 1273
section 1901.021 of the Revised Code, that shall be styled and 1274
known as the "Columbiana county municipal court"; 1275

(22) The municipal court established in Georgetown that, 1276
beginning February 9, 2003, shall be styled and known as the 1277
"Brown county municipal court"; 1278

(23) The municipal court established in Mount Gilead that, 1279
beginning January 1, 2003, shall be styled and known as the 1280
"Morrow county municipal court"; 1281

(24) The municipal court established in Greenville that, 1282
beginning January 1, 2005, shall be styled and known as the 1283
"Darke county municipal court"; 1284

(25) The municipal court established in Millersburg that, 1285
beginning January 1, 2007, shall be styled and known as the 1286
"Holmes county municipal court"; 1287

(26) The municipal court established in Carrollton that, 1288

beginning January 1, 2007, shall be styled and known as the 1289
"Carroll county municipal court"; 1290

(27) The municipal court established within Erie county in 1291
Milan or established in any other municipal corporation or 1292
unincorporated territory that is within Erie county, is within 1293
the territorial jurisdiction of that court, and is selected by 1294
the legislative authority of that court that, beginning January 1295
1, 2008, shall be styled and known as the "Erie county municipal 1296
court"; 1297

(28) The municipal court established in Ottawa that, 1298
beginning January 1, 2011, shall be styled and known as the 1299
"Putnam county municipal court"; 1300

(29) The municipal court established within Montgomery 1301
county in any municipal corporation or unincorporated territory 1302
within Montgomery county, except the municipal corporations of 1303
Centerville, Clayton, Dayton, Englewood, Germantown, Kettering, 1304
Miamisburg, Moraine, Oakwood, Union, Vandalia, and West 1305
Carrollton and Butler, German, Harrison, Miami, and Washington 1306
townships, that is selected by the legislative authority of that 1307
court and that, beginning July 1, 2010, shall be styled and 1308
known as the "Montgomery county municipal court"; 1309

(30) The municipal court established in Tiffin that, 1310
beginning January 1, 2014, shall be styled and known as the 1311
"Tiffin-Fostoria municipal court"; 1312

(31) The municipal court established in New Lexington 1313
that, beginning January 1, 2018, shall be styled and known as 1314
the "Perry county municipal court"; 1315

(32) The municipal court established in Paulding that, 1316
beginning January 1, 2020, shall be styled and known as the 1317

"Paulding county municipal court"; 1318

(33) The municipal court established in Wauseon that, 1319
beginning January 1, 2024, shall be styled and known as the 1320
"Fulton county municipal court." 1321

(B) In addition to the jurisdiction set forth in division 1322
(A) of this section, the municipal courts established by section 1323
1901.01 of the Revised Code have jurisdiction as follows: 1324

The Akron municipal court has jurisdiction within Bath, 1325
Richfield, and Springfield townships, and within the municipal 1326
corporations of Fairlawn, Lakemore, and Mogadore, in Summit 1327
county. 1328

The Alliance municipal court has jurisdiction within 1329
Lexington, Marlboro, Paris, and Washington townships in Stark 1330
county. 1331

The Ashland municipal court has jurisdiction within 1332
Ashland county. 1333

The Ashtabula municipal court has jurisdiction within 1334
Ashtabula, Plymouth, and Saybrook townships in Ashtabula county. 1335

The Athens county municipal court has jurisdiction within 1336
Athens county. 1337

The Auglaize county municipal court has jurisdiction 1338
within Auglaize county. 1339

The Avon Lake municipal court has jurisdiction within the 1340
municipal corporations of Avon and Sheffield in Lorain county. 1341

The Barberton municipal court has jurisdiction within 1342
Coventry, Franklin, and Green townships, within all of Copley 1343
township except within the municipal corporation of Fairlawn, 1344

and within the municipal corporations of Clinton and Norton, in 1345
Summit county. 1346

The Bedford municipal court has jurisdiction within the 1347
municipal corporations of Bedford Heights, Oakwood, Glenwillow, 1348
Solon, Bentleyville, Chagrin Falls, Moreland Hills, Orange, 1349
Warrensville Heights, North Randall, and Woodmere, and within 1350
Warrensville and Chagrin Falls townships, in Cuyahoga county. 1351

The Bellefontaine municipal court has jurisdiction within 1352
Logan county. 1353

The Bellevue municipal court has jurisdiction within Lyme 1354
and Sherman townships in Huron county and within York township 1355
in Sandusky county. 1356

The Berea municipal court has jurisdiction within the 1357
municipal corporations of Strongsville, Middleburgh Heights, 1358
Brook Park, Westview, and Olmsted Falls, and within Olmsted 1359
township, in Cuyahoga county. 1360

The Bowling Green municipal court has jurisdiction within 1361
the municipal corporations of Bairdstown, Bloomdale, Bradner, 1362
Custar, Cygnet, Grand Rapids, Haskins, Hoytville, Jerry City, 1363
Milton Center, North Baltimore, Pemberville, Portage, Rising 1364
Sun, Tontogany, Wayne, West Millgrove, and Weston; within Bloom, 1365
Center, Freedom, Grand Rapids, Henry, Jackson, Liberty, 1366
Middleton, Milton, Montgomery, Plain, Portage, Washington, 1367
Webster, and Weston townships in Wood county; and on and after 1368
January 2, 2024, within Perry township in Wood county. 1369

Beginning February 9, 2003, the Brown county municipal 1370
court has jurisdiction within Brown county. 1371

The Bryan municipal court has jurisdiction within Williams 1372
county. 1373

The Cambridge municipal court has jurisdiction within Guernsey county.	1374 1375
The Campbell municipal court has jurisdiction within Coitsville township in Mahoning county.	1376 1377
The Canton municipal court has jurisdiction within Canton, Lake, Nimishillen, Osnaburg, Pike, Plain, and Sandy townships in Stark county.	1378 1379 1380
The Carroll county municipal court has jurisdiction within Carroll county.	1381 1382
The Celina municipal court has jurisdiction within Mercer county.	1383 1384
The Champaign county municipal court has jurisdiction within Champaign county.	1385 1386
The Chardon municipal court has jurisdiction within Geauga county.	1387 1388
The Chillicothe municipal court has jurisdiction within Ross county.	1389 1390
The Circleville municipal court has jurisdiction within Pickaway county.	1391 1392
The Clark county municipal court has jurisdiction within Clark county.	1393 1394
The Clermont county municipal court has jurisdiction within Clermont county.	1395 1396
The Cleveland municipal court has jurisdiction within the municipal corporation of Bratenahl in Cuyahoga county.	1397 1398
Beginning July 1, 1992, the Clinton county municipal court has jurisdiction within Clinton county.	1399 1400

The Columbiana county municipal court has jurisdiction	1401
within Columbiana county.	1402
<u>Beginning January 1, 2025, the Conneaut municipal court</u>	1403
<u>has jurisdiction within the municipal corporation of North</u>	1404
<u>Kingsville, and within Kingsville, Monroe, and Sheffield</u>	1405
<u>townships, in Ashtabula county.</u>	1406
The Coshocton municipal court has jurisdiction within	1407
Coshocton county.	1408
The Crawford county municipal court has jurisdiction	1409
within Crawford county.	1410
Until December 31, 2008, the Cuyahoga Falls municipal	1411
court has jurisdiction within Boston, Hudson, Northfield Center,	1412
Sagamore Hills, and Twinsburg townships, and within the	1413
municipal corporations of Boston Heights, Hudson, Munroe Falls,	1414
Northfield, Peninsula, Reminderville, Silver Lake, Stow,	1415
Tallmadge, Twinsburg, and Macedonia, in Summit county.	1416
Beginning January 1, 2005, the Darke county municipal	1417
court has jurisdiction within Darke county except within the	1418
municipal corporation of Bradford.	1419
The Defiance municipal court has jurisdiction within	1420
Defiance county.	1421
The Delaware municipal court has jurisdiction within	1422
Delaware county.	1423
The Eaton municipal court has jurisdiction within Preble	1424
county.	1425
The Elyria municipal court has jurisdiction within the	1426
municipal corporations of Grafton, LaGrange, and North	1427
Ridgeville, and within Elyria, Carlisle, Eaton, Columbia,	1428

Grafton, and LaGrange townships, in Lorain county.	1429
Beginning January 1, 2008, the Erie county municipal court	1430
has jurisdiction within Erie county except within the townships	1431
of Florence, Huron, Perkins, and Vermilion and the municipal	1432
corporations of Bay View, Castalia, Huron, Sandusky, and	1433
Vermilion.	1434
The Fairborn municipal court has jurisdiction within the	1435
municipal corporation of Beavercreek and within Bath and	1436
Beavercreek townships in Greene county.	1437
Beginning January 2, 2000, the Fairfield county municipal	1438
court has jurisdiction within Fairfield county.	1439
The Findlay municipal court has jurisdiction, until	1440
January 2, 2024, within all of Hancock county except within	1441
Washington township, and on and after January 2, 2024, within	1442
all of Hancock county.	1443
The Franklin municipal court has jurisdiction within	1444
Franklin township in Warren county.	1445
The Franklin county municipal court has jurisdiction	1446
within Franklin county.	1447
The Fremont municipal court has jurisdiction within	1448
Ballville and Sandusky townships in Sandusky county.	1449
Beginning January 1, 2024, the Fulton county municipal	1450
court has jurisdiction within Fulton county.	1451
The Gallipolis municipal court has jurisdiction within	1452
Gallia county.	1453
The Garfield Heights municipal court has jurisdiction	1454
within the municipal corporations of Maple Heights, Walton	1455

Hills, Valley View, Cuyahoga Heights, Newburgh Heights,	1456
Independence, and Brecksville in Cuyahoga county.	1457
The Girard municipal court has jurisdiction within	1458
Liberty, Vienna, and Hubbard townships in Trumbull county.	1459
The Hamilton municipal court has jurisdiction within Ross	1460
and St. Clair townships in Butler county.	1461
The Hamilton county municipal court has jurisdiction	1462
within Hamilton county.	1463
The Hardin county municipal court has jurisdiction within	1464
Hardin county.	1465
The Hillsboro municipal court has jurisdiction within all	1466
of Highland county except within Madison township.	1467
The Hocking county municipal court has jurisdiction within	1468
Hocking county.	1469
The Holmes county municipal court has jurisdiction within	1470
Holmes county.	1471
The Huron municipal court has jurisdiction within all of	1472
Huron township in Erie county except within the municipal	1473
corporation of Sandusky.	1474
The Ironton municipal court has jurisdiction within Aid,	1475
Decatur, Elizabeth, Hamilton, Lawrence, Upper, and Washington	1476
townships in Lawrence county.	1477
The Jackson county municipal court has jurisdiction within	1478
Jackson county.	1479
The Kettering municipal court has jurisdiction within the	1480
municipal corporations of Centerville and Moraine, and within	1481
Washington township, in Montgomery county.	1482

Until January 2, 2000, the Lancaster municipal court has jurisdiction within Fairfield county.	1483 1484
The Lawrence county municipal court has jurisdiction within the townships of Fayette, Mason, Perry, Rome, Symmes, Union, and Windsor in Lawrence county.	1485 1486 1487
The Lebanon municipal court has jurisdiction within Turtlecreek township in Warren county.	1488 1489
The Licking county municipal court has jurisdiction within Licking county.	1490 1491
The Lima municipal court has jurisdiction within Allen county.	1492 1493
The Lorain municipal court has jurisdiction within the municipal corporation of Sheffield Lake, and within Sheffield township, in Lorain county.	1494 1495 1496
The Lyndhurst municipal court has jurisdiction within the municipal corporations of Mayfield Heights, Gates Mills, Mayfield, Highland Heights, and Richmond Heights in Cuyahoga county.	1497 1498 1499 1500
The Madison county municipal court has jurisdiction within Madison county.	1501 1502
The Mansfield municipal court has jurisdiction within Madison, Springfield, Sandusky, Franklin, Weller, Mifflin, Troy, Washington, Monroe, Perry, Jefferson, and Worthington townships, and within sections 35-36-31 and 32 of Butler township, in Richland county.	1503 1504 1505 1506 1507
The Marietta municipal court has jurisdiction within Washington county.	1508 1509

The Marion municipal court has jurisdiction within Marion county.	1510 1511
The Marysville municipal court has jurisdiction within Union county.	1512 1513
The Mason municipal court has jurisdiction within Deerfield township in Warren county.	1514 1515
The Massillon municipal court has jurisdiction within Bethlehem, Perry, Sugar Creek, Tuscarawas, Lawrence, and Jackson townships in Stark county.	1516 1517 1518
The Maumee municipal court has jurisdiction within the municipal corporations of Waterville and Whitehouse, within Waterville and Providence townships, and within those portions of Springfield, Monclova, and Swanton townships lying south of the northerly boundary line of the Ohio turnpike, in Lucas county.	1519 1520 1521 1522 1523 1524
The Medina municipal court has jurisdiction within the municipal corporations of Briarwood Beach, Brunswick, Chippewa-on-the-Lake, and Spencer and within the townships of Brunswick Hills, Chatham, Granger, Hinckley, Lafayette, Litchfield, Liverpool, Medina, Montville, Spencer, and York townships, in Medina county.	1525 1526 1527 1528 1529 1530
The Mentor municipal court has jurisdiction within the municipal corporation of Mentor-on-the-Lake in Lake county.	1531 1532
The Miami county municipal court has jurisdiction within Miami county and within the part of the municipal corporation of Bradford that is located in Darke county.	1533 1534 1535
The Miamisburg municipal court has jurisdiction within the municipal corporations of Germantown and West Carrollton, and	1536 1537

within German and Miami townships in Montgomery county. 1538

The Middletown municipal court has jurisdiction within 1539
Madison township, and within all of Lemon township, except 1540
within the municipal corporation of Monroe, in Butler county. 1541

Beginning July 1, 2010, the Montgomery county municipal 1542
court has jurisdiction within all of Montgomery county except 1543
for the municipal corporations of Centerville, Clayton, Dayton, 1544
Englewood, Germantown, Kettering, Miamisburg, Moraine, Oakwood, 1545
Union, Vandalia, and West Carrollton and Butler, German, 1546
Harrison, Miami, and Washington townships. 1547

Beginning January 1, 2003, the Morrow county municipal 1548
court has jurisdiction within Morrow county. 1549

The Mount Vernon municipal court has jurisdiction within 1550
Knox county. 1551

The Napoleon municipal court has jurisdiction within Henry 1552
county. 1553

The New Philadelphia municipal court has jurisdiction 1554
within the municipal corporation of Dover, and within Auburn, 1555
Bucks, Fairfield, Goshen, Jefferson, Warren, York, Dover, 1556
Franklin, Lawrence, Sandy, Sugarcreek, and Wayne townships in 1557
Tuscarawas county. 1558

The Newton Falls municipal court has jurisdiction within 1559
Bristol, Bloomfield, Lordstown, Newton, Braceville, Southington, 1560
Farmington, and Mesopotamia townships in Trumbull county. 1561

The Niles municipal court has jurisdiction within the 1562
municipal corporation of McDonald, and within Weathersfield 1563
township in Trumbull county. 1564

The Norwalk municipal court has jurisdiction within all of 1565

Huron county except within the municipal corporation of Bellevue	1566
and except within Lyme and Sherman townships.	1567
The Oberlin municipal court has jurisdiction within the	1568
municipal corporations of Amherst, Kipton, Rochester, South	1569
Amherst, and Wellington, and within Henrietta, Russia, Camden,	1570
Pittsfield, Brighton, Wellington, Penfield, Rochester, and	1571
Huntington townships, and within all of Amherst township except	1572
within the municipal corporation of Lorain, in Lorain county.	1573
The Oregon municipal court has jurisdiction within the	1574
municipal corporation of Harbor View, and within Jerusalem	1575
township, in Lucas county, and north within Maumee Bay and Lake	1576
Erie to the boundary line between Ohio and Michigan between the	1577
easterly boundary of the court and the easterly boundary of the	1578
Toledo municipal court.	1579
The Ottawa county municipal court has jurisdiction within	1580
Ottawa county.	1581
The Painesville municipal court has jurisdiction within	1582
Painesville, Perry, Leroy, Concord, and Madison townships in	1583
Lake county.	1584
The Parma municipal court has jurisdiction within the	1585
municipal corporations of Parma Heights, Brooklyn, Linndale,	1586
North Royalton, Broadview Heights, Seven Hills, and Brooklyn	1587
Heights in Cuyahoga county.	1588
Beginning January 1, 2018, the Perry county municipal	1589
court has jurisdiction within Perry county.	1590
Beginning January 1, 2020, the Paulding county municipal	1591
court has jurisdiction within Paulding county.	1592
The Perrysburg municipal court has jurisdiction within the	1593

municipal corporations of Luckey, Millbury, Northwood, Rossford, and Walbridge, and within Perrysburg, Lake, and Troy townships, in Wood county.	1594 1595 1596
The Portage county municipal court has jurisdiction within Portage county.	1597 1598
The Portsmouth municipal court has jurisdiction within Scioto county.	1599 1600
The Putnam county municipal court has jurisdiction within Putnam county.	1601 1602
The Rocky River municipal court has jurisdiction within the municipal corporations of Bay Village, Westlake, Fairview Park, and North Olmsted, and within Riveredge township, in Cuyahoga county.	1603 1604 1605 1606
The Sandusky municipal court has jurisdiction within the municipal corporations of Castalia and Bay View, and within Perkins township, in Erie county.	1607 1608 1609
The Shaker Heights municipal court has jurisdiction within the municipal corporations of University Heights, Beachwood, Pepper Pike, and Hunting Valley in Cuyahoga county.	1610 1611 1612
The Shelby municipal court has jurisdiction within Sharon, Jackson, Cass, Plymouth, and Blooming Grove townships, and within all of Butler township except sections 35-36-31 and 32, in Richland county.	1613 1614 1615 1616
The Sidney municipal court has jurisdiction within Shelby county.	1617 1618
Beginning January 1, 2009, the Stow municipal court has jurisdiction within Boston, Hudson, Northfield Center, Sagamore Hills, and Twinsburg townships, and within the municipal	1619 1620 1621

corporations of Boston Heights, Cuyahoga Falls, Hudson, Munroe Falls, Northfield, Peninsula, Reminderville, Silver Lake, Stow, Tallmadge, Twinsburg, and Macedonia, in Summit county. 1622
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The Struthers municipal court has jurisdiction within the municipal corporations of Lowellville, New Middleton, and Poland, and within Poland and Springfield townships in Mahoning county. 1625
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The Sylvania municipal court has jurisdiction within the municipal corporations of Berkey and Holland, and within Sylvania, Richfield, Spencer, and Harding townships, and within those portions of Swanton, Monclova, and Springfield townships lying north of the northerly boundary line of the Ohio turnpike, in Lucas county. 1629
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Beginning January 1, 2014, the Tiffin-Fostoria municipal court has jurisdiction within Adams, Big Spring, Bloom, Clinton, Eden, Hopewell, Jackson, Liberty, Loudon, Pleasant, Reed, Scipio, Seneca, Thompson, and Venice townships in Seneca county, and beginning on January 1, 2014, and until January 2, 2024, has jurisdiction within Washington township in Hancock county, and within Perry township, except within the municipal corporation of West Millgrove, in Wood county. 1635
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The Toledo municipal court has jurisdiction within Washington township, and within the municipal corporation of Ottawa Hills, in Lucas county. 1643
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The Upper Sandusky municipal court has jurisdiction within Wyandot county. 1646
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The Vandalia municipal court has jurisdiction within the municipal corporations of Clayton, Englewood, and Union, and within Butler, Harrison, and Randolph townships, in Montgomery 1648
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1650

county. 1651

The Van Wert municipal court has jurisdiction within Van Wert county. 1652
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The Vermilion municipal court has jurisdiction within the townships of Vermilion and Florence in Erie county and within all of Brownhelm township except within the municipal corporation of Lorain, in Lorain county. 1654
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The Wadsworth municipal court has jurisdiction within the municipal corporations of Gloria Glens Park, Lodi, Seville, and Westfield Center, and within Guilford, Harrisville, Homer, Sharon, Wadsworth, and Westfield townships in Medina county. 1658
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The Warren municipal court has jurisdiction within Warren and Champion townships, and within all of Howland township except within the municipal corporation of Niles, in Trumbull county. 1662
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The Washington Court House municipal court has jurisdiction within Fayette county. 1666
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The Wayne county municipal court has jurisdiction within Wayne county. 1668
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The Willoughby municipal court has jurisdiction within the municipal corporations of Eastlake, Wickliffe, Willowick, Willoughby Hills, Kirtland, Kirtland Hills, Waite Hill, Timberlake, and Lakeline, and within Kirtland township, in Lake county. 1670
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Through June 30, 1992, the Wilmington municipal court has jurisdiction within Clinton county. 1675
1676

The Xenia municipal court has jurisdiction within Caesar creek, Cedarville, Jefferson, Miami, New Jasper, Ross, 1677
1678

Silvercreek, Spring Valley, Sugarcreek, and Xenia townships in 1679
Greene county. 1680

(C) As used in this section: 1681

(1) "Within a township" includes all land, including, but 1682
not limited to, any part of any municipal corporation, that is 1683
physically located within the territorial boundaries of that 1684
township, whether or not that land or municipal corporation is 1685
governmentally a part of the township. 1686

(2) "Within a municipal corporation" includes all land 1687
within the territorial boundaries of the municipal corporation 1688
and any townships that are coextensive with the municipal 1689
corporation. 1690

Sec. 1907.11. (A) Each county court district shall have 1691
the following county court judges, to be elected as follows: 1692

In the Adams county county court, one part-time judge 1693
shall be elected in 1982. 1694

~~In~~ Until December 31, 2030, in the Ashtabula county county 1695
court, one part-time judge shall be elected in 1980, and one 1696
part-time judge shall be elected in 1982. Notwithstanding any 1697
contrary provision of division (C) of section 1907.13 of the 1698
Revised Code, the part-time judge to be elected in 2028 shall be 1699
elected for a term of two years commencing on January 1, 2029, 1700
and ending on December 31, 2030. The Ashtabula county county 1701
court part-time judgeships cease to exist on January 1, 2031. 1702
One full-time judge shall be elected in 2030, for a six-year 1703
term to commence on January 1, 2031. Effective January 1, 2031, 1704
notwithstanding division (A) (6) of section 141.04 of the Revised 1705
Code and division (A) of section 1907.16 of the Revised Code, 1706
the full-time judge of the Ashtabula county county court under 1707

this section shall receive the compensation set forth in 1708
division (A) (5) of section 141.04 of the Revised Code. 1709

In the Belmont county county court, one part-time judge 1710
shall be elected in 1992, term to commence on January 1, 1993, 1711
and two part-time judges shall be elected in 1994, terms to 1712
commence on January 1, 1995, and January 2, 1995, respectively. 1713

In the Butler county county court, one part-time judge 1714
shall be elected in 1992, term to commence on January 1, 1993, 1715
and two part-time judges shall be elected in 1994, terms to 1716
commence on January 1, 1995, and January 2, 1995, respectively. 1717

Until December 31, 2007, in the Erie county county court, 1718
one part-time judge shall be elected in 1982. Effective January 1719
1, 2008, the Erie county county court shall cease to exist. 1720

In the Harrison county county court, one part-time judge 1721
shall be elected in 1982. 1722

In the Highland county county court, one part-time judge 1723
shall be elected in 1982. 1724

In the Jefferson county county court, one part-time judge 1725
shall be elected in 1992, term to commence on January 1, 1993, 1726
and two part-time judges shall be elected in 1994, terms to 1727
commence on January 1, 1995, and January 2, 1995, respectively. 1728

In the Mahoning county county court, one part-time judge 1729
shall be elected in 1992, term to commence on January 1, 1993, 1730
and three part-time judges shall be elected in 1994, terms to 1731
commence on January 1, 1995, January 2, 1995, and January 3, 1732
1995, respectively. 1733

In the Meigs county county court, one part-time judge 1734
shall be elected in 1982. 1735

In the Monroe county county court, one part-time judge shall be elected in 1982.	1736 1737
In the Morgan county county court, one part-time judge shall be elected in 1982.	1738 1739
In the Muskingum county county court, one part-time judge shall be elected in 1980, and one part-time judge shall be elected in 1982.	1740 1741 1742
In the Noble county county court, one part-time judge shall be elected in 1982.	1743 1744
In the Pike county county court, one part-time judge shall be elected in 1982.	1745 1746
In the Sandusky county county court, one full-time judge shall be elected in 2024, term to commence on January 2, 2025. Effective January 2, 2025, 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 Sandusky county county court under this section shall receive the compensation set forth in division (A) (5) of section 141.04 of the Revised Code.	1747 1748 1749 1750 1751 1752 1753 1754
In the Trumbull county county court, one part-time judge shall be elected in 1992, and one part-time judge shall be elected in 1994.	1755 1756 1757
In the Tuscarawas county county court, one part-time judge shall be elected in 1982.	1758 1759
In the Vinton county county court, one part-time judge shall be elected in 1982.	1760 1761
In the Warren county county court, one part-time judge shall be elected in 1980, and one part-time judge shall be	1762 1763

elected in 1982. 1764

(B) (1) Additional judges shall be elected at the next 1765
regular election for a county court judge as provided in section 1766
1907.13 of the Revised Code. 1767

(2) Vacancies caused by the death or the resignation from, 1768
forfeiture of, or removal from office of a judge shall be filled 1769
in accordance with section 107.08 of the Revised Code, except as 1770
provided in section 1907.15 of the Revised Code. 1771

Sec. 2505.02. (A) As used in this section: 1772

(1) "Substantial right" means a right that the United 1773
States Constitution, the Ohio Constitution, a statute, the 1774
common law, or a rule of procedure entitles a person to enforce 1775
or protect. 1776

(2) "Special proceeding" means an action or proceeding 1777
that is specially created by statute and that prior to 1853 was 1778
not denoted as an action at law or a suit in equity. 1779

(3) "Provisional remedy" means a proceeding ancillary to 1780
an action, including, but not limited to, a proceeding for a 1781
preliminary injunction, attachment, discovery of privileged 1782
matter, suppression of evidence, a prima-facie showing pursuant 1783
to section 2307.85 or 2307.86 of the Revised Code, a prima-facie 1784
showing pursuant to section 2307.92 of the Revised Code, or a 1785
finding made pursuant to division (A) (3) of section 2307.93 of 1786
the Revised Code. 1787

(B) An order is a final order that may be reviewed, 1788
affirmed, modified, or reversed, with or without retrial, when 1789
it is one of the following: 1790

(1) An order that affects a substantial right in an action 1791

that in effect determines the action and prevents a judgment;	1792
(2) An order that affects a substantial right made in a special proceeding or upon a summary application in an action after judgment;	1793 1794 1795
(3) An order that vacates or sets aside a judgment or grants a new trial;	1796 1797
(4) An order that grants or denies a provisional remedy and to which both of the following apply:	1798 1799
(a) The order in effect determines the action with respect to the provisional remedy and prevents a judgment in the action in favor of the appealing party with respect to the provisional remedy.	1800 1801 1802 1803
(b) The appealing party would not be afforded a meaningful or effective remedy by an appeal following final judgment as to all proceedings, issues, claims, and parties in the action.	1804 1805 1806
(5) An order that determines that an action may or may not be maintained as a class action;	1807 1808
(6) An order determining the constitutionality of any changes to the Revised Code made by Am. Sub. S.B. 281 of the 124th general assembly, including the amendment of sections 1751.67, 2117.06, 2305.11, 2305.15, 2305.234, 2317.02, 2317.54, 2323.56, 2711.21, 2711.22, 2711.23, 2711.24, 2743.02, 2743.43, 2919.16, 3923.63, 3923.64, 4705.15, and 5111.018 (renumbered as 5164.07 by H.B. 59 of the 130th general assembly), and the enactment of sections 2305.113, 2323.41, 2323.43, and 2323.55 of the Revised Code or any changes made by Sub. S.B. 80 of the 125th general assembly, including the amendment of sections 2125.02, 2305.10, 2305.131, 2315.18, 2315.19, and 2315.21 of the Revised Code;	1809 1810 1811 1812 1813 1814 1815 1816 1817 1818 1819 1820

(7) An order in an appropriation proceeding that may be 1821
appealed pursuant to division (B) (3) of section 163.09 of the 1822
Revised Code; 1823

(8) An order restraining or restricting enforcement, 1824
whether on a temporary, preliminary, or permanent basis, in 1825
whole or in part, facially or as applied, of any state statute 1826
or regulation, including, but not limited to, orders in the form 1827
of injunctions, declaratory judgments, or writs. 1828

(C) When a court issues an order that vacates or sets 1829
aside a judgment or grants a new trial, the court, upon the 1830
request of either party, shall state in the order the grounds 1831
upon which the new trial is granted or the judgment vacated or 1832
set aside. 1833

(D) This section applies to and governs any action, 1834
including an appeal, that is pending in any court on July 22, 1835
1998, and all claims filed or actions commenced on or after July 1836
22, 1998, notwithstanding any provision of any prior statute or 1837
rule of law of this state. 1838

Sec. 2929.20. (A) As used in this section: 1839

(1) (a) Except as provided in division (A) (1) (b) of this 1840
section, "eligible offender" means any person who, on or after 1841
April 7, 2009, is serving a stated prison term that includes one 1842
or more nonmandatory prison terms. A person may be an eligible 1843
offender and also may be an eighty per cent-qualifying offender 1844
or, during a declared state of emergency, a state of emergency- 1845
qualifying offender. 1846

(b) "Eligible offender" does not include any person who, 1847
on or after April 7, 2009, is serving a stated prison term for 1848
any of the following criminal offenses that was a felony and was 1849

committed while the person held a public office in this state: 1850

(i) A violation of section 2921.02, 2921.03, 2921.05, 1851
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 1852
Code; 1853

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 1854
2921.12 of the Revised Code, when the conduct constituting the 1855
violation was related to the duties of the offender's public 1856
office or to the offender's actions as a public official holding 1857
that public office; 1858

(iii) A violation of an existing or former municipal 1859
ordinance or law of this or any other state or the United States 1860
that is substantially equivalent to any violation listed in 1861
division (A) (1) (b) (i) of this section; 1862

(iv) A violation of an existing or former municipal 1863
ordinance or law of this or any other state or the United States 1864
that is substantially equivalent to any violation listed in 1865
division (A) (1) (b) (ii) of this section, when the conduct 1866
constituting the violation was related to the duties of the 1867
offender's public office or to the offender's actions as a 1868
public official holding that public office; 1869

(v) A conspiracy to commit, attempt to commit, or 1870
complicity in committing any offense listed in division (A) (1) 1871
(b) (i) or described in division (A) (1) (b) (iii) of this section; 1872

(vi) A conspiracy to commit, attempt to commit, or 1873
complicity in committing any offense listed in division (A) (1) 1874
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 1875
if the conduct constituting the offense that was the subject of 1876
the conspiracy, that would have constituted the offense 1877
attempted, or constituting the offense in which the offender was 1878

complicit was or would have been related to the duties of the 1879
offender's public office or to the offender's actions as a 1880
public official holding that public office. 1881

(2) "State of emergency-qualifying offender" means any 1882
inmate to whom all of the following apply: 1883

(a) The inmate is serving a stated prison term during a 1884
state of emergency that is declared by the governor as a direct 1885
response to a pandemic or public health emergency. 1886

(b) The geographical area covered by the declared state of 1887
emergency includes the location at which the inmate is serving 1888
the stated prison term described in division (A) (2) (a) of this 1889
section. 1890

(c) There is a direct nexus between the emergency that is 1891
the basis of the governor's declaration of the state of 1892
emergency and the circumstances of, and need for release of, the 1893
inmate. 1894

(3) (a) "Eighty per cent-qualifying offender" means an 1895
offender who is serving a stated prison term of one year or 1896
more, on or after April 4, 2023, who has commenced service of 1897
that stated prison term, who is not serving a stated prison term 1898
that includes a disqualifying prison term or a stated prison 1899
term that consists solely of one or more restricting prison 1900
terms, and to whom either of the following applies: 1901

(i) If the offender is serving a stated prison term of one 1902
year or more that includes one or more restricting prison terms 1903
and one or more eligible prison terms, the offender has fully 1904
served all restricting prison terms and has served eighty per 1905
cent of that stated prison term that remains to be served after 1906
all restricting prison terms have been fully served. 1907

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

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

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

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

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

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

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

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

2967.05 of the Revised Code.	1937
(8) "Aggregated nonmandatory prison term or terms" means	1938
the aggregate of the following:	1939
(a) All nonmandatory definite prison terms;	1940
(b) With respect to any non-life felony indefinite prison	1941
term, all nonmandatory minimum prison terms imposed as part of	1942
the non-life felony indefinite prison term or terms.	1943
(9) "Deadly weapon" and "dangerous ordnance" have the same	1944
meanings as in section 2923.11 of the Revised Code.	1945
(10) "Disqualifying prison term" means any of the	1946
following:	1947
(a) A prison term imposed for aggravated murder, murder,	1948
voluntary manslaughter, involuntary manslaughter, felonious	1949
assault, kidnapping, rape, aggravated arson, aggravated	1950
burglary, or aggravated robbery;	1951
(b) A prison term imposed for complicity in, an attempt to	1952
commit, or conspiracy to commit any offense listed in division	1953
(A) (10) (a) of this section;	1954
(c) A prison term of life imprisonment, including any term	1955
of life imprisonment that has parole eligibility;	1956
(d) A prison term imposed for any felony other than	1957
carrying a concealed weapon an essential element of which is any	1958
conduct or failure to act expressly involving any deadly weapon	1959
or dangerous ordnance;	1960
(e) A prison term imposed for any violation of section	1961
2925.03 of the Revised Code that is a felony of the first or	1962
second degree;	1963

(f) A prison term imposed for engaging in a pattern of corrupt activity in violation of section 2923.32 of the Revised Code;	1964 1965 1966
(g) A prison term imposed pursuant to section 2971.03 of the Revised Code;	1967 1968
(h) A prison term imposed for any sexually oriented offense.	1969 1970
(11) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term.	1971 1972 1973
(12) "Restricting prison term" means any of the following:	1974
(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;	1975 1976 1977 1978
(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;	1979 1980 1981 1982 1983 1984
(c) A prison term imposed for trafficking in persons;	1985
(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:	1986 1987 1988
(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	1989 1990 1991

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 if the attempt is a felony of the first or second degree, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to any other offense described in this division.

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

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

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

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

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

sentencing court during the declared state of emergency, within 2021
the following applicable periods: 2022

(a) If the aggregated nonmandatory prison term or terms is 2023
less than two years, the eligible offender or state of 2024
emergency-qualifying offender may file the motion at any time 2025
after the offender is delivered to a state correctional 2026
institution or, if the prison term includes a mandatory prison 2027
term or terms, at any time after the expiration of all mandatory 2028
prison terms. 2029

(b) If the aggregated nonmandatory prison term or terms is 2030
at least two years but less than five years, the eligible 2031
offender or state of emergency-qualifying offender may file the 2032
motion not earlier than one hundred eighty days after the 2033
offender is delivered to a state correctional institution or, if 2034
the prison term includes a mandatory prison term or terms, not 2035
earlier than one hundred eighty days after the expiration of all 2036
mandatory prison terms. 2037

(c) If the aggregated nonmandatory prison term or terms is 2038
five years, the eligible offender or state of emergency- 2039
qualifying offender may file the motion not earlier than the 2040
date on which the offender has served four years of the 2041
offender's stated prison term or, if the prison term includes a 2042
mandatory prison term or terms, not earlier than four years 2043
after the expiration of all mandatory prison terms. 2044

(d) If the aggregated nonmandatory prison term or terms is 2045
more than five years but not more than ten years, the eligible 2046
offender or state of emergency-qualifying offender may file the 2047
motion not earlier than the date on which the offender has 2048
served five years of the offender's stated prison term or, if 2049
the prison term includes a mandatory prison term or terms, not 2050

earlier than five years after the expiration of all mandatory 2051
prison terms. 2052

(e) If the aggregated nonmandatory prison term or terms is 2053
more than ten years, the eligible offender or state of 2054
emergency-qualifying offender may file the motion not earlier 2055
than the later of the date on which the offender has served one- 2056
half of the offender's stated prison term or the date specified 2057
in division (C) (1) (d) of this section. 2058

(f) With respect to a state of emergency-qualifying 2059
offender, if the offender's prison term does not include a 2060
mandatory prison term or terms, or if the offender's prison term 2061
includes one or more mandatory prison terms and the offender has 2062
completed the mandatory prison term or terms, the state of 2063
emergency-qualifying offender may file the motion at any time 2064
during the offender's aggregated nonmandatory prison term or 2065
terms, provided that time also is during the declared state of 2066
emergency. 2067

(2) During any single declared state of emergency, a state 2068
of emergency-qualifying offender may only file a motion for 2069
judicial release as a state of emergency-qualifying offender 2070
with the sentencing court during that declared state of 2071
emergency once every six months. 2072

(D) (1) (a) Upon receipt of a timely motion for judicial 2073
release filed by an eligible offender or a state of emergency- 2074
qualifying offender under division (C) of this section, or upon 2075
the sentencing court's own motion made within the appropriate 2076
time specified in that division, the court may deny the motion 2077
without a hearing or schedule a hearing on the motion. The court 2078
may grant the motion without a hearing for an offender under 2079
consideration for judicial release as a state of emergency- 2080

qualifying offender, but the court shall not grant the motion 2081
without a hearing for an offender under consideration as an 2082
eligible offender. If a court denies a motion without a hearing, 2083
the court later may consider judicial release for that eligible 2084
offender or that state of emergency-qualifying offender on a 2085
subsequent motion. For an offender under consideration for 2086
judicial release as an eligible offender, but not for one under 2087
consideration as a state of emergency-qualifying offender, the 2088
court may deny the motion with prejudice. If a court denies a 2089
motion with prejudice, the court may later consider judicial 2090
release on its own motion. For an offender under consideration 2091
for judicial release as a state of emergency-qualifying 2092
offender, the court shall not deny a motion with prejudice. For 2093
an offender under consideration for judicial release as an 2094
eligible offender, but not for one under consideration as a 2095
state of emergency-qualifying offender, if a court denies a 2096
motion after a hearing, the court shall not consider a 2097
subsequent motion for that offender based on the offender's 2098
classification as an eligible offender. The court may hold 2099
multiple hearings for any offender under consideration for 2100
judicial release as a state of emergency-qualifying offender, 2101
but shall hold only one hearing for any offender under 2102
consideration as an eligible offender. 2103

(b) If an offender is under consideration for judicial 2104
release as an eligible offender and the motion is denied, and if 2105
the offender at that time also is or subsequently becomes a 2106
state of emergency-qualifying offender, the denial does not 2107
limit or affect any right of the offender to file a motion under 2108
this section for consideration for judicial release as a state 2109
of emergency-qualifying offender or for the court on its own 2110
motion to consider the offender for judicial release as a state 2111

of emergency-qualifying offender. 2112

If an offender is under consideration for judicial release 2113
as a state of emergency-qualifying offender and the motion is 2114
denied, and if the offender at that time also is or subsequently 2115
becomes an eligible offender, the denial does not limit or 2116
affect any right of the offender to file a motion under this 2117
section for consideration for judicial release as an eligible 2118
offender or for the court on its own motion to consider the 2119
offender for judicial release as an eligible offender. 2120

(2) (a) With respect to a motion for judicial release filed 2121
by an offender as an eligible offender or made by the court on 2122
its own motion for an offender as an eligible offender, a 2123
hearing under this section shall be conducted in open court not 2124
less than thirty or more than sixty days after the motion is 2125
filed, provided that the court may delay the hearing for one 2126
hundred eighty additional days. If the court holds a hearing, 2127
the court shall enter a ruling on the motion within ten days 2128
after the hearing. If the court denies the motion without a 2129
hearing, the court shall enter its ruling on the motion within 2130
sixty days after the motion is filed. 2131

(b) With respect to a motion for judicial release filed by 2132
an offender as a state of emergency-qualifying offender or made 2133
by the court on its own motion for an offender as a state of 2134
emergency-qualifying offender, the court shall notify the 2135
prosecuting attorney of the county in which the offender was 2136
indicted and may order the prosecuting attorney to respond to 2137
the motion in writing within ten days. The prosecuting attorney 2138
shall notify the victim pursuant to the Ohio Constitution. The 2139
prosecuting attorney shall include in the response any statement 2140
that the victim wants to be represented to the court. The court 2141

shall consider any response from the prosecuting attorney and 2142
any statement from the victim in its ruling on the motion. After 2143
receiving the response from the prosecuting attorney, the court 2144
either shall order a hearing consistent with divisions (E) to 2145
(I) of this section as soon as possible, or shall enter its 2146
ruling on the motion for judicial release as soon as possible. 2147
If the court conducts a hearing, the hearing shall be conducted 2148
in open court or by a virtual, telephonic, or other form of 2149
remote hearing. If the court holds a hearing, the court shall 2150
enter a ruling on the motion within ten days after the hearing. 2151
If the court denies the motion without a hearing, the court 2152
shall enter its ruling on the motion within ten days after the 2153
motion is filed or after it receives the response from the 2154
prosecuting attorney. 2155

(E) If a court schedules a hearing under divisions (D) (1) 2156
and (2) (a) of this section or under divisions (D) (1) and (2) (b) 2157
of this section, the court shall notify the subject eligible 2158
offender or state of emergency-qualifying offender and the head 2159
of the state correctional institution in which that subject 2160
offender is confined prior to the hearing. The head of the state 2161
correctional institution immediately shall notify the 2162
appropriate person at the department of rehabilitation and 2163
correction of the hearing, and the department within twenty-four 2164
hours after receipt of the notice, shall post on the database it 2165
maintains pursuant to section 5120.66 of the Revised Code the 2166
subject offender's name and all of the information specified in 2167
division (A) (1) (c) (i) of that section. If the court schedules a 2168
hearing for judicial release, the court promptly shall give 2169
notice of the hearing to the prosecuting attorney of the county 2170
in which the subject eligible offender or state of emergency- 2171
qualifying offender was indicted. Upon receipt of the notice 2172

from the court, the prosecuting attorney shall do whichever of 2173
the following is applicable: 2174

(1) Subject to division (E)(2) of this section, notify the 2175
victim of the offense and the victim's representative, if 2176
applicable, pursuant to the Ohio Constitution and division (B) 2177
of section 2930.16 of the Revised Code; 2178

(2) If the offense was an offense of violence that is a 2179
felony of the first, second, or third degree, except as 2180
otherwise provided in this division, pursuant to the Ohio 2181
Constitution, notify the victim and the victim's representative, 2182
if applicable, of the hearing regardless of whether the victim 2183
or victim's representative has requested the notification. 2184
Except when notice to the victim is required under the Ohio 2185
Constitution, the notice of the hearing shall not be given under 2186
this division to a victim or victim's representative if the 2187
victim or victim's representative has requested pursuant to 2188
division (B)(2) of section 2930.03 of the Revised Code that the 2189
victim or the victim's representative not be provided the 2190
notice. If notice is to be provided to a victim or victim's 2191
representative under this division, the prosecuting attorney may 2192
give the notice by any reasonable means, including regular mail, 2193
telephone, and electronic mail, in accordance with division (D) 2194
(1) of section 2930.16 of the Revised Code. If the notice is 2195
based on an offense committed prior to March 22, 2013, the 2196
notice also shall include the opt-out information described in 2197
division (D)(1) of section 2930.16 of the Revised Code. The 2198
prosecuting attorney, in accordance with division (D)(2) of 2199
section 2930.16 of the Revised Code, shall keep a record of all 2200
attempts to provide the notice, and of all notices provided, 2201
under this division. Division (E)(2) of this section, and the 2202
notice-related provisions of division (K) of this section, 2203

division (D) (1) of section 2930.16, division (H) of section 2204
2967.12, division (E) (1) (b) of section 2967.19 as it existed 2205
prior to April 4, 2023, division (A) (3) (b) of section 2967.26, 2206
division (D) (1) of section 2967.28, and division (A) (2) of 2207
section 5149.101 of the Revised Code enacted in the act in which 2208
division (E) (2) of this section was enacted, shall be known as 2209
"Roberta's Law." 2210

(F) Upon an offender's successful completion of 2211
rehabilitative activities, the head of the state correctional 2212
institution may notify the sentencing court of the successful 2213
completion of the activities. 2214

(G) Prior to the date of the hearing on a motion for 2215
judicial release made by an eligible offender, by a state of 2216
emergency-qualifying offender, or by a court on its own under 2217
this section, the head of the state correctional institution in 2218
which the subject offender is confined shall send to the court 2219
an institutional summary report on the offender's conduct in the 2220
institution and in any institution from which the offender may 2221
have been transferred. Upon the request of the prosecuting 2222
attorney of the county in which the subject offender was 2223
indicted or of any law enforcement agency, the head of the state 2224
correctional institution, at the same time the person sends the 2225
institutional summary report to the court, also shall send a 2226
copy of the report to the requesting prosecuting attorney and 2227
law enforcement agencies. The institutional summary report shall 2228
cover the subject offender's participation in school, vocational 2229
training, work, treatment, and other rehabilitative activities 2230
and any disciplinary action taken against the subject offender. 2231
The report shall be made part of the record of the hearing. A 2232
presentence investigation report is not required for judicial 2233
release. 2234

(H) If the court grants a hearing on a motion for judicial 2235
release made by an eligible offender, by a state of emergency- 2236
qualifying offender, or by a court on its own under this 2237
section, the subject offender shall attend the hearing if 2238
ordered to do so by the court. Upon receipt of a copy of the 2239
journal entry containing the order, the head of the state 2240
correctional institution in which the subject offender is 2241
incarcerated shall deliver the subject offender to the sheriff 2242
of the county in which the hearing is to be held. The sheriff 2243
shall convey the subject offender to and from the hearing. 2244

(I) At the hearing on a motion for judicial release under 2245
this section made by an eligible offender, by a state of 2246
emergency-qualifying offender, or by a court on its own, the 2247
court shall afford the subject offender and the offender's 2248
attorney an opportunity to present written and, if present, oral 2249
information relevant to the motion. The court shall afford a 2250
similar opportunity to the prosecuting attorney, the victim, the 2251
victim's representative, the victim's attorney, if applicable, 2252
and any other person the court determines is likely to present 2253
additional relevant information. The court shall consider any 2254
oral or written statement of a victim, victim's representative, 2255
and victim's attorney, if applicable, made pursuant to section 2256
2930.14 or 2930.17 of the Revised Code, any victim impact 2257
statement prepared pursuant to section 2947.051 of the Revised 2258
Code, and any report made under division (G) of this section. 2259
The court may consider any written statement of any person 2260
submitted to the court pursuant to division (L) of this section. 2261

If the motion alleges that the offender who is the subject 2262
of the motion is an eligible offender and the court makes an 2263
initial determination that the offender satisfies the criteria 2264
for being an eligible offender, or if the motion alleges that 2265

the offender who is the subject of the motion is a state of 2266
emergency-qualifying offender and the court makes an initial 2267
determination that the offender satisfies the criteria for being 2268
a state of emergency-qualifying offender, the court shall 2269
determine whether to grant the motion. After ruling on the 2270
motion, the court shall notify the prosecuting attorney of the 2271
county in which the eligible offender or state of emergency- 2272
qualifying offender was indicted of the ruling, and the 2273
prosecuting attorney shall notify the victim and the victim's 2274
representative of the ruling in accordance with sections 2930.03 2275
and 2930.16 of the Revised Code or, if the court granted the 2276
motion, in accordance with division (K) of this section. 2277

(J) (1) A court shall not grant a judicial release under 2278
this section to an offender who is imprisoned for a felony of 2279
the first or second degree and who is under consideration as an 2280
eligible offender, or to an offender who committed an offense 2281
under Chapter 2925. or 3719. of the Revised Code, who is under 2282
consideration as an eligible offender, and for whom there was a 2283
presumption under section 2929.13 of the Revised Code in favor 2284
of a prison term, unless the court, with reference to factors 2285
under section 2929.12 of the Revised Code, finds both of the 2286
following: 2287

(a) That a sanction other than a prison term would 2288
adequately punish the offender and protect the public from 2289
future criminal violations by the offender because the 2290
applicable factors indicating a lesser likelihood of recidivism 2291
outweigh the applicable factors indicating a greater likelihood 2292
of recidivism; 2293

(b) That a sanction other than a prison term would not 2294
demean the seriousness of the offense because factors indicating 2295

that the offender's conduct in committing the offense was less 2296
serious than conduct normally constituting the offense outweigh 2297
factors indicating that the eligible offender's conduct was more 2298
serious than conduct normally constituting the offense. 2299

(2) A court that grants a judicial release under division 2300
(J) (1) of this section to an offender who is under consideration 2301
as an eligible offender shall specify on the record both 2302
findings required in that division and also shall list all the 2303
factors described in that division that were presented at the 2304
hearing. 2305

(3) (a) Subject to division (J) (3) (b) of this section, a 2306
court shall grant a judicial release under this section to an 2307
offender who is under consideration as a state of emergency- 2308
qualifying offender if the court determines that the risks posed 2309
by incarceration to the health and safety of the offender, 2310
because of the nature of the declared state of emergency, 2311
outweigh the risk to public safety if the offender were to be 2312
released from incarceration. 2313

(b) A court shall not grant a judicial release under this 2314
section to an offender who is imprisoned for a felony of the 2315
first or second degree and is under consideration for judicial 2316
release as a state of emergency-qualifying offender unless the 2317
court, with reference to the factors specified under section 2318
2929.12 of the Revised Code, finds both of the criteria set 2319
forth in divisions (J) (1) (a) and (b) of this section. 2320

(K) If the court grants a motion for judicial release 2321
under this section, the court shall order the release of the 2322
eligible offender or state of emergency-qualifying offender, 2323
shall place the offender under an appropriate community control 2324
sanction, under appropriate conditions, and under the 2325

supervision of the department of probation serving the court and 2326
shall reserve the right to reimpose the sentence that it reduced 2327
if the offender violates the sanction. If the court reimposes 2328
the reduced sentence, it may do so either concurrently with, or 2329
consecutive to, any new sentence imposed on the eligible 2330
offender or state of emergency-qualifying offender as a result 2331
of the violation that is a new offense. Except as provided in 2332
division (N) (5) (b) of this section, the period of community 2333
control shall be no longer than five years. The court, in its 2334
discretion, may reduce the period of community control by the 2335
amount of time the offender spent in jail or prison for the 2336
offense and in prison. If the court made any findings pursuant 2337
to division (J) (1) of this section, the court shall serve a copy 2338
of the findings upon counsel for the parties within fifteen days 2339
after the date on which the court grants the motion for judicial 2340
release. 2341

If the court grants a motion for judicial release, the 2342
court shall notify the appropriate person at the department of 2343
rehabilitation and correction, and the department shall post 2344
notice of the release on the database it maintains pursuant to 2345
section 5120.66 of the Revised Code. The court also shall notify 2346
the prosecuting attorney of the county in which the eligible 2347
offender or state of emergency-qualifying offender was indicted 2348
that the motion has been granted. When notice to the victim is 2349
required under the Ohio Constitution, the prosecuting attorney 2350
shall notify the victim and the victim's representative, if 2351
applicable, of the judicial release. In all other cases, unless 2352
the victim or the victim's representative has requested pursuant 2353
to division (B) (2) of section 2930.03 of the Revised Code that 2354
the victim or victim's representative not be provided the 2355
notice, the prosecuting attorney shall notify the victim and the 2356

victim's representative, if applicable, of the judicial release 2357
in any manner, and in accordance with the same procedures, 2358
pursuant to which the prosecuting attorney is authorized to 2359
provide notice of the hearing pursuant to division (E) (2) of 2360
this section. If the notice is based on an offense committed 2361
prior to March 22, 2013, the notice to the victim or victim's 2362
representative also shall include the opt-out information 2363
described in division (D) (1) of section 2930.16 of the Revised 2364
Code. 2365

(L) In addition to and independent of the right of a 2366
victim to make a statement pursuant to section 2930.14, 2930.17, 2367
or 2946.051 of the Revised Code and any right of a person to 2368
present written information or make a statement pursuant to 2369
division (I) of this section, any person may submit to the 2370
court, at any time prior to the hearing on the motion for 2371
judicial release of the eligible offender or state of emergency- 2372
qualifying offender, a written statement concerning the effects 2373
of the offender's criminal offense, the circumstances 2374
surrounding the criminal offense, the manner in which the 2375
criminal offense was perpetrated, and the person's opinion as to 2376
whether the offender should be released. 2377

(M) (1) The changes to this section that are made on 2378
September 30, 2011, apply to any judicial release decision made 2379
on or after September 30, 2011, for any eligible offender, 2380
subject to division (M) (2) of this section. 2381

(2) The changes to this section that are made on April 4, 2382
2023, apply to any judicial release application, and any 2383
judicial release decision, made on or after April 4, 2023, for 2384
any eligible offender or state of emergency-qualifying offender. 2385

(N) (1) Notwithstanding the eligibility requirements 2386

specified in divisions (A) (1) and (2) of this section and the 2387
filing time frames specified in division (C) of this section and 2388
notwithstanding the findings required under division (J) (1) and 2389
the eligibility criteria specified in division (J) (3) of this 2390
section, the sentencing court, upon the court's own motion and 2391
after considering whether the release of the offender into 2392
society would create undue risk to public safety, may grant a 2393
judicial release to an offender who is not serving a life 2394
sentence at any time during the offender's imposed sentence when 2395
the director of rehabilitation and correction certifies to the 2396
sentencing court through the chief medical officer for the 2397
department of rehabilitation and correction that the offender is 2398
in imminent danger of death, is medically incapacitated, or has 2399
a terminal illness. 2400

(2) The director of rehabilitation and correction shall 2401
not certify any offender under division (N) (1) of this section 2402
who is serving a death sentence. 2403

(3) A motion made by the court under division (N) (1) of 2404
this section is subject to the notice, hearing, and other 2405
procedural requirements specified in divisions (D), (E), (G), 2406
(H), (I), (K), and (L) of this section with respect to motions 2407
for a grant of judicial release to eligible offenders, including 2408
notice to the victim, except for the following: 2409

(a) The court may waive the offender's appearance at any 2410
hearing scheduled by the court if the offender's condition makes 2411
it impossible for the offender to participate meaningfully in 2412
the proceeding. 2413

(b) The court may grant the motion without a hearing, 2414
provided that the prosecuting attorney, victim, and victim's 2415
representative, if applicable, to whom notice of the hearing was 2416

provided under division (E) of this section indicate that they 2417
do not wish to participate in the hearing or present information 2418
relevant to the motion. 2419

(4) The court may request health care records from the 2420
department of rehabilitation and correction to verify the 2421
certification made under division (N)(1) of this section. 2422

(5) (a) If the court grants judicial release under division 2423
(N)(1) of this section, the court shall do all of the following: 2424

(i) Order the release of the offender; 2425

(ii) Place the offender under an appropriate community 2426
control sanction, under appropriate conditions; 2427

(iii) Place the offender under the supervision of the 2428
department of probation serving the court or under the 2429
supervision of the adult parole authority. 2430

(b) The court, in its discretion, may revoke the judicial 2431
release if the offender violates the community control sanction 2432
described in division (N)(5)(a) of this section. The period of 2433
that community control is not subject to the five-year 2434
limitation described in division (K) of this section and shall 2435
not expire earlier than the date on which all of the offender's 2436
mandatory prison terms expire. 2437

(6) If the health of an offender who is released under 2438
division (N)(1) of this section improves so that the offender is 2439
no longer terminally ill, medically incapacitated, or in 2440
imminent danger of death, the court shall, upon the court's own 2441
motion, revoke the judicial release. The court shall not grant 2442
the motion without a hearing unless the offender waives a 2443
hearing. If a hearing is held, the court shall afford the 2444
offender and the offender's attorney an opportunity to present 2445

written and, if the offender or the offender's attorney is 2446
present, oral information relevant to the motion. The court 2447
shall afford a similar opportunity to the prosecuting attorney, 2448
the victim, the victim's representative, the victim's attorney, 2449
if applicable, and any other person the court determines is 2450
likely to present additional relevant information. If a hearing 2451
is held, the prosecuting attorney shall notify the victim and 2452
the victim's representative, if applicable, pursuant to the Ohio 2453
Constitution. A court that grants a motion under this division 2454
shall specify its findings on the record. 2455

(O) (1) Separate from and independent of the provisions of 2456
divisions (A) to (N) of this section, the director of the 2457
department of rehabilitation and correction may recommend in 2458
writing to the sentencing court that the court consider 2459
releasing from prison, through a judicial release, any offender 2460
who is confined in a state correctional institution and who is 2461
an eighty per cent-qualifying offender. The director may file 2462
such a recommendation for judicial release by submitting to the 2463
sentencing court a notice, in writing, of the recommendation 2464
within the applicable period specified in division (A) (3) of 2465
this section for qualifying as an eighty per cent-qualifying 2466
offender. 2467

The director shall include with any notice submitted to 2468
the sentencing court under this division an institutional 2469
summary report that covers the offender's participation while 2470
confined in a state correctional institution in school, 2471
training, work, treatment, and other rehabilitative activities 2472
and any disciplinary action taken against the offender while so 2473
confined. The director shall include with the notice any other 2474
documentation requested by the court, if available. 2475

If the director submits a notice under this division 2476
recommending judicial release, the department promptly shall 2477
provide to the prosecuting attorney of the county in which the 2478
offender was indicted a copy of the written notice and 2479
recommendation, a copy of the institutional summary report, and 2480
any other information provided to the court, and shall provide a 2481
copy of the institutional summary report to any law enforcement 2482
agency that requests the report. The department also shall 2483
provide written notice of the submission of the director's 2484
notice to any victim of the offender or victim's representative, 2485
if applicable, in the same manner as is specified in divisions 2486
(E) (1) and (2) of this section with respect to notices of 2487
hearings. 2488

(2) A recommendation for judicial release in a notice 2489
submitted by the director under division (O) (1) of this section 2490
is subject to the notice, hearing, and other procedural 2491
requirements specified in divisions (E), (H), (I), and (L) of 2492
this section, including notice to the victim pursuant to the 2493
Ohio Constitution, except as otherwise specified in divisions 2494
(O) (3) to (5) of this section, provided that references in 2495
divisions (E), (H), (I), (K), and (L) of this section to "the 2496
motion" shall be construed for purposes of division (O) of this 2497
section as being references to the notice and recommendation 2498
specified in division (O) (1) of this section. 2499

(3) The director's submission of a notice under division 2500
(O) (1) of this section constitutes a recommendation by the 2501
director that the court strongly consider a judicial release of 2502
the offender consistent with the purposes and principles of 2503
sentencing set forth in sections 2929.11 and 2929.13 of the 2504
Revised Code and establishes a rebuttable presumption that the 2505
offender shall be released through a judicial release in 2506

accordance with the recommendation. The presumption of release 2507
may be rebutted only as described in division (O)(6) of this 2508
section. Only an offender recommended by the director under 2509
division (O)(1) of this section may be considered for a judicial 2510
release under division (O) of this section. 2511

(4) Upon receipt of a notice recommending judicial release 2512
submitted by the director under division (O)(1) of this section, 2513
the court shall schedule a hearing to consider the 2514
recommendation for the judicial release of the offender who is 2515
the subject of the notice. The hearing shall be conducted in 2516
open court not less than thirty or more than sixty days after 2517
the notice is submitted. The court shall inform the department 2518
and the prosecuting attorney of the county in which the offender 2519
who is the subject of the notice was indicted of the date, time, 2520
and location of the hearing. Upon receipt of the notice from the 2521
court, the prosecuting attorney shall comply with division (E) 2522
of this section, including providing notice to the victim and 2523
the victim's representative, if applicable, pursuant to the Ohio 2524
Constitution, and the department shall post the information 2525
specified in that division. 2526

(5) When a court schedules a hearing under division (O)(4) 2527
of this section, at the hearing, the court shall consider all of 2528
the following in determining whether to grant the offender 2529
judicial release under division (O) of this section: 2530

(a) The institutional summary report submitted under 2531
division (O)(1) of this section; 2532

(b) The inmate's academic, vocational education programs, 2533
or alcohol or drug treatment programs; or involvement in 2534
meaningful activity; 2535

(c) The inmate's assignments and whether the inmate	2536
consistently performed each work assignment to the satisfaction	2537
of the department staff responsible for supervising the inmate's	2538
work;	2539
(d) The inmate transferred to and actively participated in	2540
core curriculum programming at a reintegration center prison;	2541
(e) The inmate's disciplinary history;	2542
(f) The inmate's security level;	2543
(g) All other information, statements, reports, and	2544
documentation described in division (I) of this section.	2545
(6) If the court that receives a notice recommending	2546
judicial release submitted by the director under division (O) (1)	2547
of this section makes an initial determination that the offender	2548
satisfies the criteria for being an eighty per cent-qualifying	2549
offender, the court then shall determine whether to grant the	2550
offender judicial release. In making the second determination,	2551
the court shall grant the offender judicial release unless the	2552
prosecuting attorney proves to the court, by a preponderance of	2553
the evidence, that the legitimate interests of the government in	2554
maintaining the offender's confinement outweigh the interests of	2555
the offender in being released from that confinement. If the	2556
court grants a judicial release under this division, division	2557
(K) of this section applies regarding the judicial release,	2558
including notice to the victim and the victim's representative,	2559
if applicable, pursuant to the Ohio Constitution, provided that	2560
references in division (K) of this section to "the motion" shall	2561
be construed for purposes of the judicial release granted under	2562
this division as being references to the notice and	2563
recommendation specified in division (O) (1) of this section.	2564

The court shall enter its ruling on the notice 2565
recommending judicial release submitted by the director under 2566
division (O) (1) of this section within ten days after the 2567
hearing is conducted. After ruling on whether to grant the 2568
offender judicial release under division (O) of this section, 2569
the court shall notify the offender, the prosecuting attorney, 2570
and the department of rehabilitation and correction of its 2571
decision, and shall notify the victim of its decision in 2572
accordance with the Ohio Constitution and sections 2930.03 and 2573
2930.16 of the Revised Code. If the court does not enter a 2574
ruling on the notice within ten days after the hearing is 2575
conducted as required under this division, the division of 2576
parole and community services of the department of 2577
rehabilitation and correction may release the offender. 2578

(P) All notices to a victim of an offense provided under 2579
division (D), (E), (K), (N), or (O) of this section shall be 2580
provided in accordance with the Ohio Constitution. 2581

Sec. 2967.26. (A) (1) The department of rehabilitation and 2582
correction, by rule, may establish a transitional control 2583
program for the purpose of closely monitoring a prisoner's 2584
adjustment to community supervision during the final one hundred 2585
eighty days of the prisoner's confinement. If the department 2586
establishes a transitional control program under this division, 2587
the division of parole and community services of the department 2588
of rehabilitation and correction may transfer eligible prisoners 2589
to transitional control status under the program during the 2590
final one hundred eighty days of their confinement and under the 2591
terms and conditions established by the department, shall 2592
provide for the confinement as provided in this division of each 2593
eligible prisoner so transferred, and shall supervise each 2594
eligible prisoner so transferred in one or more community 2595

control sanctions. Each eligible prisoner who is transferred to 2596
transitional control status under the program shall be confined 2597
in a suitable facility that is licensed pursuant to division (C) 2598
of section 2967.14 of the Revised Code, or shall be confined in 2599
a residence the department has approved for this purpose and be 2600
monitored pursuant to an electronic monitoring device, as 2601
defined in section 2929.01 of the Revised Code. If the 2602
department establishes a transitional control program under this 2603
division, the rules establishing the program shall include 2604
criteria that define which prisoners are eligible for the 2605
program, criteria that must be satisfied to be approved as a 2606
residence that may be used for confinement under the program of 2607
a prisoner that is transferred to it and procedures for the 2608
department to approve residences that satisfy those criteria, 2609
and provisions of the type described in division (C) of this 2610
section. At a minimum, the criteria that define which prisoners 2611
are eligible for the program shall provide all of the following: 2612

(a) That a prisoner is eligible for the program if the 2613
prisoner is serving a prison term or term of imprisonment for an 2614
offense committed prior to March 17, 1998, and if, at the time 2615
at which eligibility is being determined, the prisoner would 2616
have been eligible for a furlough under this section as it 2617
existed immediately prior to March 17, 1998, or would have been 2618
eligible for conditional release under former section 2967.23 of 2619
the Revised Code as that section existed immediately prior to 2620
March 17, 1998; 2621

(b) That no prisoner who is serving a mandatory prison 2622
term is eligible for the program until after expiration of the 2623
mandatory term; 2624

(c) That no prisoner who is serving a prison term or term 2625

of life imprisonment without parole imposed pursuant to section 2626
2971.03 of the Revised Code is eligible for the program. 2627

(2) At least sixty days prior to transferring to 2628
transitional control under this section a prisoner who is 2629
serving a definite term of imprisonment or definite prison term 2630
of less than one year for an offense committed on or after July 2631
1, 1996, or who is serving a minimum term of less than one year 2632
under a non-life felony indefinite prison term, on or after 2633
April 4, 2023, the division of parole and community services of 2634
the department of rehabilitation and correction shall give 2635
notice of the pendency of the transfer to transitional control 2636
to the court of common pleas of the county in which the 2637
indictment against the prisoner was found and of the fact that 2638
the court may disapprove the transfer of the prisoner to 2639
transitional control and shall include the institutional summary 2640
report prepared by the head of the state correctional 2641
institution in which the prisoner is confined. The head of the 2642
state correctional institution in which the prisoner is 2643
confined, upon the request of the division of parole and 2644
community services, shall provide to the division for inclusion 2645
in the notice sent to the court under this division an 2646
institutional summary report on the prisoner's conduct in the 2647
institution and in any institution from which the prisoner may 2648
have been transferred. The institutional summary report shall 2649
cover the prisoner's participation in school, vocational 2650
training, work, treatment, and other rehabilitative activities 2651
and any disciplinary action taken against the prisoner. If the 2652
court disapproves of the transfer of the prisoner to 2653
transitional control, the court shall notify the division of the 2654
disapproval within thirty days after receipt of the notice. If 2655
the court timely disapproves the transfer of the prisoner to 2656

transitional control, the division shall not proceed with the 2657
transfer. If the court does not timely disapprove the transfer 2658
of the prisoner to transitional control, the division may 2659
transfer the prisoner to transitional control. 2660

(3) (a) If the victim of an offense for which a prisoner 2661
was sentenced to a prison term or term of imprisonment has 2662
requested notification under section 2930.16 of the Revised Code 2663
and has provided the department of rehabilitation and correction 2664
with the victim's name and address or if division (A) (3) (b) of 2665
this section applies, the division of parole and community 2666
services, at least sixty days prior to transferring the prisoner 2667
to transitional control pursuant to this section, shall notify 2668
the victim and the victim's representative, if applicable, of 2669
the pendency of the transfer and of the victim's and victim's 2670
representative's right to submit a statement to the division 2671
regarding the impact of the transfer of the prisoner to 2672
transitional control. If the victim or victim's representative's 2673
subsequently submits a statement of that nature to the division, 2674
the division shall consider the statement in deciding whether to 2675
transfer the prisoner to transitional control. 2676

(b) If a prisoner is incarcerated for the commission of 2677
aggravated murder, murder, or an offense of violence that is a 2678
felony of the first, second, or third degree or under a sentence 2679
of life imprisonment, except as otherwise provided in this 2680
division, the notice described in division (A) (3) (a) of this 2681
section shall be given regardless of whether the victim has 2682
requested the notification. The notice described in division (A) 2683
(3) (a) of this section shall not be given under this division to 2684
a victim if the victim has requested pursuant to division (B) (2) 2685
of section 2930.03 of the Revised Code that the victim not be 2686
provided the notice. If notice is to be provided to a victim 2687

under this division, the authority may give the notice by any 2688
reasonable means, including regular mail, telephone, and 2689
electronic mail, in accordance with division (D) (1) of section 2690
2930.16 of the Revised Code. If the notice is based on an 2691
offense committed prior to March 22, 2013, the notice also shall 2692
include the opt-out information described in division (D) (1) of 2693
section 2930.16 of the Revised Code. The authority, in 2694
accordance with division (D) (2) of section 2930.16 of the 2695
Revised Code, shall keep a record of all attempts to provide the 2696
notice, and of all notices provided, under this division. 2697

Division (A) (3) (b) of this section, and the notice-related 2698
provisions of divisions (E) (2) and (K) of section 2929.20, 2699
division (D) (1) of section 2930.16, division (H) of section 2700
2967.12, division (E) (1) (b) of section 2967.19 as it existed 2701
prior to April 4, 2023, division (D) (1) of section 2967.28, and 2702
division (A) (2) of section 5149.101 of the Revised Code enacted 2703
in the act in which division (A) (3) (b) of this section was 2704
enacted, shall be known as "Roberta's Law." 2705

(4) The department of rehabilitation and correction, at 2706
least sixty days prior to transferring a prisoner to 2707
transitional control pursuant to this section, shall post on the 2708
database it maintains pursuant to section 5120.66 of the Revised 2709
Code the prisoner's name and all of the information specified in 2710
division (A) (1) (c) (iv) of that section. In addition to and 2711
independent of the right of a victim to submit a statement as 2712
described in division (A) (3) of this section or to otherwise 2713
make a statement and in addition to and independent of any other 2714
right or duty of a person to present information or make a 2715
statement, any person may send to the division of parole and 2716
community services at any time prior to the division's transfer 2717
of the prisoner to transitional control a written statement 2718

regarding the transfer of the prisoner to transitional control. 2719
In addition to the information, reports, and statements it 2720
considers under divisions (A) (2) and (3) of this section or that 2721
it otherwise considers, the division shall consider each 2722
statement submitted in accordance with this division in deciding 2723
whether to transfer the prisoner to transitional control. 2724

(B) Each prisoner transferred to transitional control 2725
under this section shall be confined in the manner described in 2726
division (A) of this section during any period of time that the 2727
prisoner is not actually working at the prisoner's approved 2728
employment, engaged in a vocational training or another 2729
educational program, engaged in another program designated by 2730
the director, or engaged in other activities approved by the 2731
department. 2732

(C) The department of rehabilitation and correction shall 2733
adopt rules for transferring eligible prisoners to transitional 2734
control, supervising and confining prisoners so transferred, 2735
administering the transitional control program in accordance 2736
with this section, and using the moneys deposited into the 2737
transitional control fund established under division (E) of this 2738
section. 2739

(D) The department of rehabilitation and correction may 2740
adopt rules for the issuance of passes for the limited purposes 2741
described in this division to prisoners who are transferred to 2742
transitional control under this section. If the department 2743
adopts rules of that nature, the rules shall govern the granting 2744
of the passes and shall provide for the supervision of prisoners 2745
who are temporarily released pursuant to one of those passes. 2746
Upon the adoption of rules under this division, the department 2747
may issue passes to prisoners who are transferred to 2748

transitional control status under this section in accordance 2749
with the rules and the provisions of this division. All passes 2750
issued under this division shall be for a maximum of forty-eight 2751
hours and may be issued only for the following purposes: 2752

(1) To visit a relative in imminent danger of death; 2753

(2) To have a private viewing of the body of a deceased 2754
relative; 2755

(3) To visit with family; 2756

(4) To otherwise aid in the rehabilitation of the 2757
prisoner. 2758

(E) The division of parole and community services may 2759
require a prisoner who is transferred to transitional control to 2760
pay to the division the reasonable expenses incurred by the 2761
division in supervising or confining the prisoner while under 2762
transitional control. Inability to pay those reasonable expenses 2763
shall not be grounds for refusing to transfer an otherwise 2764
eligible prisoner to transitional control. Amounts received by 2765
the division of parole and community services under this 2766
division shall be deposited into the transitional control fund, 2767
which is hereby created in the state treasury and which hereby 2768
replaces and succeeds the furlough services fund that formerly 2769
existed in the state treasury. All moneys that remain in the 2770
furlough services fund on March 17, 1998, shall be transferred 2771
on that date to the transitional control fund. The transitional 2772
control fund shall be used solely to pay costs related to the 2773
operation of the transitional control program established under 2774
this section. The director of rehabilitation and correction 2775
shall adopt rules in accordance with section 111.15 of the 2776
Revised Code for the use of the fund. 2777

(F) A prisoner who violates any rule established by the department of rehabilitation and correction under division (A), (C), or (D) of this section may be transferred to a state correctional institution pursuant to rules adopted under division (A), (C), or (D) of this section, but the prisoner shall receive credit towards completing the prisoner's sentence for the time spent under transitional control.

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

Sec. 3109.055. (A) If a child is born to an unmarried woman and the father of the child has acknowledged the child and that acknowledgment has become final pursuant to section 2151.232, 3111.25, or 3111.821 of the Revised Code or has been determined in an action under Chapter 3111. of the Revised Code to be the father of the child, the court, upon its own motion or the motion of one of the parties, may order the parents to undergo conciliation with a magistrate in order to resolve any disputes regarding the allocation of parental rights and responsibilities between the parents in a case pending before the court. An order requiring conciliation shall set forth 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. 2809

(B) A magistrate who serves as a conciliator shall use 2810
conciliation procedures to resolve a dispute regarding the 2811
allocation of parental rights and responsibilities and, upon 2812
resolution of the dispute, issue an order regarding the 2813
allocation of parental rights and responsibilities, parenting 2814
time, or companionship or visitation pursuant to section 2815
2151.23, 3109.04, or 3109.12 of the Revised Code. The 2816
conciliation procedures may include without limitation the use 2817
of family counselors and service agencies, community health 2818
services, physicians, licensed psychologists, or clergy. If the 2819
magistrate orders the parties to undergo family counseling, the 2820
magistrate shall name the counselor and set forth the required 2821
type of counseling, the length of time for the counseling, and 2822
any other specific conditions. No order regarding the allocation 2823
of parental rights and responsibilities, parenting time, or 2824
companionship or visitation shall be issued until the 2825
conciliation has concluded and been reported to the magistrate. 2826

Section 2. That existing sections 181.21, 345.13, 517.23, 2827
1701.86, 1702.27, 1702.30, 1702.33, 1702.38, 1702.521, 1702.53, 2828
1702.55, 1745.05, 1901.02, 1907.11, 2505.02, 2929.20, and 2829
2967.26 of the Revised Code are hereby repealed. 2830

Section 3. That sections 135.032 and 135.321 of the 2831
Revised Code are hereby repealed. 2832

Section 4. (A) All cases arising in the municipal 2833
corporation of North Kingsville in Ashtabula County that are 2834
pending in the Eastern County Court in Ashtabula County on 2835
January 1, 2025, shall be adjudicated by the Ashtabula County 2836
County Court. All cases arising in the municipal corporation of 2837
North Kingsville in Ashtabula County on or after January 1, 2838

2025, shall be brought before the Conneaut Municipal Court. 2839

(B) All cases arising in Kingsville, Monroe, and Sheffield 2840
Townships in Ashtabula County that are pending in the Eastern 2841
County Court in Ashtabula County on January 1, 2025, shall be 2842
adjudicated by the Ashtabula County County Court. All cases 2843
arising in Kingsville, Monroe, and Sheffield Townships in 2844
Ashtabula County on or after January 1, 2025, shall be brought 2845
before the Conneaut Municipal Court. 2846