

As Introduced

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H. B. No. 671

Representatives Click, Santucci

**Cosponsors: Representatives Barhorst, Bird, Robb Blasdel, Dean, Demetriou,
Fischer, Gross, Hall, Johnson, King, Lear, Wiggam, Williams, Willis**

A BILL

To amend sections 2929.15, 2929.16, 2929.17, and 1
2929.25 and to enact sections 2965.01 and 2
2965.02 of the Revised Code to enact the America 3
First Act to prohibit a person who is unlawfully 4
present in the United States from entering or 5
being present in Ohio. 6

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

Section 1. That sections 2929.15, 2929.16, 2929.17, and 7
2929.25 be amended and sections 2965.01 and 2965.02 of the 8
Revised Code be enacted to read as follows: 9

Sec. 2929.15. (A) (1) ~~If~~ Subject to section 2965.01 of the 10
Revised Code, if in sentencing an offender for a felony the 11
court is not required to impose a prison term, a mandatory 12
prison term, or a term of life imprisonment upon the offender, 13
the court may directly impose a sentence that consists of one or 14
more community control sanctions authorized pursuant to section 15
2929.16, 2929.17, or 2929.18 of the Revised Code. If the court 16
is sentencing an offender for a fourth degree felony OVI offense 17
under division (G) (1) of section 2929.13 of the Revised Code, in 18

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

The duration of all community control sanctions imposed on 34
an offender under this division shall not exceed five years. If 35
the offender absconds or otherwise leaves the jurisdiction of 36
the court in which the offender resides without obtaining 37
permission from the court or the offender's probation officer to 38
leave the jurisdiction of the court, or if the offender is 39
confined in any institution for the commission of any offense 40
while under a community control sanction, the period of the 41
community control sanction ceases to run until the offender is 42
brought before the court for its further action. If the court 43
sentences the offender to one or more nonresidential sanctions 44
under section 2929.17 of the Revised Code, the court shall 45
impose as a condition of the nonresidential sanctions that, 46
during the period of the sanctions, the offender must abide by 47
the law and must not leave the state without the permission of 48
the court or the offender's probation officer. The court may 49

impose any other conditions of release under a community control 50
sanction that the court considers appropriate, including, but 51
not limited to, requiring that the offender not ingest or be 52
injected with a drug of abuse and submit to random drug testing 53
as provided in division (D) of this section to determine whether 54
the offender ingested or was injected with a drug of abuse and 55
requiring that the results of the drug test indicate that the 56
offender did not ingest or was not injected with a drug of 57
abuse. 58

(2) (a) If a court sentences an offender to any community 59
control sanction or combination of community control sanctions 60
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 61
the Revised Code, the court shall place the offender under the 62
general control and supervision of a department of probation in 63
the county that serves the court for purposes of reporting to 64
the court a violation of any condition of the sanctions, any 65
condition of release under a community control sanction imposed 66
by the court, a violation of law, or the departure of the 67
offender from this state without the permission of the court or 68
the offender's probation officer. Alternatively, if the offender 69
resides in another county and a county department of probation 70
has been established in that county or that county is served by 71
a multicounty probation department established under section 72
2301.27 of the Revised Code, the court may request the court of 73
common pleas of that county to receive the offender into the 74
general control and supervision of that county or multicounty 75
department of probation for purposes of reporting to the court a 76
violation of any condition of the sanctions, any condition of 77
release under a community control sanction imposed by the court, 78
a violation of law, or the departure of the offender from this 79
state without the permission of the court or the offender's 80

probation officer, subject to the jurisdiction of the trial 81
judge over and with respect to the person of the offender, and 82
to the rules governing that department of probation. 83

If there is no department of probation in the county that 84
serves the court, the court shall place the offender, regardless 85
of the offender's county of residence, under the general control 86
and supervision of the adult parole authority, unless the court 87
has entered into an agreement with the authority as described in 88
division (B) or (C) of section 2301.32 of the Revised Code, or 89
under an entity authorized under division (B) of section 2301.27 90
of the Revised Code to provide probation and supervisory 91
services to counties for purposes of reporting to the court a 92
violation of any of the sanctions, any condition of release 93
under a community control sanction imposed by the court, a 94
violation of law, or the departure of the offender from this 95
state without the permission of the court or the offender's 96
probation officer. 97

(b) If the court imposing sentence on an offender 98
sentences the offender to any community control sanction or 99
combination of community control sanctions authorized pursuant 100
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 101
if the offender violates any condition of the sanctions, 102
violates any condition of release under a community control 103
sanction imposed by the court, violates any law, or departs the 104
state without the permission of the court or the offender's 105
probation officer, the public or private person or entity that 106
operates or administers the sanction or the program or activity 107
that comprises the sanction shall report the violation or 108
departure directly to the sentencing court, or shall report the 109
violation or departure to the county or multicounty department 110
of probation with general control and supervision over the 111

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

(3) If an offender who is eligible for community control 133
sanctions under this section admits to having a drug addiction 134
or the court has reason to believe that the offender has a drug 135
addiction, and if the offense for which the offender is being 136
sentenced was related to the addiction, the court may require 137
that the offender be assessed by a properly credentialed 138
professional within a specified period of time and shall require 139
the professional to file a written assessment of the offender 140
with the court. If a court imposes treatment and recovery 141
support services as a community control sanction, the court 142

shall direct the level and type of treatment and recovery 143
support services after consideration of the written assessment, 144
if available at the time of sentencing, and recommendations of 145
the professional and other treatment and recovery support 146
services providers. 147

(4) If an assessment completed pursuant to division (A) (3) 148
of this section indicates that the offender has an addiction to 149
drugs or alcohol, the court may include in any community control 150
sanction imposed for a violation of section 2925.02, 2925.03, 151
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 152
2925.36, or 2925.37 of the Revised Code a requirement that the 153
offender participate in alcohol and drug addiction services and 154
recovery supports certified under section 5119.36 of the Revised 155
Code or offered by a properly credentialed community addiction 156
services provider. 157

(B) (1) Except as provided in division (B) (2) of this 158
section, if the conditions of a community control sanction 159
imposed for a felony are violated or if the offender violates a 160
law or leaves the state without the permission of the court or 161
the offender's probation officer, the sentencing court may 162
impose on the violator one or more of the following penalties: 163

(a) A longer time under the same sanction if the total 164
time under the sanctions does not exceed the five-year limit 165
specified in division (A) of this section; 166

(b) A more restrictive sanction under section 2929.16, 167
2929.17, or 2929.18 of the Revised Code, including but not 168
limited to, a new term in a community-based correctional 169
facility, halfway house, or jail pursuant to division (A) (6) of 170
section 2929.16 of the Revised Code; 171

(c) A prison term on the offender pursuant to section 172
2929.14 of the Revised Code and division (B) (3) of this section, 173
provided that a prison term imposed under this division is 174
subject to the following limitations and rules, as applicable: 175

(i) If the prison term is imposed for any technical 176
violation of the conditions of a community control sanction 177
imposed for a felony of the fifth degree, the prison term shall 178
not exceed ninety days, provided that if the remaining period of 179
community control at the time of the violation or the remaining 180
period of the reserved prison sentence at that time is less than 181
ninety days, the prison term shall not exceed the length of the 182
remaining period of community control or the remaining period of 183
the reserved prison sentence. If the court imposes a prison term 184
as described in this division, division (B) (2) (b) of this 185
section applies. 186

(ii) If the prison term is imposed for any technical 187
violation of the conditions of a community control sanction 188
imposed for a felony of the fourth degree that is not an offense 189
of violence and is not a sexually oriented offense, the prison 190
term shall not exceed one hundred eighty days, provided that if 191
the remaining period of the community control at the time of the 192
violation or the remaining period of the reserved prison 193
sentence at that time is less than one hundred eighty days, the 194
prison term shall not exceed the length of the remaining period 195
of community control or the remaining period of the reserved 196
prison sentence. If the court imposes a prison term as described 197
in this division, division (B) (2) (b) of this section applies. 198

(iii) A court is not limited in the number of times it may 199
sentence an offender to a prison term under division (B) (1) (c) 200
of this section for a violation of the conditions of a community 201

control sanction or for a violation of a law or leaving the 202
state without the permission of the court or the offender's 203
probation officer. If an offender who is under a community 204
control sanction violates the conditions of the sanction or 205
violates a law or leaves the state without the permission of the 206
court or the offender's probation officer, is sentenced to a 207
prison term for the violation or conduct, is released from the 208
term after serving it, and subsequently violates the conditions 209
of the sanction or violates a law or leaves the state without 210
the permission of the court or the offender's probation officer, 211
the court may impose a new prison term sanction on the offender 212
under division (B) (1) (c) of this section for the subsequent 213
violation or conduct. 214

(2) (a) If an offender was acting pursuant to division (B) 215
(2) (b) of section 2925.11 or a related provision of section 216
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 217
doing violated the conditions of a community control sanction 218
based on a minor drug possession offense, as defined in section 219
2925.11 of the Revised Code, or violated section 2925.12, 220
division (C) (1) of section 2925.14, or section 2925.141 of the 221
Revised Code, the sentencing court shall not impose any of the 222
penalties described in division (B) (1) of this section based on 223
the violation. 224

(b) If a court imposes a prison term on an offender under 225
division (B) (1) (c) (i) or (ii) of this section for a technical 226
violation of the conditions of a community control sanction, one 227
of the following is applicable with respect to the time that the 228
offender spends in prison under the term: 229

(i) Subject to division (B) (2) (b) (ii) of this section, it 230
shall be credited against the offender's community control 231

sanction that was being served at the time of the violation, and 232
the remaining time under that community control sanction shall 233
be reduced by the time that the offender spends in prison under 234
the prison term. By determination of the court, the offender 235
upon release from the prison term either shall continue serving 236
the remaining time under the community control sanction, as 237
reduced under this division, or shall have the community control 238
sanction terminated. 239

(ii) If, at the time a prison term is imposed for a 240
technical violation, the offender was serving a residential 241
community control sanction imposed under section 2929.16 of the 242
Revised Code, the time spent serving the residential community 243
control sanction shall be credited against the offender's 244
reserved prison sentence, and the remaining time under that 245
residential community control sanction and under the reserved 246
prison sentence shall be reduced by the time that the offender 247
spends in prison under the prison term. By determination of the 248
court, the offender upon release from the prison term either 249
shall continue serving the remaining time under the residential 250
community control sanction, as reduced under this division, or 251
shall have the residential community control sanction 252
terminated. 253

(3) The prison term, if any, imposed on a violator 254
pursuant to this division and division (B)(1) of this section 255
shall be within the range of prison terms described in this 256
division and shall not exceed a prison term from the range of 257
terms specified in the notice provided to the offender at the 258
sentencing hearing pursuant to division (B)(4) of section 259
2929.19 of the Revised Code. The court may reduce the longer 260
period of time that the offender is required to spend under the 261
longer sanction, the more restrictive sanction, or a prison term 262

imposed pursuant to division (B) (1) of this section by the time 263
the offender successfully spent under the sanction that was 264
initially imposed. Except as otherwise specified in this 265
division, the prison term imposed under this division and 266
division (B) (1) of this section shall be within the range of 267
prison terms available as a definite term for the offense for 268
which the sanction that was violated was imposed. If the offense 269
for which the sanction that was violated was imposed is a felony 270
of the first or second degree committed on or after March 22, 271
2019, the prison term so imposed under this division shall be 272
within the range of prison terms available as a minimum term for 273
the offense under division (A) (1) (a) or (2) (a) of section 274
2929.14 of the Revised Code. 275

(C) If an offender, for a significant period of time, 276
fulfills the conditions of a sanction imposed pursuant to 277
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 278
exemplary manner, the court may reduce the period of time under 279
the sanction or impose a less restrictive sanction, but the 280
court shall not permit the offender to violate any law or permit 281
the offender to leave the state without the permission of the 282
court or the offender's probation officer. 283

(D) (1) If a court under division (A) (1) of this section 284
imposes a condition of release under a community control 285
sanction that requires the offender to submit to random drug 286
testing, the department of probation, the adult parole 287
authority, or any other entity that has general control and 288
supervision of the offender under division (A) (2) (a) of this 289
section may cause the offender to submit to random drug testing 290
performed by a laboratory or entity that has entered into a 291
contract with any of the governmental entities or officers 292
authorized to enter into a contract with that laboratory or 293

entity under section 341.26, 753.33, or 5120.63 of the Revised Code. 294
295

(2) If no laboratory or entity described in division (D) 296
(1) of this section has entered into a contract as specified in 297
that division, the department of probation, the adult parole 298
authority, or any other entity that has general control and 299
supervision of the offender under division (A)(2)(a) of this 300
section shall cause the offender to submit to random drug 301
testing performed by a reputable public laboratory to determine 302
whether the individual who is the subject of the drug test 303
ingested or was injected with a drug of abuse. 304

(3) A laboratory or entity that has entered into a 305
contract pursuant to section 341.26, 753.33, or 5120.63 of the 306
Revised Code shall perform the random drug tests under division 307
(D)(1) of this section in accordance with the applicable 308
standards that are included in the terms of that contract. A 309
public laboratory shall perform the random drug tests under 310
division (D)(2) of this section in accordance with the standards 311
set forth in the policies and procedures established by the 312
department of rehabilitation and correction pursuant to section 313
5120.63 of the Revised Code. An offender who is required under 314
division (A)(1) of this section to submit to random drug testing 315
as a condition of release under a community control sanction and 316
whose test results indicate that the offender ingested or was 317
injected with a drug of abuse shall pay the fee for the drug 318
test if the department of probation, the adult parole authority, 319
or any other entity that has general control and supervision of 320
the offender requires payment of a fee. A laboratory or entity 321
that performs the random drug testing on an offender under 322
division (D)(1) or (2) of this section shall transmit the 323
results of the drug test to the appropriate department of 324

probation, the adult parole authority, or any other entity that 325
has general control and supervision of the offender under 326
division (A) (2) (a) of this section. 327

(E) As used in this section, "technical violation" means a 328
violation of the conditions of a community control sanction 329
imposed for a felony of the fifth degree, or for a felony of the 330
fourth degree that is not an offense of violence and is not a 331
sexually oriented offense, and to which neither of the following 332
applies: 333

(1) The violation consists of a new criminal offense that 334
is a felony or that is a misdemeanor other than a minor 335
misdemeanor, and the violation is committed while under the 336
community control sanction. 337

(2) The violation consists of or includes the offender's 338
articulated or demonstrated refusal to participate in the 339
community control sanction imposed on the offender or any of its 340
conditions, and the refusal demonstrates to the court that the 341
offender has abandoned the objects of the community control 342
sanction or condition. 343

Sec. 2929.16. (A) Except as provided in this division or 344
in section 2965.01 of the Revised Code, the court imposing a 345
sentence for a felony upon an offender who is not required to 346
serve a mandatory prison term may impose any community 347
residential sanction or combination of community residential 348
sanctions under this section. The court imposing a sentence for 349
a fourth degree felony OVI offense under division (G) (1) or (2) 350
of section 2929.13 of the Revised Code or for a third degree 351
felony OVI offense under division (G) (2) of that section may 352
impose upon the offender, in addition to the mandatory term of 353
local incarceration or mandatory prison term imposed under the 354

applicable division, a community residential sanction or 355
combination of community residential sanctions under this 356
section, and the offender shall serve or satisfy the sanction or 357
combination of sanctions after the offender has served the 358
mandatory term of local incarceration or mandatory prison term 359
required for the offense. Community residential sanctions 360
include, but are not limited to, the following: 361

(1) Except as otherwise provided in division (A) (6) of 362
this section, a term of up to six months at a community-based 363
correctional facility that serves the county; 364

(2) Except as otherwise provided in division (A) (3) or (6) 365
of this section and subject to division (D) of this section, a 366
term of up to six months in a jail; 367

(3) If the offender is convicted of a fourth degree felony 368
OVI offense and is sentenced under division (G) (1) of section 369
2929.13 of the Revised Code, subject to division (D) of this 370
section, a term of up to one year in a jail less the mandatory 371
term of local incarceration of sixty or one hundred twenty 372
consecutive days of imprisonment imposed pursuant to that 373
division; 374

(4) A term in a halfway house; 375

(5) A term in an alternative residential facility; 376

(6) If the offender is sentenced to a community control 377
sanction and violates the conditions of the sanction, a new term 378
of up to six months in a community-based correctional facility 379
that serves the county, in a halfway house, or in a jail, which 380
term shall be in addition to any other term imposed under this 381
division. 382

(B) The court that assigns any offender convicted of a 383

felony to a residential sanction under this section may 384
authorize the offender to be released so that the offender may 385
seek or maintain employment, receive education or training, or 386
receive treatment. A release pursuant to this division shall be 387
only for the duration of time that is needed to fulfill the 388
purpose of the release and for travel that reasonably is 389
necessary to fulfill the purposes of the release. 390

(C) If the court assigns an offender to a county jail that 391
is not a minimum security misdemeanor jail in a county that has 392
established a county jail industry program pursuant to section 393
5147.30 of the Revised Code, the court shall specify, as part of 394
the sentence, whether the sheriff of that county may consider 395
the offender for participation in the county jail industry 396
program. During the offender's term in the county jail, the 397
court shall retain jurisdiction to modify its specification upon 398
a reassessment of the offender's qualifications for 399
participation in the program. 400

(D) If a court sentences an offender to a term in jail 401
under division (A) (2), (3), or (6) of this section and if the 402
sentence is imposed for a felony of the fourth or fifth degree 403
that is not an offense of violence, the court may specify that 404
it prefers that the offender serve the term in a minimum 405
security jail established under section 341.34 or 753.21 of the 406
Revised Code. If the court includes a specification of that type 407
in the sentence and if the administrator of the appropriate 408
minimum security jail or the designee of that administrator 409
classifies the offender in accordance with section 341.34 or 410
753.21 of the Revised Code as a minimal security risk, the 411
offender shall serve the term in the minimum security jail 412
established under section 341.34 or 753.21 of the Revised Code. 413
Absent a specification of that type and a finding of that type, 414

the offender shall serve the term in a jail other than a minimum 415
security jail established under section 341.34 or 753.21 of the 416
Revised Code. 417

(E) If a person who has been convicted of or pleaded 418
guilty to a felony is sentenced to a community residential 419
sanction as described in division (A) of this section, at the 420
time of reception and at other times the person in charge of the 421
operation of the community-based correctional facility, jail, 422
halfway house, alternative residential facility, or other place 423
at which the offender will serve the residential sanction 424
determines to be appropriate, the person in charge of the 425
operation of the community-based correctional facility, jail, 426
halfway house, alternative residential facility, or other place 427
may cause the convicted offender to be examined and tested for 428
tuberculosis, HIV infection, hepatitis, including but not 429
limited to hepatitis A, B, and C, and other contagious diseases. 430
The person in charge of the operation of the community-based 431
correctional facility, jail, halfway house, alternative 432
residential facility, or other place at which the offender will 433
serve the residential sanction may cause a convicted offender in 434
the community-based correctional facility, jail, halfway house, 435
alternative residential facility, or other place who refuses to 436
be tested or treated for tuberculosis, HIV infection, hepatitis, 437
including but not limited to hepatitis A, B, and C, or another 438
contagious disease to be tested and treated involuntarily. 439

Sec. 2929.17. Except as provided in this section or in 440
section 2965.01 of the Revised Code, the court imposing a 441
sentence for a felony upon an offender who is not required to 442
serve a mandatory prison term may impose any nonresidential 443
sanction or combination of nonresidential sanctions authorized 444
under this section. If the court imposes one or more 445

nonresidential sanctions authorized under this section, the 446
court shall impose as a condition of the sanction that, during 447
the period of the nonresidential sanction, the offender shall 448
abide by the law and shall not leave the state without the 449
permission of the court or the offender's probation officer. 450

The court imposing a sentence for a fourth degree felony 451
OVI offense under division (G) (1) or (2) of section 2929.13 of 452
the Revised Code or for a third degree felony OVI offense under 453
division (G) (2) of that section may impose upon the offender, in 454
addition to the mandatory term of local incarceration or 455
mandatory prison term imposed under the applicable division, a 456
nonresidential sanction or combination of nonresidential 457
sanctions under this section, and the offender shall serve or 458
satisfy the sanction or combination of sanctions after the 459
offender has served the mandatory term of local incarceration or 460
mandatory prison term required for the offense. The court shall 461
not impose a term in a drug treatment program as described in 462
division (D) of this section until after considering an 463
assessment by a properly credentialed treatment professional, if 464
available. Nonresidential sanctions include, but are not limited 465
to, the following: 466

(A) A term of day reporting; 467

(B) A term of house arrest with electronic monitoring or 468
continuous alcohol monitoring or both electronic monitoring and 469
continuous alcohol monitoring, a term of electronic monitoring 470
or continuous alcohol monitoring without house arrest, or a term 471
of house arrest without electronic monitoring or continuous 472
alcohol monitoring; 473

(C) A term of community service of up to five hundred 474
hours pursuant to division (B) of section 2951.02 of the Revised 475

Code or, if the court determines that the offender is 476
financially incapable of fulfilling a financial sanction 477
described in section 2929.18 of the Revised Code, a term of 478
community service as an alternative to a financial sanction; 479

(D) A term in a drug treatment program with a level of 480
security for the offender as determined by the court; 481

(E) A term of intensive probation supervision; 482

(F) A term of basic probation supervision; 483

(G) A term of monitored time; 484

(H) A term of drug and alcohol use monitoring, including 485
random drug testing; 486

(I) A curfew term; 487

(J) A requirement that the offender obtain employment; 488

(K) A requirement that the offender obtain education or 489
training; 490

(L) Provided the court obtains the prior approval of the 491
victim, a requirement that the offender participate in victim- 492
offender mediation; 493

(M) A license violation report; 494

(N) If the offense is a violation of section 2919.25 or a 495
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 496
Code involving a person who was a family or household member at 497
the time of the violation, if the offender committed the offense 498
in the vicinity of one or more children who are not victims of 499
the offense, and if the offender or the victim of the offense is 500
a parent, guardian, custodian, or person in loco parentis of one 501
or more of those children, a requirement that the offender 502

obtain counseling. This division does not limit the court in 503
requiring the offender to obtain counseling for any offense or 504
in any circumstance not specified in this division. 505

(O) If the offense is a violation of section 2907.04 of 506
the Revised Code and the offender was under twenty-one years of 507
age at the time of committing the offense, a requirement that 508
the offender participate in a sex offender treatment program 509
certified by the department of rehabilitation and correction 510
pursuant to section 2950.16 of the Revised Code. 511

Sec. 2929.25. (A) (1) Except as provided in sections 512
2929.22 ~~and~~, 2929.23, and 2965.01 of the Revised Code or when a 513
jail term is required by law, in sentencing an offender for a 514
misdemeanor, other than a minor misdemeanor, the sentencing 515
court may do either of the following: 516

(a) Directly impose a sentence that consists of one or 517
more community control sanctions authorized by section 2929.26, 518
2929.27, or 2929.28 of the Revised Code. The court may impose 519
any other conditions of release under a community control 520
sanction that the court considers appropriate. If the court 521
imposes a jail term upon the offender, the court may impose any 522
community control sanction or combination of community control 523
sanctions in addition to the jail term. 524

(b) Impose a jail term under section 2929.24 of the 525
Revised Code from the range of jail terms authorized under that 526
section for the offense, suspend all or a portion of the jail 527
term imposed, and place the offender under a community control 528
sanction or combination of community control sanctions 529
authorized under section 2929.26, 2929.27, or 2929.28 of the 530
Revised Code. 531

(2) The duration of all community control sanctions 532
imposed upon an offender and in effect for an offender at any 533
time shall not exceed five years. 534

(3) At sentencing, if a court directly imposes a community 535
control sanction or combination of community control sanctions 536
pursuant to division (A) (1) (a) or (B) of this section, the court 537
shall state the duration of the community control sanctions 538
imposed and shall notify the offender that if any of the 539
conditions of the community control sanctions are violated the 540
court may do any of the following: 541

(a) Impose a longer time under the same community control 542
sanction if the total time under all of the offender's community 543
control sanctions does not exceed the five-year limit specified 544
in division (A) (2) of this section; 545

(b) Impose a more restrictive community control sanction 546
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 547
but the court is not required to impose any particular sanction 548
or sanctions; 549

(c) Impose a definite jail term from the range of jail 550
terms authorized for the offense under section 2929.24 of the 551
Revised Code. 552

(B) If a court sentences an offender to any community 553
control sanction or combination of community control sanctions 554
pursuant to division (A) (1) (a) of this section, the sentencing 555
court retains jurisdiction over the offender and the period of 556
community control for the duration of the period of community 557
control. Upon the motion of either party or on the court's own 558
motion, the court, in the court's sole discretion and as the 559
circumstances warrant, may modify the community control 560

sanctions or conditions of release previously imposed, 561
substitute a community control sanction or condition of release 562
for another community control sanction or condition of release 563
previously imposed, or impose an additional community control 564
sanction or condition of release. 565

(C) (1) If a court sentences an offender to any community 566
control sanction or combination of community control sanctions 567
authorized under section 2929.26, 2929.27, or 2929.28 of the 568
Revised Code, the court shall place the offender under the 569
general control and supervision of the court or of a department 570
of probation in the jurisdiction that serves the court for 571
purposes of reporting to the court a violation of any of the 572
conditions of the sanctions imposed. If the offender resides in 573
another jurisdiction and a department of probation has been 574
established to serve the municipal court or county court in that 575
jurisdiction, the sentencing court may request the municipal 576
court or the county court to receive the offender into the 577
general control and supervision of that department of probation 578
for purposes of reporting to the sentencing court a violation of 579
any of the conditions of the sanctions imposed. The sentencing 580
court retains jurisdiction over any offender whom it sentences 581
for the duration of the sanction or sanctions imposed. 582

(2) The sentencing court shall require as a condition of 583
any community control sanction that the offender abide by the 584
law and not leave the state without the permission of the court 585
or the offender's probation officer. In the interests of doing 586
justice, rehabilitating the offender, and ensuring the 587
offender's good behavior, the court may impose additional 588
requirements on the offender. The offender's compliance with the 589
additional requirements also shall be a condition of the 590
community control sanction imposed upon the offender. 591

(D) (1) If the court imposing sentence upon an offender 592
sentences the offender to any community control sanction or 593
combination of community control sanctions authorized under 594
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 595
the offender violates any of the conditions of the sanctions, 596
the public or private person or entity that supervises or 597
administers the program or activity that comprises the sanction 598
shall report the violation directly to the sentencing court or 599
to the department of probation or probation officer with general 600
control and supervision over the offender. If the public or 601
private person or entity reports the violation to the department 602
of probation or probation officer, the department or officer 603
shall report the violation to the sentencing court. 604

(2) Except as provided in division (D) (3) of this section, 605
if an offender violates any condition of a community control 606
sanction, the sentencing court may impose upon the violator one 607
or more of the following penalties: 608

(a) A longer time under the same community control 609
sanction if the total time under all of the community control 610
sanctions imposed on the violator does not exceed the five-year 611
limit specified in division (A) (2) of this section; 612

(b) A more restrictive community control sanction; 613

(c) A combination of community control sanctions, 614
including a jail term. 615

(3) If an offender was acting pursuant to division (B) (2) 616
(b) of section 2925.11 or a related provision under section 617
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 618
doing violated the conditions of a community control sanction 619
based on a minor drug possession offense, as defined in section 620

2925.11 of the Revised Code, or violated section 2925.12, 621
division (C) (1) of section 2925.14, or section 2925.141 of the 622
Revised Code, the sentencing court shall not impose any of the 623
penalties described in division (D) (2) of this section based on 624
the violation. 625

(4) If the court imposes a jail term upon a violator 626
pursuant to division (D) (2) of this section, the total time 627
spent in jail for the misdemeanor offense and the violation of a 628
condition of the community control sanction shall not exceed the 629
maximum jail term available for the offense for which the 630
sanction that was violated was imposed. The court may reduce the 631
longer period of time that the violator is required to spend 632
under the longer sanction or the more restrictive sanction 633
imposed under division (D) (2) of this section by all or part of 634
the time the violator successfully spent under the sanction that 635
was initially imposed. 636

(E) Except as otherwise provided in this division, if an 637
offender, for a significant period of time, fulfills the 638
conditions of a community control sanction imposed pursuant to 639
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 640
exemplary manner, the court may reduce the period of time under 641
the community control sanction or impose a less restrictive 642
community control sanction. Fulfilling the conditions of a 643
community control sanction does not relieve the offender of a 644
duty to make restitution under section 2929.28 of the Revised 645
Code. 646

Sec. 2965.01. (A) No person who is unlawfully present in 647
the United States shall knowingly enter, attempt to enter, or be 648
present in this state. 649

(B) It is an affirmative defense to a charge under 650

division (A) of this section that the defendant was approved for 651
benefits under the federal deferred action for childhood 652
arrivals program between June 15, 2012, and July 16, 2021. 653

(C)(1) Subject to division (C)(3) of this section, if the 654
court finds that a defendant meets any of the following 655
criteria, the court shall order a stay in the case for a 656
renewable period of ninety days until the defendant's 657
citizenship or immigration status is determined: 658

(a) The defendant has applied for and is awaiting an 659
asylum determination. 660

(b) The defendant has been in the United States for less 661
than thirty days and will apply for asylum before the defendant 662
has been present in the United States for thirty days. 663

(c) The defendant entered the United States lawfully, is 664
currently unlawfully present in the United States, and one of 665
the following applies: 666

(i) The defendant has applied for and is awaiting a visa 667
renewal or other legal permission to remain in the United 668
States. 669

(ii) The defendant is in the process of leaving the state 670
or the United States. 671

(2) If a defendant whose case was stayed under division 672
(C)(1) of this section becomes lawfully present in the United 673
States or leaves this state, the court shall dismiss the charge 674
against the defendant under this section with prejudice. 675

(3) Divisions (C)(1) and (2) of this section do not apply 676
to a defendant who is also charged with an offense in addition 677
to a violation of this section, unless the additional offense is 678

a minor misdemeanor. 679

(D) (1) Except as otherwise provided in division (D) (2) of
this section, a person who violates this section is guilty of
unlawful presence in the state, a felony of the fifth degree. 680
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(2) If either of the following apply to the person,
unlawful presence in the state is a felony of the fourth degree: 683
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(a) The person has previously been convicted of violating
this section. 685
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(b) Before the offense occurred, the person was excluded,
deported, or removed from the United States, or the person
departed from the United States while an order of exclusion,
deportation, or removal was outstanding, and the person is
inadmissible to the United States under 8 U.S.C. 1182(a) (9) (A)
or (C). 687
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(E) (1) Notwithstanding the range of definite prison terms
set forth in division (A) of section 2929.14 of the Revised Code
for a felony of the fourth or fifth degree, if an offender is
convicted of or pleads guilty to unlawful presence in the state
the court shall impose upon the offender a mandatory prison term
of twelve months. 693
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(2) If an offender is convicted of or pleads guilty to a
fifth degree felony violation of unlawful presence in the state,
the court shall impose upon the offender an additional fine of
at least five hundred dollars. If an offender is convicted of or
pleads guilty to a fourth degree felony violation of unlawful
presence in the state, the court shall impose upon the offender
an additional fine of at least one thousand dollars. 699
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(F) A defendant who is charged with or convicted of an
offense under this section is not eligible for community control 706
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sanctions, community residential sanctions, or nonresidential 708
sanctions. 709

Sec. 2965.02. Upon a conviction of an offense under 710
section 2965.01 of the Revised Code, the court shall enter both 711
of the following in the judgment in the case: 712

(A) An order that the arresting law enforcement agency do 713
both of the following, if it has not already done so: 714

(1) Collect all available identifying information of the 715
offender, including taking fingerprints from the offender and 716
using other applicable photographic and biometric measures to 717
identify the offender; 718

(2) Cross-reference the identifying information with all 719
relevant local, state, and federal criminal databases and 720
federal lists or classifications used to identify threats or 721
potential threats to national security. 722

(B) An order requiring the offender to exit the state not 723
later than seventy-two hours after the entry of the order or not 724
later than seventy-two hours after the completion of the term of 725
confinement or imprisonment imposed by the judgment, whichever 726
is later. 727

Section 2. That existing sections 2929.15, 2929.16, 728
2929.17, and 2929.25 of the Revised Code are hereby repealed. 729

Section 3. This act shall be known as the America First 730
Act. 731

Section 4. Section 2929.15 of the Revised Code is 732
presented in this act as a composite of the section as amended 733
by H.B. 110, H.B. 281, and S.B. 288, all of the 134th General 734
Assembly. The General Assembly, applying the principle stated in 735

division (B) of section 1.52 of the Revised Code that amendments	736
are to be harmonized if reasonably capable of simultaneous	737
operation, finds that the composite is the resulting version of	738
the section in effect prior to the effective date of the section	739
as presented in this act.	740