

As Introduced

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H. B. No. 282

Representative Williams

To amend sections 2929.12, 2929.15, 2929.22, 1
2929.25, and 2937.011 of the Revised Code to add 2
a person's immigration status as a factor a 3
court must consider when sentencing or ordering 4
bail. 5

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

Section 1. That sections 2929.12, 2929.15, 2929.22, 6
2929.25, and 2937.011 of the Revised Code be amended to read as 7
follows: 8

Sec. 2929.12. (A) Unless otherwise required by section 9
2929.13 or 2929.14 of the Revised Code, a court that imposes a 10
sentence under this chapter upon an offender for a felony has 11
discretion to determine the most effective way to comply with 12
the purposes and principles of sentencing set forth in section 13
2929.11 of the Revised Code. In exercising that discretion, the 14
court shall consider the factors set forth in divisions (B) and 15
(C) of this section relating to the seriousness of the conduct, 16
the factors provided in divisions (D) and (E) of this section 17
relating to the likelihood of the offender's recidivism, the 18
factors set forth in division (F) of this section pertaining to 19
the offender's service in the armed forces of the United States, 20
and the factors set forth in division (G) of this section 21

relating to Alford pleas and, in addition, may consider any 22
other factors that are relevant to achieving those purposes and 23
principles of sentencing. 24

(B) The sentencing court shall consider all of the 25
following that apply regarding the offender, the offense, or the 26
victim, and any other relevant factors, as indicating that the 27
offender's conduct is more serious than conduct normally 28
constituting the offense: 29

(1) The physical or mental injury suffered by the victim 30
of the offense due to the conduct of the offender was 31
exacerbated because of the physical or mental condition or age 32
of the victim. 33

(2) The victim of the offense suffered serious physical, 34
psychological, or economic harm, including serious physical harm 35
the victim caused to the victim's self, as a result of the 36
offense. 37

(3) The victim died by suicide as a result of the offense. 38

(4) The offender held a public office or position of trust 39
in the community, and the offense related to that office or 40
position. 41

(5) The offender's occupation, elected office, or 42
profession obliged the offender to prevent the offense or bring 43
others committing it to justice. 44

(6) The offender's professional reputation or occupation, 45
elected office, or profession was used to facilitate the offense 46
or is likely to influence the future conduct of others. 47

(7) The offender's relationship with the victim 48
facilitated the offense. 49

(8) The offender committed the offense for hire or as a 50
part of an organized criminal activity. 51

(9) In committing the offense, the offender was motivated 52
by prejudice based on race, ethnic background, gender, sexual 53
orientation, or religion. 54

(10) If the offense is a violation of section 2919.25 or a 55
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 56
Code involving a person who was a family or household member at 57
the time of the violation, the offender committed the offense in 58
the vicinity of one or more children who are not victims of the 59
offense, and the offender or the victim of the offense is a 60
parent, guardian, custodian, or person in loco parentis of one 61
or more of those children. 62

(11) The offender's immigration status, and whether the 63
offender is unlawfully present in the United States or has a 64
current or previous federal immigration detainer. 65

(C) The sentencing court shall consider all of the 66
following that apply regarding the offender, the offense, or the 67
victim, and any other relevant factors, as indicating that the 68
offender's conduct is less serious than conduct normally 69
constituting the offense: 70

(1) The victim induced or facilitated the offense. 71

(2) In committing the offense, the offender acted under 72
strong provocation. 73

(3) In committing the offense, the offender did not cause 74
or expect to cause physical harm to any person or property. 75

(4) There are substantial grounds to mitigate the 76
offender's conduct, although the grounds are not enough to 77

constitute a defense. 78

(D) The sentencing court shall consider all of the 79
following that apply regarding the offender, and any other 80
relevant factors, as factors indicating that the offender is 81
likely to commit future crimes: 82

(1) At the time of committing the offense, the offender 83
was under release from confinement before trial or sentencing; 84
was under a sanction imposed pursuant to section 2929.16, 85
2929.17, or 2929.18 of the Revised Code; was under post-release 86
control pursuant to section 2967.28 or any other provision of 87
the Revised Code for an earlier offense or had been unfavorably 88
terminated from post-release control for a prior offense 89
pursuant to division (B) of section 2967.16 or section 2929.141 90
of the Revised Code; was under transitional control in 91
connection with a prior offense; or had absconded from the 92
offender's approved community placement resulting in the 93
offender's removal from the transitional control program under 94
section 2967.26 of the Revised Code. 95

(2) The offender previously was adjudicated a delinquent 96
child pursuant to Chapter 2151. of the Revised Code prior to 97
January 1, 2002, or pursuant to Chapter 2152. of the Revised 98
Code, or the offender has a history of criminal convictions. 99

(3) The offender has not been rehabilitated to a 100
satisfactory degree after previously being adjudicated a 101
delinquent child pursuant to Chapter 2151. of the Revised Code 102
prior to January 1, 2002, or pursuant to Chapter 2152. of the 103
Revised Code, or the offender has not responded favorably to 104
sanctions previously imposed for criminal convictions. 105

(4) The offender has demonstrated a pattern of drug or 106

alcohol abuse that is related to the offense, and the offender 107
refuses to acknowledge that the offender has demonstrated that 108
pattern, or the offender refuses treatment for the drug or 109
alcohol abuse. 110

(5) The offender shows no genuine remorse for the offense. 111

(E) The sentencing court shall consider all of the 112
following that apply regarding the offender, and any other 113
relevant factors, as factors indicating that the offender is not 114
likely to commit future crimes: 115

(1) Prior to committing the offense, the offender had not 116
been adjudicated a delinquent child. 117

(2) Prior to committing the offense, the offender had not 118
been convicted of or pleaded guilty to a criminal offense. 119

(3) Prior to committing the offense, the offender had led 120
a law-abiding life for a significant number of years. 121

(4) The offense was committed under circumstances not 122
likely to recur. 123

(5) Except as provided in division (G) of this section, 124
the offender shows genuine remorse for the offense. 125

(F) The sentencing court shall consider the offender's 126
military service record and whether the offender has an 127
emotional, mental, or physical condition that is traceable to 128
the offender's service in the armed forces of the United States 129
and that was a contributing factor in the offender's commission 130
of the offense or offenses. 131

(G) If the offender enters an Alford plea, the sentencing 132
court shall not consider whether the offender showed genuine 133
remorse for the offense. 134

Sec. 2929.15. (A) (1) If in sentencing an offender for a 135
felony the court is not required to impose a prison term, a 136
mandatory prison term, or a term of life imprisonment upon the 137
offender, the court may directly impose a sentence that consists 138
of one or more community control sanctions authorized pursuant 139
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 140
the court is sentencing an offender for a fourth degree felony 141
OVI offense under division (G) (1) of section 2929.13 of the 142
Revised Code, in addition to the mandatory term of local 143
incarceration imposed under that division and the mandatory fine 144
required by division (B) (3) of section 2929.18 of the Revised 145
Code, the court may impose upon the offender a community control 146
sanction or combination of community control sanctions in 147
accordance with sections 2929.16 and 2929.17 of the Revised 148
Code. If the court is sentencing an offender for a third or 149
fourth degree felony OVI offense under division (G) (2) of 150
section 2929.13 of the Revised Code, in addition to the 151
mandatory prison term or mandatory prison term and additional 152
prison term imposed under that division, the court also may 153
impose upon the offender a community control sanction or 154
combination of community control sanctions under section 2929.16 155
or 2929.17 of the Revised Code, but the offender shall serve all 156
of the prison terms so imposed prior to serving the community 157
control sanction. 158

The duration of all community control sanctions imposed on 159
an offender under this division shall not exceed five years. If 160
the offender absconds or otherwise leaves the jurisdiction of 161
the court in which the offender resides without obtaining 162
permission from the court or the offender's probation officer to 163
leave the jurisdiction of the court, or if the offender is 164
confined in any institution for the commission of any offense 165

while under a community control sanction, the period of the 166
community control sanction ceases to run until the offender is 167
brought before the court for its further action. If the court 168
sentences the offender to one or more nonresidential sanctions 169
under section 2929.17 of the Revised Code, the court shall 170
impose as a condition of the nonresidential sanctions that, 171
during the period of the sanctions, the offender must abide by 172
the law and must not leave the state without the permission of 173
the court or the offender's probation officer. The court may 174
impose any other conditions of release under a community control 175
sanction that the court considers appropriate, including, but 176
not limited to, requiring that the offender not ingest or be 177
injected with a drug of abuse and submit to random drug testing 178
as provided in division (D) of this section to determine whether 179
the offender ingested or was injected with a drug of abuse and 180
requiring that the results of the drug test indicate that the 181
offender did not ingest or was not injected with a drug of 182
abuse. 183

(2) (a) If a court sentences an offender to any community 184
control sanction or combination of community control sanctions 185
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 186
the Revised Code, the court shall place the offender under the 187
general control and supervision of a department of probation in 188
the county that serves the court for purposes of reporting to 189
the court a violation of any condition of the sanctions, any 190
condition of release under a community control sanction imposed 191
by the court, a violation of law, or the departure of the 192
offender from this state without the permission of the court or 193
the offender's probation officer. Alternatively, if the offender 194
resides in another county and a county department of probation 195
has been established in that county or that county is served by 196

a multicounty probation department established under section 197
2301.27 of the Revised Code, the court may request the court of 198
common pleas of that county to receive the offender into the 199
general control and supervision of that county or multicounty 200
department of probation for purposes of reporting to the court a 201
violation of any condition of the sanctions, any condition of 202
release under a community control sanction imposed by the court, 203
a violation of law, or the departure of the offender from this 204
state without the permission of the court or the offender's 205
probation officer, subject to the jurisdiction of the trial 206
judge over and with respect to the person of the offender, and 207
to the rules governing that department of probation. 208

If there is no department of probation in the county that 209
serves the court, the court shall place the offender, regardless 210
of the offender's county of residence, under the general control 211
and supervision of the adult parole authority, unless the court 212
has entered into an agreement with the authority as described in 213
division (B) or (C) of section 2301.32 of the Revised Code, or 214
under an entity authorized under division (B) of section 2301.27 215
of the Revised Code to provide probation and supervisory 216
services to counties for purposes of reporting to the court a 217
violation of any of the sanctions, any condition of release 218
under a community control sanction imposed by the court, a 219
violation of law, or the departure of the offender from this 220
state without the permission of the court or the offender's 221
probation officer. 222

(b) If the court imposing sentence on an offender 223
sentences the offender to any community control sanction or 224
combination of community control sanctions authorized pursuant 225
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 226
if the offender violates any condition of the sanctions, 227

violates any condition of release under a community control 228
sanction imposed by the court, violates any law, or departs the 229
state without the permission of the court or the offender's 230
probation officer, the public or private person or entity that 231
operates or administers the sanction or the program or activity 232
that comprises the sanction shall report the violation or 233
departure directly to the sentencing court, or shall report the 234
violation or departure to the county or multicounty department 235
of probation with general control and supervision over the 236
offender under division (A) (2) (a) of this section or the officer 237
of that department who supervises the offender, or, if there is 238
no such department with general control and supervision over the 239
offender under that division, to the adult parole authority 240
unless the court has entered into an agreement with the 241
authority as described in division (B) or (C) of section 2301.32 242
of the Revised Code, or to an entity authorized under division 243
(B) of section 2301.27 of the Revised Code to provide probation 244
and supervisory services to the county. If the public or private 245
person or entity that operates or administers the sanction or 246
the program or activity that comprises the sanction reports the 247
violation or departure to the county or multicounty department 248
of probation, the adult parole authority, or any other entity 249
providing probation and supervisory services to the county, the 250
department's, authority's, or other entity's officers may treat 251
the offender as if the offender were on probation and in 252
violation of the probation, and shall report the violation of 253
the condition of the sanction, any condition of release under a 254
community control sanction imposed by the court, the violation 255
of law, or the departure from the state without the required 256
permission to the sentencing court. 257

(3) If an offender who is eligible for community control 258

sanctions under this section admits to having a drug addiction 259
or the court has reason to believe that the offender has a drug 260
addiction, and if the offense for which the offender is being 261
sentenced was related to the addiction, the court may require 262
that the offender be assessed by a properly credentialed 263
professional within a specified period of time and shall require 264
the professional to file a written assessment of the offender 265
with the court. If a court imposes treatment and recovery 266
support services as a community control sanction, the court 267
shall direct the level and type of treatment and recovery 268
support services after consideration of the written assessment, 269
if available at the time of sentencing, and recommendations of 270
the professional and other treatment and recovery support 271
services providers. 272

(4) If an assessment completed pursuant to division (A) (3) 273
of this section indicates that the offender has an addiction to 274
drugs or alcohol, the court may include in any community control 275
sanction imposed for a violation of section 2925.02, 2925.03, 276
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 277
2925.36, or 2925.37 of the Revised Code a requirement that the 278
offender participate in alcohol and drug addiction services and 279
recovery supports certified under section 5119.36 of the Revised 280
Code or offered by a properly credentialed community addiction 281
services provider. 282

(B) (1) Except as provided in division (B) (2) of this 283
section, if the conditions of a community control sanction 284
imposed for a felony are violated or if the offender violates a 285
law or leaves the state without the permission of the court or 286
the offender's probation officer, the sentencing court may 287
impose on the violator one or more of the following penalties: 288

(a) A longer time under the same sanction if the total 289
time under the sanctions does not exceed the five-year limit 290
specified in division (A) of this section; 291

(b) A more restrictive sanction under section 2929.16, 292
2929.17, or 2929.18 of the Revised Code, including but not 293
limited to, a new term in a community-based correctional 294
facility, halfway house, or jail pursuant to division (A)(6) of 295
section 2929.16 of the Revised Code; 296

(c) A prison term on the offender pursuant to section 297
2929.14 of the Revised Code and division (B)(3) of this section, 298
provided that a prison term imposed under this division is 299
subject to the following limitations and rules, as applicable: 300

(i) If the prison term is imposed for any technical 301
violation of the conditions of a community control sanction 302
imposed for a felony of the fifth degree, the prison term shall 303
not exceed ninety days, provided that if the remaining period of 304
community control at the time of the violation or the remaining 305
period of the reserved prison sentence at that time is less than 306
ninety days, the prison term shall not exceed the length of the 307
remaining period of community control or the remaining period of 308
the reserved prison sentence. If the court imposes a prison term 309
as described in this division, division (B)(2)(b) of this 310
section applies. 311

(ii) If the prison term is imposed for any technical 312
violation of the conditions of a community control sanction 313
imposed for a felony of the fourth degree that is not an offense 314
of violence and is not a sexually oriented offense, the prison 315
term shall not exceed one hundred eighty days, provided that if 316
the remaining period of the community control at the time of the 317
violation or the remaining period of the reserved prison 318

sentence at that time is less than one hundred eighty days, the 319
prison term shall not exceed the length of the remaining period 320
of community control or the remaining period of the reserved 321
prison sentence. If the court imposes a prison term as described 322
in this division, division (B) (2) (b) of this section applies. 323

(iii) A court is not limited in the number of times it may 324
sentence an offender to a prison term under division (B) (1) (c) 325
of this section for a violation of the conditions of a community 326
control sanction or for a violation of a law or leaving the 327
state without the permission of the court or the offender's 328
probation officer. If an offender who is under a community 329
control sanction violates the conditions of the sanction or 330
violates a law or leaves the state without the permission of the 331
court or the offender's probation officer, is sentenced to a 332
prison term for the violation or conduct, is released from the 333
term after serving it, and subsequently violates the conditions 334
of the sanction or violates a law or leaves the state without 335
the permission of the court or the offender's probation officer, 336
the court may impose a new prison term sanction on the offender 337
under division (B) (1) (c) of this section for the subsequent 338
violation or conduct. 339

(2) (a) If an offender was acting pursuant to division (B) 340
(2) (b) of section 2925.11 or a related provision of section 341
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 342
doing violated the conditions of a community control sanction 343
based on a minor drug possession offense, as defined in section 344
2925.11 of the Revised Code, or violated section 2925.12, 345
division (C) (1) of section 2925.14, or section 2925.141 of the 346
Revised Code, the sentencing court shall not impose any of the 347
penalties described in division (B) (1) of this section based on 348
the violation. 349

(b) If a court imposes a prison term on an offender under 350
division (B) (1) (c) (i) or (ii) of this section for a technical 351
violation of the conditions of a community control sanction, one 352
of the following is applicable with respect to the time that the 353
offender spends in prison under the term: 354

(i) Subject to division (B) (2) (b) (ii) of this section, it 355
shall be credited against the offender's community control 356
sanction that was being served at the time of the violation, and 357
the remaining time under that community control sanction shall 358
be reduced by the time that the offender spends in prison under 359
the prison term. By determination of the court, the offender 360
upon release from the prison term either shall continue serving 361
the remaining time under the community control sanction, as 362
reduced under this division, or shall have the community control 363
sanction terminated. 364

(ii) If, at the time a prison term is imposed for a 365
technical violation, the offender was serving a residential 366
community control sanction imposed under section 2929.16 of the 367
Revised Code, the time spent serving the residential community 368
control sanction shall be credited against the offender's 369
reserved prison sentence, and the remaining time under that 370
residential community control sanction and under the reserved 371
prison sentence shall be reduced by the time that the offender 372
spends in prison under the prison term. By determination of the 373
court, the offender upon release from the prison term either 374
shall continue serving the remaining time under the residential 375
community control sanction, as reduced under this division, or 376
shall have the residential community control sanction 377
terminated. 378

(3) The prison term, if any, imposed on a violator 379

pursuant to this division and division (B) (1) of this section 380
shall be within the range of prison terms described in this 381
division and shall not exceed a prison term from the range of 382
terms specified in the notice provided to the offender at the 383
sentencing hearing pursuant to division (B) (4) of section 384
2929.19 of the Revised Code. The court may reduce the longer 385
period of time that the offender is required to spend under the 386
longer sanction, the more restrictive sanction, or a prison term 387
imposed pursuant to division (B) (1) of this section by the time 388
the offender successfully spent under the sanction that was 389
initially imposed. Except as otherwise specified in this 390
division, the prison term imposed under this division and 391
division (B) (1) of this section shall be within the range of 392
prison terms available as a definite term for the offense for 393
which the sanction that was violated was imposed. If the offense 394
for which the sanction that was violated was imposed is a felony 395
of the first or second degree committed on or after March 22, 396
2019, the prison term so imposed under this division shall be 397
within the range of prison terms available as a minimum term for 398
the offense under division (A) (1) (a) or (2) (a) of section 399
2929.14 of the Revised Code. 400

(C) If an offender, for a significant period of time, 401
fulfills the conditions of a sanction imposed pursuant to 402
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 403
exemplary manner, the court may reduce the period of time under 404
the sanction or impose a less restrictive sanction, but the 405
court shall not permit the offender to violate any law or permit 406
the offender to leave the state without the permission of the 407
court or the offender's probation officer. 408

(D) (1) If a court under division (A) (1) of this section 409
imposes a condition of release under a community control 410

sanction that requires the offender to submit to random drug 411
testing, the department of probation, the adult parole 412
authority, or any other entity that has general control and 413
supervision of the offender under division (A) (2) (a) of this 414
section may cause the offender to submit to random drug testing 415
performed by a laboratory or entity that has entered into a 416
contract with any of the governmental entities or officers 417
authorized to enter into a contract with that laboratory or 418
entity under section 341.26, 753.33, or 5120.63 of the Revised 419
Code. 420

(2) If no laboratory or entity described in division (D) 421
(1) of this section has entered into a contract as specified in 422
that division, the department of probation, the adult parole 423
authority, or any other entity that has general control and 424
supervision of the offender under division (A) (2) (a) of this 425
section shall cause the offender to submit to random drug 426
testing performed by a reputable public laboratory to determine 427
whether the individual who is the subject of the drug test 428
ingested or was injected with a drug of abuse. 429

(3) A laboratory or entity that has entered into a 430
contract pursuant to section 341.26, 753.33, or 5120.63 of the 431
Revised Code shall perform the random drug tests under division 432
(D) (1) of this section in accordance with the applicable 433
standards that are included in the terms of that contract. A 434
public laboratory shall perform the random drug tests under 435
division (D) (2) of this section in accordance with the standards 436
set forth in the policies and procedures established by the 437
department of rehabilitation and correction pursuant to section 438
5120.63 of the Revised Code. An offender who is required under 439
division (A) (1) of this section to submit to random drug testing 440
as a condition of release under a community control sanction and 441

whose test results indicate that the offender ingested or was 442
injected with a drug of abuse shall pay the fee for the drug 443
test if the department of probation, the adult parole authority, 444
or any other entity that has general control and supervision of 445
the offender requires payment of a fee. A laboratory or entity 446
that performs the random drug testing on an offender under 447
division (D)(1) or (2) of this section shall transmit the 448
results of the drug test to the appropriate department of 449
probation, the adult parole authority, or any other entity that 450
has general control and supervision of the offender under 451
division (A)(2)(a) of this section. 452

(E) A court imposing a sentence that consists of one or 453
more community control sanctions authorized pursuant to section 454
2929.16, 2929.17, or 2929.18 of the Revised Code shall consider 455
the offender's immigration status, including whether the 456
offender is unlawfully present in the United States or has a 457
current or previous federal immigration detainer, when 458
determining the length of the community control sanction or 459
combination of community control sanctions to impose. 460

(F) As used in this section, "technical violation" means a 461
violation of the conditions of a community control sanction 462
imposed for a felony of the fifth degree, or for a felony of the 463
fourth degree that is not an offense of violence and is not a 464
sexually oriented offense, and to which neither of the following 465
applies: 466

(1) The violation consists of a new criminal offense that 467
is a felony or that is a misdemeanor other than a minor 468
misdemeanor, and the violation is committed while under the 469
community control sanction. 470

(2) The violation consists of or includes the offender's 471

articulated or demonstrated refusal to participate in the 472
community control sanction imposed on the offender or any of its 473
conditions, and the refusal demonstrates to the court that the 474
offender has abandoned the objects of the community control 475
sanction or condition. 476

Sec. 2929.22. (A) Unless a mandatory jail term is required 477
to be imposed by division (G) of section 1547.99, division (B) 478
of section 4510.14, division (G) of section 4511.19 of the 479
Revised Code, or any other provision of the Revised Code a court 480
that imposes a sentence under this chapter upon an offender for 481
a misdemeanor or minor misdemeanor has discretion to determine 482
the most effective way to achieve the purposes and principles of 483
sentencing set forth in section 2929.21 of the Revised Code. 484

Unless a specific sanction is required to be imposed or is 485
precluded from being imposed by the section setting forth an 486
offense or the penalty for an offense or by any provision of 487
sections 2929.23 to 2929.28 of the Revised Code, a court that 488
imposes a sentence upon an offender for a misdemeanor may impose 489
on the offender any sanction or combination of sanctions under 490
sections 2929.24 to 2929.28 of the Revised Code. The court shall 491
not impose a sentence that imposes an unnecessary burden on 492
local government resources. 493

(B) (1) In determining the appropriate sentence for a 494
misdemeanor, the court shall consider all of the following 495
factors: 496

(a) The nature and circumstances of the offense or 497
offenses; 498

(b) Whether the circumstances regarding the offender and 499
the offense or offenses indicate that the offender has a history 500

of persistent criminal activity and that the offender's 501
character and condition reveal a substantial risk that the 502
offender will commit another offense; 503

(c) Whether the circumstances regarding the offender and 504
the offense or offenses indicate that the offender's history, 505
character, and condition reveal a substantial risk that the 506
offender will be a danger to others and that the offender's 507
conduct has been characterized by a pattern of repetitive, 508
compulsive, or aggressive behavior with heedless indifference to 509
the consequences; 510

(d) Whether the victim's youth, age, disability, or other 511
factor made the victim particularly vulnerable to the offense or 512
made the impact of the offense more serious; 513

(e) Whether the offender is likely to commit future crimes 514
in general, in addition to the circumstances described in 515
divisions (B) (1) (b) and (c) of this section; 516

(f) Whether the offender has an emotional, mental, or 517
physical condition that is traceable to the offender's service 518
in the armed forces of the United States and that was a 519
contributing factor in the offender's commission of the offense 520
or offenses; 521

(g) The offender's military service record; 522

(h) The offender's immigration status, and whether the 523
offender is unlawfully present in the United States or has a 524
current or previous federal immigration detainer. 525

(2) In determining the appropriate sentence for a 526
misdemeanor, if the offender enters an Alford plea, the 527
sentencing court shall not consider whether the offender showed 528
genuine remorse for the offense. 529

(3) In determining the appropriate sentence for a 530
misdemeanor, in addition to complying with division (B)(1) of 531
this section, the court may consider any other factors that are 532
relevant to achieving the purposes and principles of sentencing 533
set forth in section 2929.21 of the Revised Code. 534

(C) Before imposing a jail term as a sentence for a 535
misdemeanor, a court shall consider the appropriateness of 536
imposing a community control sanction or a combination of 537
community control sanctions under sections 2929.25, 2929.26, 538
2929.27, and 2929.28 of the Revised Code. A court may impose the 539
longest jail term authorized under section 2929.24 of the 540
Revised Code only upon offenders who commit the worst forms of 541
the offense or upon offenders whose conduct and response to 542
prior sanctions for prior offenses demonstrate that the 543
imposition of the longest jail term is necessary to deter the 544
offender from committing a future criminal offense. 545

(D)(1) A sentencing court shall consider any relevant oral 546
and written statement made by the victim, the victim's 547
representative, the victim's attorney, if applicable, the 548
defendant, the defense attorney, and the prosecuting authority 549
regarding sentencing for a misdemeanor. This division does not 550
create any rights to notice other than those rights authorized 551
by Chapter 2930. of the Revised Code. 552

(2) At the time of sentencing for a misdemeanor or as soon 553
as possible after sentencing, the court shall notify the victim 554
of the offense of the victim's right to file an application for 555
an award of reparations pursuant to sections 2743.51 to 2743.72 556
of the Revised Code. 557

Sec. 2929.25. (A)(1) Except as provided in sections 558
2929.22 and 2929.23 of the Revised Code or when a jail term is 559

required by law, in sentencing an offender for a misdemeanor, 560
other than a minor misdemeanor, the sentencing court may do 561
either of the following: 562

(a) Directly impose a sentence that consists of one or 563
more community control sanctions authorized by section 2929.26, 564
2929.27, or 2929.28 of the Revised Code. The court may impose 565
any other conditions of release under a community control 566
sanction that the court considers appropriate. If the court 567
imposes a jail term upon the offender, the court may impose any 568
community control sanction or combination of community control 569
sanctions in addition to the jail term. 570

(b) Impose a jail term under section 2929.24 of the 571
Revised Code from the range of jail terms authorized under that 572
section for the offense, suspend all or a portion of the jail 573
term imposed, and place the offender under a community control 574
sanction or combination of community control sanctions 575
authorized under section 2929.26, 2929.27, or 2929.28 of the 576
Revised Code. 577

(2) The duration of all community control sanctions 578
imposed upon an offender and in effect for an offender at any 579
time shall not exceed five years. 580

(3) At sentencing, if a court directly imposes a community 581
control sanction or combination of community control sanctions 582
pursuant to division (A)(1)(a) or (B) of this section, the court 583
shall state the duration of the community control sanctions 584
imposed and shall notify the offender that if any of the 585
conditions of the community control sanctions are violated the 586
court may do any of the following: 587

(a) Impose a longer time under the same community control 588

sanction if the total time under all of the offender's community 589
control sanctions does not exceed the five-year limit specified 590
in division (A) (2) of this section; 591

(b) Impose a more restrictive community control sanction 592
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 593
but the court is not required to impose any particular sanction 594
or sanctions; 595

(c) Impose a definite jail term from the range of jail 596
terms authorized for the offense under section 2929.24 of the 597
Revised Code. 598

(B) If a court sentences an offender to any community 599
control sanction or combination of community control sanctions 600
pursuant to division (A) (1) (a) of this section, the sentencing 601
court retains jurisdiction over the offender and the period of 602
community control for the duration of the period of community 603
control. Upon the motion of either party or on the court's own 604
motion, the court, in the court's sole discretion and as the 605
circumstances warrant, may modify the community control 606
sanctions or conditions of release previously imposed, 607
substitute a community control sanction or condition of release 608
for another community control sanction or condition of release 609
previously imposed, or impose an additional community control 610
sanction or condition of release. 611

(C) (1) If a court sentences an offender to any community 612
control sanction or combination of community control sanctions 613
authorized under section 2929.26, 2929.27, or 2929.28 of the 614
Revised Code, the court shall place the offender under the 615
general control and supervision of the court or of a department 616
of probation in the jurisdiction that serves the court for 617
purposes of reporting to the court a violation of any of the 618

conditions of the sanctions imposed. If the offender resides in 619
another jurisdiction and a department of probation has been 620
established to serve the municipal court or county court in that 621
jurisdiction, the sentencing court may request the municipal 622
court or the county court to receive the offender into the 623
general control and supervision of that department of probation 624
for purposes of reporting to the sentencing court a violation of 625
any of the conditions of the sanctions imposed. The sentencing 626
court retains jurisdiction over any offender whom it sentences 627
for the duration of the sanction or sanctions imposed. 628

(2) The sentencing court shall require as a condition of 629
any community control sanction that the offender abide by the 630
law and not leave the state without the permission of the court 631
or the offender's probation officer. In the interests of doing 632
justice, rehabilitating the offender, and ensuring the 633
offender's good behavior, the court may impose additional 634
requirements on the offender. The offender's compliance with the 635
additional requirements also shall be a condition of the 636
community control sanction imposed upon the offender. 637

(D) (1) If the court imposing sentence upon an offender 638
sentences the offender to any community control sanction or 639
combination of community control sanctions authorized under 640
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 641
the offender violates any of the conditions of the sanctions, 642
the public or private person or entity that supervises or 643
administers the program or activity that comprises the sanction 644
shall report the violation directly to the sentencing court or 645
to the department of probation or probation officer with general 646
control and supervision over the offender. If the public or 647
private person or entity reports the violation to the department 648
of probation or probation officer, the department or officer 649

shall report the violation to the sentencing court. 650

(2) Except as provided in division (D) (3) of this section, 651
if an offender violates any condition of a community control 652
sanction, the sentencing court may impose upon the violator one 653
or more of the following penalties: 654

(a) A longer time under the same community control 655
sanction if the total time under all of the community control 656
sanctions imposed on the violator does not exceed the five-year 657
limit specified in division (A) (2) of this section; 658

(b) A more restrictive community control sanction; 659

(c) A combination of community control sanctions, 660
including a jail term. 661

(3) If an offender was acting pursuant to division (B) (2) 662
(b) of section 2925.11 or a related provision under section 663
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 664
doing violated the conditions of a community control sanction 665
based on a minor drug possession offense, as defined in section 666
2925.11 of the Revised Code, or violated section 2925.12, 667
division (C) (1) of section 2925.14, or section 2925.141 of the 668
Revised Code, the sentencing court shall not impose any of the 669
penalties described in division (D) (2) of this section based on 670
the violation. 671

(4) If the court imposes a jail term upon a violator 672
pursuant to division (D) (2) of this section, the total time 673
spent in jail for the misdemeanor offense and the violation of a 674
condition of the community control sanction shall not exceed the 675
maximum jail term available for the offense for which the 676
sanction that was violated was imposed. The court may reduce the 677
longer period of time that the violator is required to spend 678

under the longer sanction or the more restrictive sanction 679
imposed under division (D) (2) of this section by all or part of 680
the time the violator successfully spent under the sanction that 681
was initially imposed. 682

(E) Except as otherwise provided in this division, if an 683
offender, for a significant period of time, fulfills the 684
conditions of a community control sanction imposed pursuant to 685
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 686
exemplary manner, the court may reduce the period of time under 687
the community control sanction or impose a less restrictive 688
community control sanction. Fulfilling the conditions of a 689
community control sanction does not relieve the offender of a 690
duty to make restitution under section 2929.28 of the Revised 691
Code. 692

(F) A court imposing a sentence that consists of one or 693
more community control sanctions authorized pursuant to section 694
2929.26, 2929.27, or 2929.28 of the Revised Code shall consider 695
the offender's immigration status, including whether the 696
offender is unlawfully present in the United States or has a 697
current or previous federal immigration detainer, when 698
determining the length of the community control sanction or 699
combination of community control sanctions to impose. 700

Sec. 2937.011. (A) Unless the court orders the defendant 701
detained pursuant to section 2937.222 of the Revised Code or 702
other applicable law, the court shall release the defendant on 703
the least restrictive conditions that, in the discretion of the 704
court, will reasonably assure the defendant's appearance in 705
court, the protection or safety of any person or the community, 706
and that the defendant will not obstruct the criminal justice 707
process. If the court orders financial conditions of release, 708

those financial conditions shall be related to public safety, 709
the defendant's risk of nonappearance in court, the seriousness 710
of the offense, and the previous criminal record of the 711
defendant. 712

(B) Any financial conditions shall be in an amount and 713
type that are least costly to the defendant while also 714
sufficient to reasonably assure the defendant's future 715
appearance in court. 716

(C) Any defendant who is entitled to release may be 717
released upon one or more of the following types of bail in the 718
amount set by the court: 719

(1) An unsecured bail bond; 720

(2) A bail bond secured by the deposit of ten per cent of 721
the amount of the bond in cash. The court shall return ninety 722
per cent of the deposit upon compliance with all conditions of 723
the bond. 724

(3) A surety bond, a bond secured by real estate or 725
securities as allowed by law, or the deposit of cash, at the 726
option of the defendant. 727

(D) The court may impose any of the following conditions 728
of release: 729

(1) The personal recognizance of the defendant; 730

(2) Placing the defendant in the custody of a designated 731
person or organization that agrees to supervise the defendant; 732

(3) Placing restrictions on the travel, association, or 733
place of abode of the defendant during the period of release; 734

(4) Placing the defendant under a house arrest, electronic 735

monitoring, or work release program; 736

(5) Regulating or prohibiting the defendant's contact with 737
the victim; 738

(6) Regulating the defendant's contact with witnesses or 739
others associated with the case upon proof of the likelihood 740
that the defendant will threaten, harass, cause injury, or seek 741
to intimidate those persons; 742

(7) For any defendant charged with an offense that is 743
alcohol or drug related, or where alcohol or drug influence or 744
addiction appears to be a contributing factor in the offense, 745
and who appears based upon an evaluation, prior treatment 746
history, or recent alcohol or drug use, to be in need of 747
treatment, requiring completion of a drug or alcohol assessment 748
and compliance with treatment recommendations; 749

(8) Requiring compliance with alternatives to pretrial 750
detention, including diversion programs, day reporting, or 751
comparable alternatives, to ensure the defendant's appearance at 752
future court proceedings; 753

(9) Any other constitutional condition considered 754
reasonably necessary to reasonably assure the defendant's 755
appearance or public safety. 756

(E) Subject to division (I) (2) of this section, in 757
determining the types, amounts, and conditions of bail, the 758
court shall consider all relevant information, including the 759
following: 760

(1) The nature and circumstances of the crime charged, and 761
specifically whether the defendant used or had access to a 762
weapon; 763

(2) The weight of the evidence against the defendant; 764

(3) The confirmation of the defendant's identity; 765

(4) The defendant's family ties, employment, financial 766
resources, character, mental condition, length of residence in 767
the community, jurisdiction of residence, record of convictions, 768
record of appearance at court proceedings or of flight to avoid 769
prosecution; 770

(5) Whether the defendant is on probation, a community 771
control sanction, parole, post-release control, bail, or under a 772
court protection order; 773

(6) The offender's immigration status, and whether the 774
offender is unlawfully present in the United States or has a 775
current or previous federal immigration detainer; 776

(7) The considerations required under Ohio Constitution, 777
Article I, Section 9. 778

(F) Absent good cause, there is a presumption of release 779
on personal recognizance when the defendant appears pursuant to 780
a summons issued by the court. 781

(G) When a judicial officer, either on motion of a party 782
or on the court's own motion, determines that the considerations 783
set forth in divisions (D) and (E) of this section require a 784
modification of the conditions of release, the judicial officer 785
may order additional or different types, amounts, or conditions 786
of bail, or may eliminate or lessen conditions of bail the court 787
determines to be no longer necessary. Unless the parties agree 788
to a modification, the court shall hold a hearing on the 789
modification of bond as promptly as possible. Unless modified by 790
the judicial officer, or if application is made by a surety for 791
discharge from a bond pursuant to section 2937.40 of the Revised 792

Code, conditions of release shall continue until the return of a 793
verdict or the entry of a guilty plea or a no-contest plea and 794
may continue thereafter pending sentence or disposition of the 795
case on review. 796

(H) Information stated in or offered in connection with 797
any order entered pursuant to this section does not need to 798
conform to the rules pertaining to the admissibility of evidence 799
in a court of law. The court shall not receive as substantive 800
evidence in the trial of the case statements or admissions of 801
the defendant made at a bail proceeding or in the course of 802
compliance with a condition of bail. 803

(I) (1) In order to expedite the prompt release of a 804
defendant prior to an initial appearance, each court shall 805
establish a bail bond schedule covering all misdemeanors 806
including traffic offenses, either specifically, by type, by 807
potential penalty, or by some other reasonable method of 808
classification. The court also may include requirements for 809
release in consideration of divisions (D) and (E) (5) of this 810
section. The sole purpose of a bail schedule is to allow for the 811
consideration of release prior to the defendant's initial 812
appearance. 813

(2) A bond schedule is not relevant information under 814
division (E) of this section. 815

(3) Each municipal or county court shall, by rule, 816
establish a method whereby a defendant may make bail by use of a 817
credit card. 818

(4) Each court shall review its bail bond schedule 819
biennially by the thirty-first day of January of each even- 820
numbered year beginning in 2024, to ensure an appropriate bail 821

bond schedule that does not result in the unnecessary detention 822
of a defendant due to the defendant's inability to pay. 823

(J) (1) A person who has been arrested, either pursuant to 824
a warrant or without a warrant, and who has not been released on 825
bail, shall be brought before a judicial officer for an initial 826
bail hearing not later than the second court day following the 827
person's arrest. That bail hearing may be combined with the 828
initial appearance provided for in the Rules of Criminal 829
Procedure. 830

(2) If, at the initial bail hearing before a judicial 831
officer, the defendant was not represented by counsel, and if 832
the defendant has not yet been released on bail, the court shall 833
hold a second bail hearing on the second court day following the 834
initial bail hearing. An indigent defendant shall be afforded 835
representation by appointed counsel at the state's expense at 836
this second bail hearing. 837

(K) Any person who fails to appear before any court as 838
required is subject to the punishment provided by the law, and 839
any bail given for the defendant's release may be forfeited. If 840
there is a breach of a condition of release, the court may amend 841
the bail. 842

(L) Every surety, except a corporate surety licensed as 843
provided by law, shall justify by affidavit, and may be required 844
to describe in the affidavit, the property that the surety 845
proposes as security and the encumbrances on it, the number and 846
amount of other bonds and undertakings for bail entered into by 847
the surety and remaining undischarged, and all of the surety's 848
other liabilities. The surety shall provide other evidence of 849
financial responsibility as the court or clerk may require. The 850
court shall not approve a bail bond unless the surety or 851

sureties appear, in the opinion of the court or clerk, to be 852
financially responsible in at least the amount of the bond. A 853
licensed attorney at law may not be a surety. 854

Section 2. That existing sections 2929.12, 2929.15, 855
2929.22, 2929.25, and 2937.011 of the Revised Code are hereby 856
repealed. 857

Section 3. The General Assembly, applying the principle 858
stated in division (B) of section 1.52 of the Revised Code that 859
amendments are to be harmonized if reasonably capable of 860
simultaneous operation, finds that the following sections, 861
presented in this act as composites of the sections as amended 862
by the acts indicated, are the resulting versions of the 863
sections in effect prior to the effective date of the sections 864
as presented in this act: 865

Section 2929.12 of the Revised Code as amended by both 866
H.B. 234 and H.B. 531 of the 135th General Assembly. 867

Section 2929.15 of the Revised Code as amended by H.B. 868
110, H.B. 281, and S.B. 288, all of the 134th General Assembly. 869