

As Introduced

136th General Assembly

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H. B. No. 556

Representatives Mathews, A., Williams

To amend sections 2925.11, 2929.15, 2929.20, 1
2929.25, 2951.02, and 2951.07 of the Revised 2
Code to change the maximum periods of community 3
control sanctions authorized for felonies and 4
misdemeanors and to modify the confinement 5
sanctions authorized for a technical violation 6
of community control sanction conditions. 7

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

Section 1. That sections 2925.11, 2929.15, 2929.20, 8
2929.25, 2951.02, and 2951.07 of the Revised Code be amended to 9
read as follows: 10

Sec. 2925.11. (A) No person shall knowingly obtain, 11
possess, or use a controlled substance or a controlled substance 12
analog. 13

(B) (1) This section does not apply to any of the 14
following: 15

(a) Manufacturers, licensed health professionals 16
authorized to prescribe drugs, pharmacists, owners of 17
pharmacies, and other persons whose conduct was in accordance 18
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 4741., 19
and 4772. of the Revised Code; 20

(b) If the offense involves an anabolic steroid, any 21
person who is conducting or participating in a research project 22
involving the use of an anabolic steroid if the project has been 23
approved by the United States food and drug administration; 24

(c) Any person who sells, offers for sale, prescribes, 25
dispenses, or administers for livestock or other nonhuman 26
species an anabolic steroid that is expressly intended for 27
administration through implants to livestock or other nonhuman 28
species and approved for that purpose under the "Federal Food, 29
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 30
as amended, and is sold, offered for sale, prescribed, 31
dispensed, or administered for that purpose in accordance with 32
that act; 33

(d) Any person who obtained the controlled substance 34
pursuant to a prescription issued by a licensed health 35
professional authorized to prescribe drugs if the prescription 36
was issued for a legitimate medical purpose and not altered, 37
forged, or obtained through deception or commission of a theft 38
offense. 39

As used in division (B) (1) (d) of this section, "deception" 40
and "theft offense" have the same meanings as in section 2913.01 41
of the Revised Code. 42

(2) (a) As used in division (B) (2) of this section: 43

(i) "Community addiction services provider" has the same 44
meaning as in section 5119.01 of the Revised Code. 45

(ii) "Community control sanction" has the same meaning as 46
in section 2929.01 of the Revised Code. 47

(iii) "Health care facility" has the same meaning as in 48
section 2919.16 of the Revised Code. 49

(iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree. 50
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(v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code. 53
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(vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 55
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(vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code. 57
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(viii) "Qualified individual" means a person who is acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section. 59
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(ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility. 66
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(b) Subject to division (B) (2) (e) of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted, or penalized pursuant to this chapter for a minor drug possession offense or a violation of section 2925.12, division (C) (1) of section 2925.14, or section 2925.141 of the Revised Code if all of the following apply: 70
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(i) The evidence of the obtaining, possession, or use of the controlled substance or controlled substance analog, drug abuse instruments, or drug paraphernalia that would be the basis 76
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of the offense was obtained as a result of the qualified 79
individual seeking the medical assistance or experiencing an 80
overdose and needing medical assistance. 81

(ii) Subject to division (B) (2) (f) of this section, within 82
thirty days after seeking or obtaining the medical assistance, 83
the qualified individual seeks and obtains a screening and 84
receives a referral for treatment from a community addiction 85
services provider or a properly credentialed addiction treatment 86
professional. 87

(iii) Subject to division (B) (2) (f) of this section, the 88
qualified individual who obtains a screening and receives a 89
referral for treatment under division (B) (2) (b) (ii) of this 90
section, upon the request of any prosecuting attorney, submits 91
documentation to the prosecuting attorney that verifies that the 92
qualified individual satisfied the requirements of that 93
division. The documentation shall be limited to the date and 94
time of the screening obtained and referral received. 95

(c) If a person who is serving a community control 96
sanction or is under a sanction on post-release control acts 97
pursuant to division (B) (2) (b) of this section, then division 98
(B) of section 2929.141, division (B) ~~(2)~~ (3) of section 2929.15, 99
division (D) ~~(3)~~ (4) of section 2929.25, or division (F) (3) of 100
section 2967.28 of the Revised Code applies to the person with 101
respect to any violation of the sanction or post-release control 102
sanction based on a minor drug possession offense, as defined in 103
section 2925.11 of the Revised Code, or a violation of section 104
2925.12, division (C) (1) of section 2925.14, or section 2925.141 105
of the Revised Code. 106

(d) Nothing in division (B) (2) (b) of this section shall be 107
construed to do any of the following: 108

(i) Limit the admissibility of any evidence in connection 109
with the investigation or prosecution of a crime with regards to 110
a defendant who does not qualify for the protections of division 111
(B) (2) (b) of this section or with regards to any crime other 112
than a minor drug possession offense or a violation of section 113
2925.12, division (C) (1) of section 2925.14, or section 2925.141 114
of the Revised Code committed by a person who qualifies for 115
protection pursuant to division (B) (2) (b) of this section; 116

(ii) Limit any seizure of evidence or contraband otherwise 117
permitted by law; 118

(iii) Limit or abridge the authority of a peace officer to 119
detain or take into custody a person in the course of an 120
investigation or to effectuate an arrest for any offense except 121
as provided in that division; 122

(iv) Limit, modify, or remove any immunity from liability 123
available pursuant to law in effect prior to September 13, 2016, 124
to any public agency or to an employee of any public agency. 125

(e) Division (B) (2) (b) of this section does not apply to 126
any person who twice previously has been granted an immunity 127
under division (B) (2) (b) of this section. No person shall be 128
granted an immunity under division (B) (2) (b) of this section 129
more than two times. 130

(f) Nothing in this section shall compel any qualified 131
individual to disclose protected health information in a way 132
that conflicts with the requirements of the "Health Insurance 133
Portability and Accountability Act of 1996," 104 Pub. L. No. 134
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 135
regulations promulgated by the United States department of 136
health and human services to implement the act or the 137

requirements of 42 C.F.R. Part 2.	138
(C) Whoever violates division (A) of this section is	139
guilty of one of the following:	140
(1) If the drug involved in the violation is a compound,	141
mixture, preparation, or substance included in schedule I or II,	142
with the exception of marihuana, cocaine, L.S.D., heroin, any	143
fentanyl-related compound, hashish, and any controlled substance	144
analog, whoever violates division (A) of this section is guilty	145
of aggravated possession of drugs. The penalty for the offense	146
shall be determined as follows:	147
(a) Except as otherwise provided in division (C) (1) (b),	148
(c), (d), or (e) of this section, aggravated possession of drugs	149
is a felony of the fifth degree, and division (B) of section	150
2929.13 of the Revised Code applies in determining whether to	151
impose a prison term on the offender.	152
(b) If the amount of the drug involved equals or exceeds	153
the bulk amount but is less than five times the bulk amount,	154
aggravated possession of drugs is a felony of the third degree,	155
and there is a presumption for a prison term for the offense.	156
(c) If the amount of the drug involved equals or exceeds	157
five times the bulk amount but is less than fifty times the bulk	158
amount, aggravated possession of drugs is a felony of the second	159
degree, and the court shall impose as a mandatory prison term a	160
second degree felony mandatory prison term.	161
(d) If the amount of the drug involved equals or exceeds	162
fifty times the bulk amount but is less than one hundred times	163
the bulk amount, aggravated possession of drugs is a felony of	164
the first degree, and the court shall impose as a mandatory	165
prison term a first degree felony mandatory prison term.	166

(e) If the amount of the drug involved equals or exceeds 167
one hundred times the bulk amount, aggravated possession of 168
drugs is a felony of the first degree, the offender is a major 169
drug offender, and the court shall impose as a mandatory prison 170
term a maximum first degree felony mandatory prison term. 171

(2) If the drug involved in the violation is a compound, 172
mixture, preparation, or substance included in schedule III, IV, 173
or V, whoever violates division (A) of this section is guilty of 174
possession of drugs. The penalty for the offense shall be 175
determined as follows: 176

(a) Except as otherwise provided in division (C) (2) (b), 177
(c), or (d) of this section, possession of drugs is a 178
misdemeanor of the first degree or, if the offender previously 179
has been convicted of a drug abuse offense, a felony of the 180
fifth degree. 181

(b) If the amount of the drug involved equals or exceeds 182
the bulk amount but is less than five times the bulk amount, 183
possession of drugs is a felony of the fourth degree, and 184
division (C) of section 2929.13 of the Revised Code applies in 185
determining whether to impose a prison term on the offender. 186

(c) If the amount of the drug involved equals or exceeds 187
five times the bulk amount but is less than fifty times the bulk 188
amount, possession of drugs is a felony of the third degree, and 189
there is a presumption for a prison term for the offense. 190

(d) If the amount of the drug involved equals or exceeds 191
fifty times the bulk amount, possession of drugs is a felony of 192
the second degree, and the court shall impose upon the offender 193
as a mandatory prison term a second degree felony mandatory 194
prison term. 195

(3) If the drug involved in the violation is marihuana or
a compound, mixture, preparation, or substance containing
marihuana other than hashish, whoever violates division (A) of
this section is guilty of possession of marihuana. The penalty
for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C) (3) (b),
(c), (d), (e), (f), or (g) of this section, possession of
marihuana is a minor misdemeanor.

(b) If the amount of the drug involved equals or exceeds
one hundred grams but is less than two hundred grams, possession
of marihuana is a misdemeanor of the fourth degree.

(c) If the amount of the drug involved equals or exceeds
two hundred grams but is less than one thousand grams,
possession of marihuana is a felony of the fifth degree, and
division (B) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.

(d) If the amount of the drug involved equals or exceeds
one thousand grams but is less than five thousand grams,
possession of marihuana is a felony of the third degree, and
division (C) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.

(e) If the amount of the drug involved equals or exceeds
five thousand grams but is less than twenty thousand grams,
possession of marihuana is a felony of the third degree, and
there is a presumption that a prison term shall be imposed for
the offense.

(f) If the amount of the drug involved equals or exceeds
twenty thousand grams but is less than forty thousand grams,
possession of marihuana is a felony of the second degree, and

the court shall impose as a mandatory prison term a second 225
degree felony mandatory prison term of five, six, seven, or 226
eight years. 227

(g) If the amount of the drug involved equals or exceeds 228
forty thousand grams, possession of marihuana is a felony of the 229
second degree, and the court shall impose as a mandatory prison 230
term a maximum second degree felony mandatory prison term. 231

(4) If the drug involved in the violation is cocaine or a 232
compound, mixture, preparation, or substance containing cocaine, 233
whoever violates division (A) of this section is guilty of 234
possession of cocaine. The penalty for the offense shall be 235
determined as follows: 236

(a) Except as otherwise provided in division (C) (4) (b), 237
(c), (d), (e), or (f) of this section, possession of cocaine is 238
a felony of the fifth degree, and division (B) of section 239
2929.13 of the Revised Code applies in determining whether to 240
impose a prison term on the offender. 241

(b) If the amount of the drug involved equals or exceeds 242
five grams but is less than ten grams of cocaine, possession of 243
cocaine is a felony of the fourth degree, and division (B) of 244
section 2929.13 of the Revised Code applies in determining 245
whether to impose a prison term on the offender. 246

(c) If the amount of the drug involved equals or exceeds 247
ten grams but is less than twenty grams of cocaine, possession 248
of cocaine is a felony of the third degree, and, except as 249
otherwise provided in this division, there is a presumption for 250
a prison term for the offense. If possession of cocaine is a 251
felony of the third degree under this division and if the 252
offender two or more times previously has been convicted of or 253

pleaded guilty to a felony drug abuse offense, the court shall 254
impose as a mandatory prison term one of the prison terms 255
prescribed for a felony of the third degree. 256

(d) If the amount of the drug involved equals or exceeds 257
twenty grams but is less than twenty-seven grams of cocaine, 258
possession of cocaine is a felony of the second degree, and the 259
court shall impose as a mandatory prison term a second degree 260
felony mandatory prison term. 261

(e) If the amount of the drug involved equals or exceeds 262
twenty-seven grams but is less than one hundred grams of 263
cocaine, possession of cocaine is a felony of the first degree, 264
and the court shall impose as a mandatory prison term a first 265
degree felony mandatory prison term. 266

(f) If the amount of the drug involved equals or exceeds 267
one hundred grams of cocaine, possession of cocaine is a felony 268
of the first degree, the offender is a major drug offender, and 269
the court shall impose as a mandatory prison term a maximum 270
first degree felony mandatory prison term. 271

(5) If the drug involved in the violation is L.S.D., 272
whoever violates division (A) of this section is guilty of 273
possession of L.S.D. The penalty for the offense shall be 274
determined as follows: 275

(a) Except as otherwise provided in division (C) (5) (b), 276
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 277
felony of the fifth degree, and division (B) of section 2929.13 278
of the Revised Code applies in determining whether to impose a 279
prison term on the offender. 280

(b) If the amount of L.S.D. involved equals or exceeds ten 281
unit doses but is less than fifty unit doses of L.S.D. in a 282

solid form or equals or exceeds one gram but is less than five 283
grams of L.S.D. in a liquid concentrate, liquid extract, or 284
liquid distillate form, possession of L.S.D. is a felony of the 285
fourth degree, and division (C) of section 2929.13 of the 286
Revised Code applies in determining whether to impose a prison 287
term on the offender. 288

(c) If the amount of L.S.D. involved equals or exceeds 289
fifty unit doses, but is less than two hundred fifty unit doses 290
of L.S.D. in a solid form or equals or exceeds five grams but is 291
less than twenty-five grams of L.S.D. in a liquid concentrate, 292
liquid extract, or liquid distillate form, possession of L.S.D. 293
is a felony of the third degree, and there is a presumption for 294
a prison term for the offense. 295

(d) If the amount of L.S.D. involved equals or exceeds two 296
hundred fifty unit doses but is less than one thousand unit 297
doses of L.S.D. in a solid form or equals or exceeds twenty-five 298
grams but is less than one hundred grams of L.S.D. in a liquid 299
concentrate, liquid extract, or liquid distillate form, 300
possession of L.S.D. is a felony of the second degree, and the 301
court shall impose as a mandatory prison term a second degree 302
felony mandatory prison term. 303

(e) If the amount of L.S.D. involved equals or exceeds one 304
thousand unit doses but is less than five thousand unit doses of 305
L.S.D. in a solid form or equals or exceeds one hundred grams 306
but is less than five hundred grams of L.S.D. in a liquid 307
concentrate, liquid extract, or liquid distillate form, 308
possession of L.S.D. is a felony of the first degree, and the 309
court shall impose as a mandatory prison term a first degree 310
felony mandatory prison term. 311

(f) If the amount of L.S.D. involved equals or exceeds 312

five thousand unit doses of L.S.D. in a solid form or equals or 313
exceeds five hundred grams of L.S.D. in a liquid concentrate, 314
liquid extract, or liquid distillate form, possession of L.S.D. 315
is a felony of the first degree, the offender is a major drug 316
offender, and the court shall impose as a mandatory prison term 317
a maximum first degree felony mandatory prison term. 318

(6) If the drug involved in the violation is heroin or a 319
compound, mixture, preparation, or substance containing heroin, 320
whoever violates division (A) of this section is guilty of 321
possession of heroin. The penalty for the offense shall be 322
determined as follows: 323

(a) Except as otherwise provided in division (C) (6) (b), 324
(c), (d), (e), or (f) of this section, possession of heroin is a 325
felony of the fifth degree, and division (B) of section 2929.13 326
of the Revised Code applies in determining whether to impose a 327
prison term on the offender. 328

(b) If the amount of the drug involved equals or exceeds 329
ten unit doses but is less than fifty unit doses or equals or 330
exceeds one gram but is less than five grams, possession of 331
heroin is a felony of the fourth degree, and division (C) of 332
section 2929.13 of the Revised Code applies in determining 333
whether to impose a prison term on the offender. 334

(c) If the amount of the drug involved equals or exceeds 335
fifty unit doses but is less than one hundred unit doses or 336
equals or exceeds five grams but is less than ten grams, 337
possession of heroin is a felony of the third degree, and there 338
is a presumption for a prison term for the offense. 339

(d) If the amount of the drug involved equals or exceeds 340
one hundred unit doses but is less than five hundred unit doses 341

or equals or exceeds ten grams but is less than fifty grams, 342
possession of heroin is a felony of the second degree, and the 343
court shall impose as a mandatory prison term a second degree 344
felony mandatory prison term. 345

(e) If the amount of the drug involved equals or exceeds 346
five hundred unit doses but is less than one thousand unit doses 347
or equals or exceeds fifty grams but is less than one hundred 348
grams, possession of heroin is a felony of the first degree, and 349
the court shall impose as a mandatory prison term a first degree 350
felony mandatory prison term. 351

(f) If the amount of the drug involved equals or exceeds 352
one thousand unit doses or equals or exceeds one hundred grams, 353
possession of heroin is a felony of the first degree, the 354
offender is a major drug offender, and the court shall impose as 355
a mandatory prison term a maximum first degree felony mandatory 356
prison term. 357

(7) If the drug involved in the violation is hashish or a 358
compound, mixture, preparation, or substance containing hashish, 359
whoever violates division (A) of this section is guilty of 360
possession of hashish. The penalty for the offense shall be 361
determined as follows: 362

(a) Except as otherwise provided in division (C) (7) (b), 363
(c), (d), (e), (f), or (g) of this section, possession of 364
hashish is a minor misdemeanor. 365

(b) If the amount of the drug involved equals or exceeds 366
five grams but is less than ten grams of hashish in a solid form 367
or equals or exceeds one gram but is less than two grams of 368
hashish in a liquid concentrate, liquid extract, or liquid 369
distillate form, possession of hashish is a misdemeanor of the 370

fourth degree. 371

(c) If the amount of the drug involved equals or exceeds 372
ten grams but is less than fifty grams of hashish in a solid 373
form or equals or exceeds two grams but is less than ten grams 374
of hashish in a liquid concentrate, liquid extract, or liquid 375
distillate form, possession of hashish is a felony of the fifth 376
degree, and division (B) of section 2929.13 of the Revised Code 377
applies in determining whether to impose a prison term on the 378
offender. 379

(d) If the amount of the drug involved equals or exceeds 380
fifty grams but is less than two hundred fifty grams of hashish 381
in a solid form or equals or exceeds ten grams but is less than 382
fifty grams of hashish in a liquid concentrate, liquid extract, 383
or liquid distillate form, possession of hashish is a felony of 384
the third degree, and division (C) of section 2929.13 of the 385
Revised Code applies in determining whether to impose a prison 386
term on the offender. 387

(e) If the amount of the drug involved equals or exceeds 388
two hundred fifty grams but is less than one thousand grams of 389
hashish in a solid form or equals or exceeds fifty grams but is 390
less than two hundred grams of hashish in a liquid concentrate, 391
liquid extract, or liquid distillate form, possession of hashish 392
is a felony of the third degree, and there is a presumption that 393
a prison term shall be imposed for the offense. 394

(f) If the amount of the drug involved equals or exceeds 395
one thousand grams but is less than two thousand grams of 396
hashish in a solid form or equals or exceeds two hundred grams 397
but is less than four hundred grams of hashish in a liquid 398
concentrate, liquid extract, or liquid distillate form, 399
possession of hashish is a felony of the second degree, and the 400

court shall impose as a mandatory prison term a second degree 401
felony mandatory prison term of five, six, seven, or eight 402
years. 403

(g) If the amount of the drug involved equals or exceeds 404
two thousand grams of hashish in a solid form or equals or 405
exceeds four hundred grams of hashish in a liquid concentrate, 406
liquid extract, or liquid distillate form, possession of hashish 407
is a felony of the second degree, and the court shall impose as 408
a mandatory prison term a maximum second degree felony mandatory 409
prison term. 410

(8) If the drug involved is a controlled substance analog 411
or compound, mixture, preparation, or substance that contains a 412
controlled substance analog, whoever violates division (A) of 413
this section is guilty of possession of a controlled substance 414
analog. The penalty for the offense shall be determined as 415
follows: 416

(a) Except as otherwise provided in division (C) (8) (b), 417
(c), (d), (e), or (f) of this section, possession of a 418
controlled substance analog is a felony of the fifth degree, and 419
division (B) of section 2929.13 of the Revised Code applies in 420
determining whether to impose a prison term on the offender. 421

(b) If the amount of the drug involved equals or exceeds 422
ten grams but is less than twenty grams, possession of a 423
controlled substance analog is a felony of the fourth degree, 424
and there is a presumption for a prison term for the offense. 425

(c) If the amount of the drug involved equals or exceeds 426
twenty grams but is less than thirty grams, possession of a 427
controlled substance analog is a felony of the third degree, and 428
there is a presumption for a prison term for the offense. 429

(d) If the amount of the drug involved equals or exceeds 430
thirty grams but is less than forty grams, possession of a 431
controlled substance analog is a felony of the second degree, 432
and the court shall impose as a mandatory prison term a second 433
degree felony mandatory prison term. 434

(e) If the amount of the drug involved equals or exceeds 435
forty grams but is less than fifty grams, possession of a 436
controlled substance analog is a felony of the first degree, and 437
the court shall impose as a mandatory prison term a first degree 438
felony mandatory prison term. 439

(f) If the amount of the drug involved equals or exceeds 440
fifty grams, possession of a controlled substance analog is a 441
felony of the first degree, the offender is a major drug 442
offender, and the court shall impose as a mandatory prison term 443
a maximum first degree felony mandatory prison term. 444

(9) If the drug involved in the violation is a compound, 445
mixture, preparation, or substance that is a combination of a 446
fentanyl-related compound and marihuana, one of the following 447
applies: 448

(a) Except as otherwise provided in division (C)(9)(b) of 449
this section, the offender is guilty of possession of marihuana 450
and shall be punished as provided in division (C)(3) of this 451
section. Except as otherwise provided in division (C)(9)(b) of 452
this section, the offender is not guilty of possession of a 453
fentanyl-related compound under division (C)(11) of this section 454
and shall not be charged with, convicted of, or punished under 455
division (C)(11) of this section for possession of a fentanyl- 456
related compound. 457

(b) If the offender knows or has reason to know that the 458

compound, mixture, preparation, or substance that is the drug 459
involved contains a fentanyl-related compound, the offender is 460
guilty of possession of a fentanyl-related compound and shall be 461
punished under division (C) (11) of this section. 462

(10) If the drug involved in the violation is a compound, 463
mixture, preparation, or substance that is a combination of a 464
fentanyl-related compound and any schedule III, schedule IV, or 465
schedule V controlled substance that is not a fentanyl-related 466
compound, one of the following applies: 467

(a) Except as otherwise provided in division (C) (10) (b) of 468
this section, the offender is guilty of possession of drugs and 469
shall be punished as provided in division (C) (2) of this 470
section. Except as otherwise provided in division (C) (10) (b) of 471
this section, the offender is not guilty of possession of a 472
fentanyl-related compound under division (C) (11) of this section 473
and shall not be charged with, convicted of, or punished under 474
division (C) (11) of this section for possession of a fentanyl- 475
related compound. 476

(b) If the offender knows or has reason to know that the 477
compound, mixture, preparation, or substance that is the drug 478
involved contains a fentanyl-related compound, the offender is 479
guilty of possession of a fentanyl-related compound and shall be 480
punished under division (C) (11) of this section. 481

(11) If the drug involved in the violation is a fentanyl- 482
related compound and neither division (C) (9) (a) nor division (C) 483
(10) (a) of this section applies to the drug involved, or is a 484
compound, mixture, preparation, or substance that contains a 485
fentanyl-related compound or is a combination of a fentanyl- 486
related compound and any other controlled substance and neither 487
division (C) (9) (a) nor division (C) (10) (a) of this section 488

applies to the drug involved, whoever violates division (A) of 489
this section is guilty of possession of a fentanyl-related 490
compound. The penalty for the offense shall be determined as 491
follows: 492

(a) Except as otherwise provided in division (C) (11) (b), 493
(c), (d), (e), (f), or (g) of this section, possession of a 494
fentanyl-related compound is a felony of the fifth degree, and 495
division (B) of section 2929.13 of the Revised Code applies in 496
determining whether to impose a prison term on the offender. 497

(b) If the amount of the drug involved equals or exceeds 498
ten unit doses but is less than fifty unit doses or equals or 499
exceeds one gram but is less than five grams, possession of a 500
fentanyl-related compound is a felony of the fourth degree, and 501
division (C) of section 2929.13 of the Revised Code applies in 502
determining whether to impose a prison term on the offender. 503

(c) If the amount of the drug involved equals or exceeds 504
fifty unit doses but is less than one hundred unit doses or 505
equals or exceeds five grams but is less than ten grams, 506
possession of a fentanyl-related compound is a felony of the 507
third degree, and there is a presumption for a prison term for 508
the offense. 509

(d) If the amount of the drug involved equals or exceeds 510
one hundred unit doses but is less than two hundred unit doses 511
or equals or exceeds ten grams but is less than twenty grams, 512
possession of a fentanyl-related compound is a felony of the 513
second degree, and the court shall impose as a mandatory prison 514
term one of the prison terms prescribed for a felony of the 515
second degree. 516

(e) If the amount of the drug involved equals or exceeds 517

two hundred unit doses but is less than five hundred unit doses 518
or equals or exceeds twenty grams but is less than fifty grams, 519
possession of a fentanyl-related compound is a felony of the 520
first degree, and the court shall impose as a mandatory prison 521
term one of the prison terms prescribed for a felony of the 522
first degree. 523

(f) If the amount of the drug involved equals or exceeds 524
five hundred unit doses but is less than one thousand unit doses 525
or equals or exceeds fifty grams but is less than one hundred 526
grams, possession of a fentanyl-related compound is a felony of 527
the first degree, and the court shall impose as a mandatory 528
prison term the maximum prison term prescribed for a felony of 529
the first degree. 530

(g) If the amount of the drug involved equals or exceeds 531
one thousand unit doses or equals or exceeds one hundred grams, 532
possession of a fentanyl-related compound is a felony of the 533
first degree, the offender is a major drug offender, and the 534
court shall impose as a mandatory prison term the maximum prison 535
term prescribed for a felony of the first degree. 536

(D) Arrest or conviction for a minor misdemeanor violation 537
of this section does not constitute a criminal record and need 538
not be reported by the person so arrested or convicted in 539
response to any inquiries about the person's criminal record, 540
including any inquiries contained in any application for 541
employment, license, or other right or privilege, or made in 542
connection with the person's appearance as a witness. 543

(E) In addition to any prison term or jail term authorized 544
or required by division (C) of this section and sections 545
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 546
Code and in addition to any other sanction that is imposed for 547

the offense under this section, sections 2929.11 to 2929.18, or 548
sections 2929.21 to 2929.28 of the Revised Code, if applicable, 549
the court also shall do the following: 550

(1) (a) If the violation is a felony of the first, second, 551
or third degree, the court shall impose upon the offender the 552
mandatory fine specified for the offense under division (B) (1) 553
of section 2929.18 of the Revised Code unless, as specified in 554
that division, the court determines that the offender is 555
indigent. 556

(b) Notwithstanding any contrary provision of section 557
3719.21 of the Revised Code, the clerk of the court shall pay a 558
mandatory fine or other fine imposed for a violation of this 559
section pursuant to division (A) of section 2929.18 of the 560
Revised Code in accordance with and subject to the requirements 561
of division (F) of section 2925.03 of the Revised Code. The 562
agency that receives the fine shall use the fine as specified in 563
division (F) of section 2925.03 of the Revised Code. 564

(c) If a person is charged with a violation of this 565
section that is a felony of the first, second, or third degree, 566
posts bail, and forfeits the bail, the clerk shall pay the 567
forfeited bail pursuant to division (E) (1) (b) of this section as 568
if it were a mandatory fine imposed under division (E) (1) (a) of 569
this section. 570

(2) If the offender is a professionally licensed person, 571
in addition to any other sanction imposed for a violation of 572
this section, the court immediately shall comply with section 573
2925.38 of the Revised Code. 574

(3) If the offender has a driver's or commercial driver's 575
license or permit, section 2929.33 of the Revised Code applies. 576

(F) It is an affirmative defense, as provided in section 577
2901.05 of the Revised Code, to a charge of a fourth degree 578
felony violation under this section that the controlled 579
substance that gave rise to the charge is in an amount, is in a 580
form, is prepared, compounded, or mixed with substances that are 581
not controlled substances in a manner, or is possessed under any 582
other circumstances, that indicate that the substance was 583
possessed solely for personal use. Notwithstanding any contrary 584
provision of this section, if, in accordance with section 585
2901.05 of the Revised Code, an accused who is charged with a 586
fourth degree felony violation of division (C) (2), (4), (5), or 587
(6) of this section sustains the burden of going forward with 588
evidence of and establishes by a preponderance of the evidence 589
the affirmative defense described in this division, the accused 590
may be prosecuted for and may plead guilty to or be convicted of 591
a misdemeanor violation of division (C) (2) of this section or a 592
fifth degree felony violation of division (C) (4), (5), or (6) of 593
this section respectively. 594

(G) When a person is charged with possessing a bulk amount 595
or multiple of a bulk amount, division (E) of section 2925.03 of 596
the Revised Code applies regarding the determination of the 597
amount of the controlled substance involved at the time of the 598
offense. 599

(H) It is an affirmative defense to a charge of possession 600
of a controlled substance analog under division (C) (8) of this 601
section that the person charged with violating that offense 602
obtained, possessed, or used one of the following items that are 603
excluded from the meaning of "controlled substance analog" under 604
section 3719.01 of the Revised Code: 605

(1) A controlled substance; 606

(2) Any substance for which there is an approved new drug application; 607
608

(3) With respect to a particular person, any substance if 609
an exemption is in effect for investigational use for that 610
person pursuant to federal law to the extent that conduct with 611
respect to that substance is pursuant to that exemption. 612

(I) Any offender who received a mandatory suspension of 613
the offender's driver's or commercial driver's license or permit 614
under this section prior to September 13, 2016, may file a 615
motion with the sentencing court requesting the termination of 616
the suspension. However, an offender who pleaded guilty to or 617
was convicted of a violation of section 4511.19 of the Revised 618
Code or a substantially similar municipal ordinance or law of 619
another state or the United States that arose out of the same 620
set of circumstances as the violation for which the offender's 621
license or permit was suspended under this section shall not 622
file such a motion. 623

Upon the filing of a motion under division (I) of this 624
section, the sentencing court, in its discretion, may terminate 625
the suspension. 626

Sec. 2929.15. (A) (1) If in sentencing an offender for a 627
felony the court is not required to impose a prison term, a 628
mandatory prison term, or a term of life imprisonment upon the 629
offender, the court may directly impose a sentence that consists 630
of one or more community control sanctions authorized pursuant 631
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 632
the court is sentencing an offender for a fourth degree felony 633
OVI offense under division (G) (1) of section 2929.13 of the 634
Revised Code, in addition to the mandatory term of local 635
incarceration imposed under that division and the mandatory fine 636

required by division (B) (3) of section 2929.18 of the Revised 637
Code, the court may impose upon the offender a community control 638
sanction or combination of community control sanctions in 639
accordance with sections 2929.16 and 2929.17 of the Revised 640
Code. If the court is sentencing an offender for a third or 641
fourth degree felony OVI offense under division (G) (2) of 642
section 2929.13 of the Revised Code, in addition to the 643
mandatory prison term or mandatory prison term and additional 644
prison term imposed under that division, the court also may 645
impose upon the offender a community control sanction or 646
combination of community control sanctions under section 2929.16 647
or 2929.17 of the Revised Code, but the offender shall serve all 648
of the prison terms so imposed prior to serving the community 649
control sanction. 650

The Except as provided in divisions (B) (1) (c), (d), (e), 651
and (2) of this section, the duration of all community control 652
sanctions imposed on an offender under this division shall not 653
exceed five years for any felony of the first or second degree 654
and three years for any felony of the third, fourth, or fifth 655
degree. If the offender absconds or otherwise leaves the 656
jurisdiction of the court in which the offender resides without 657
obtaining permission from the court or the offender's probation 658
officer to leave the jurisdiction of the court, or if the 659
offender is confined in any institution for the commission of 660
any offense while under a community control sanction, the period 661
of the community control sanction ceases to run until the 662
offender is brought before the court for its further action. If 663
the court sentences the offender to one or more nonresidential 664
sanctions under section 2929.17 of the Revised Code, the court 665
shall impose as a condition of the nonresidential sanctions 666
that, during the period of the sanctions, the offender must 667

abide by the law and must not leave the state without the 668
permission of the court or the offender's probation officer. The 669
court may impose any other conditions of release under a 670
community control sanction that the court considers appropriate, 671
including, but not limited to, requiring that the offender not 672
ingest or be injected with a drug of abuse and submit to random 673
drug testing as provided in division ~~(D)~~(E) of this section to 674
determine whether the offender ingested or was injected with a 675
drug of abuse and requiring that the results of the drug test 676
indicate that the offender did not ingest or was not injected 677
with a drug of abuse. 678

(2) (a) If a court sentences an offender to any community 679
control sanction or combination of community control sanctions 680
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 681
the Revised Code, the court shall place the offender under the 682
general control and supervision of a department of probation in 683
the county that serves the court for purposes of reporting to 684
the court a violation of any condition of the sanctions, any 685
condition of release under a community control sanction imposed 686
by the court, a violation of law, or the departure of the 687
offender from this state without the permission of the court or 688
the offender's probation officer. Alternatively, if the offender 689
resides in another county and a county department of probation 690
has been established in that county or that county is served by 691
a multicounty probation department established under section 692
2301.27 of the Revised Code, the court may request the court of 693
common pleas of that county to receive the offender into the 694
general control and supervision of that county or multicounty 695
department of probation for purposes of reporting to the court a 696
violation of any condition of the sanctions, any condition of 697
release under a community control sanction imposed by the court, 698

a violation of law, or the departure of the offender from this 699
state without the permission of the court or the offender's 700
probation officer, subject to the jurisdiction of the trial 701
judge over and with respect to the person of the offender, and 702
to the rules governing that department of probation. 703

If there is no department of probation in the county that 704
serves the court, the court shall place the offender, regardless 705
of the offender's county of residence, under the general control 706
and supervision of the adult parole authority, unless the court 707
has entered into an agreement with the authority as described in 708
division (B) or (C) of section 2301.32 of the Revised Code, or 709
under an entity authorized under division (B) of section 2301.27 710
of the Revised Code to provide probation and supervisory 711
services to counties for purposes of reporting to the court a 712
violation of any of the sanctions, any condition of release 713
under a community control sanction imposed by the court, a 714
violation of law, or the departure of the offender from this 715
state without the permission of the court or the offender's 716
probation officer. 717

(b) If the court imposing sentence on an offender 718
sentences the offender to any community control sanction or 719
combination of community control sanctions authorized pursuant 720
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 721
if the offender violates any condition of the sanctions, 722
violates any condition of release under a community control 723
sanction imposed by the court, violates any law, or departs the 724
state without the permission of the court or the offender's 725
probation officer, the public or private person or entity that 726
operates or administers the sanction or the program or activity 727
that comprises the sanction shall report the violation or 728
departure directly to the sentencing court, or shall report the 729

violation or departure to the county or multicounty department 730
of probation with general control and supervision over the 731
offender under division (A) (2) (a) of this section or the officer 732
of that department who supervises the offender, or, if there is 733
no such department with general control and supervision over the 734
offender under that division, to the adult parole authority 735
unless the court has entered into an agreement with the 736
authority as described in division (B) or (C) of section 2301.32 737
of the Revised Code, or to an entity authorized under division 738
(B) of section 2301.27 of the Revised Code to provide probation 739
and supervisory services to the county. If the public or private 740
person or entity that operates or administers the sanction or 741
the program or activity that comprises the sanction reports the 742
violation or departure to the county or multicounty department 743
of probation, the adult parole authority, or any other entity 744
providing probation and supervisory services to the county, the 745
department's, authority's, or other entity's officers may treat 746
the offender as if the offender were on probation and in 747
violation of the probation, and shall report the violation of 748
the condition of the sanction, any condition of release under a 749
community control sanction imposed by the court, the violation 750
of law, or the departure from the state without the required 751
permission to the sentencing court. 752

(3) If an offender who is eligible for community control 753
sanctions under this section admits to having a drug addiction 754
or the court has reason to believe that the offender has a drug 755
addiction, and if the offense for which the offender is being 756
sentenced was related to the addiction, the court may require 757
that the offender be assessed by a properly credentialed 758
professional within a specified period of time and shall require 759
the professional to file a written assessment of the offender 760

with the court. If a court imposes treatment and recovery support services as a community control sanction, the court shall direct the level and type of treatment and recovery support services after consideration of the written assessment, if available at the time of sentencing, and recommendations of the professional and other treatment and recovery support services providers.

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

(B) (1) Except as provided in division ~~(B) (2)~~ (B) (3) of this section, if the conditions of a community control sanction imposed for a felony are violated or if the offender violates a law or leaves the state without the permission of the court or the offender's probation officer, the sentencing court may impose on the violator one or more of the following penalties:

(a) A longer time under the same sanction if the total time under the sanctions does not exceed ~~the five-year limit specified in division (A) of this section~~ the applicable limit in division (A) of this section, except as provided in divisions (B) (1) (c), (d), (e), and (2) of this section;

(b) A Subject to division (B) (1) (g) of this section, a more restrictive sanction under section 2929.16, 2929.17, or

2929.18 of the Revised Code, including but not limited to, a new 791
term in a community-based correctional facility, halfway house, 792
or jail pursuant to division (A)(6) of section 2929.16 of the 793
Revised Code; 794

(c) A-If the offender is serving the community control 795
sanction for any felony of the third, fourth, or fifth degree, 796
and subject to division (B)(2) of this section, a term of not 797
more than one year under the same sanction if the total time 798
under the sanction does not exceed five years, and if the court 799
finds all of the following: 800

(i) The offender, while serving the projected last twelve 801
months of the offender's community control sanction, violates 802
the conditions of the sanction, other than a technical 803
violation; 804

(ii) The imposition of the term is necessary so that the 805
offender may participate in a specialized docket program, 806
programming in a community-based correctional facility or 807
halfway house, or other specified program, the duration of which 808
is longer than the remaining time on community control; 809

(iii) The imposition of the term will reduce the risk of 810
the offender reoffending. 811

(d) If the offender is serving the community control 812
sanction for any felony of the third, fourth, or fifth degree, 813
and subject to division (B)(2) of this section, a term of not 814
more than one year under the same sanction if the total time 815
under the sanction does not exceed five years and the court 816
conducts a hearing and finds either of the following: 817

(i) In the six months prior to the hearing, the offender 818
has consistently demonstrated a willful refusal to comply with 819

required mental or behavioral health treatment imposed as a 820
condition of the community control sanction, and the court 821
cannot appropriately respond in the remaining period of the 822
community control sanction; 823

(ii) The offender is required to complete programming as a 824
condition of the community control sanction, and has not 825
completed the programming at the conclusion of the initial 826
supervision term. 827

(e) If the offender is serving the community control 828
sanction for any felony of the third, fourth, or fifth degree, 829
and is required to pay restitution pursuant to section 2929.18 830
or 2929.281 of the Revised Code, subject to division (B) (2) of 831
this section, a longer time under the same sanction if the total 832
time under the sanction does not exceed the time required for 833
the offender to complete the restitution payments or five years, 834
whichever is less, if the court conducts a hearing and finds all 835
of the following: 836

(i) The offender has consistently demonstrated a willful 837
refusal to pay restitution imposed as a condition of the 838
community control sanction; 839

(ii) The offender has the ability to pay restitution 840
without suffering an undue financial burden; 841

(iii) The civil remedies and procedures described in 842
division (D) of section 2929.18 of the Revised Code are 843
insufficient to allow the victim of the offender's criminal 844
offense or the victim's estate to recover restitution after the 845
period of the community control sanction has terminated. 846

(f) Subject to division (B) (1) (g) of this section, a 847
prison term ~~on the offender~~ pursuant to section 2929.14 of the 848

Revised Code and division ~~(B) (3)~~ (B) (4) of this section, provided 849
that a prison term imposed under this division is subject to the 850
following limitations and rules, as applicable: 851

(i) If the prison term is imposed under authority of 852
division (B) (1) (g) (ii) (IV) of this section for any fourth or 853
subsequent technical violation of the conditions of a community 854
control sanction imposed for a felony of the fifth degree, the 855
prison term shall not exceed ninety days, provided that if the 856
remaining period of community control at the time of the 857
violation or the remaining period of the reserved prison 858
sentence at that time is less than ninety days, the prison term 859
shall not exceed the length of the remaining period of community 860
control or the remaining period of the reserved prison sentence. 861
If the court imposes a prison term as described in this 862
division, division ~~(B) (2) (b)~~ (B) (3) (b) of this section applies. 863

(ii) If the prison term is imposed under authority of 864
division (B) (1) (g) (ii) (IV) of this section for ~~any~~ a fourth or 865
subsequent technical violation of the conditions of a community 866
control sanction imposed for a felony of the fourth degree that 867
is not an offense of violence and is not a sexually oriented 868
offense, the prison term shall not exceed one hundred eighty 869
days, provided that if the remaining period of the community 870
control at the time of the violation or the remaining period of 871
the reserved prison sentence at that time is less than one 872
hundred eighty days, the prison term shall not exceed the length 873
of the remaining period of community control or the remaining 874
period of the reserved prison sentence. If the court imposes a 875
prison term as described in this division, division ~~(B) (2) (b)~~ (B) 876
(3) (b) of this section applies. 877

(iii) A court is not limited in the number of times it may 878

sentence an offender to a prison term under division ~~(B)(1)(e)~~— 879
(B)(1)(f) of this section for a violation of the conditions of a 880
community control sanction or for a violation of a law or 881
leaving the state without the permission of the court or the 882
offender's probation officer. If an offender who is under a 883
community control sanction violates the conditions of the 884
sanction or violates a law or leaves the state without the 885
permission of the court or the offender's probation officer, is 886
sentenced to a prison term for the violation or conduct, is 887
released from the term after serving it, and subsequently 888
violates the conditions of the sanction or violates a law or 889
leaves the state without the permission of the court or the 890
offender's probation officer, the court may impose a new prison 891
term sanction on the offender under division ~~(B)(1)(e)~~(B)(1)(f) 892
of this section for the subsequent violation or conduct. 893

(g) If the conditions of the community control sanction 894
imposed for a felony are violated by a technical violation, one 895
or more of the following penalties: 896

(i) A more restrictive sanction under section 2929.17 of 897
the Revised Code; 898

(ii) A temporary incarceration sanction consisting of 899
whichever of the following is applicable: 900

(I) For a first technical violation during the period of 901
community control that includes the violated sanction, a 902
sanction of jail incarceration of not more than fifteen days or 903
a sanction of a term in a community-based correctional facility, 904
halfway house, or alternative residential facility of not more 905
than one hundred eighty days; 906

(II) For a second technical violation during the period of 907

community control that includes the violated sanction, a 908
sanction of jail incarceration of not more than thirty days or a 909
sanction of a term in a community-based correctional facility, 910
halfway house, or alternative residential facility of not more 911
than one hundred eighty days; 912

(III) For a third technical violation during the period of 913
community control that includes the violated sanction, a 914
sanction of jail incarceration of not more than forty-five days 915
or a sanction of a term in a community-based correctional 916
facility, halfway house, or alternative residential facility of 917
not more than one hundred eighty days; 918

(IV) For a fourth or subsequent technical violation during 919
the period of community control that includes the violated 920
sanction, any applicable sanction described in division (B) (1) 921
of this section. 922

(2) (a) A court is not limited in the number of times it 923
may sentence an offender to a term described in division (B) (1) 924
(c), (d), or (e) of this section, if the total time under the 925
sanction does not exceed five years and if the court makes the 926
required findings. 927

(b) If the court imposes a term described in division (B) 928
(1) (d) of this section, the offender shall not be subject to any 929
conditions of supervision under the community control sanction 930
except for complying with mental or behavioral health treatment 931
or completing required programming during the extended term. If 932
the court imposes a term described in division (B) (1) (e) of this 933
section, the offender shall not be subject to any conditions of 934
supervision under the community control sanction except for 935
payment of restitution during the extended term. 936

(c) If the court imposes a sanction of jail incarceration 937
described in division (B) (1) (g) of this section, the sanction 938
may be served in intermittent confinement, overnight, on 939
weekends, or at any other time that will allow the offender to 940
continue at the offender's occupation or care for the offender's 941
family. 942

(d) If the court imposes a sanction of jail incarceration 943
described in division (B) (1) (g) of this section, the court may 944
suspend the sanction if the offender knowingly and voluntarily 945
agrees to comply with inpatient or outpatient mental or 946
behavioral treatment, including substance abuse treatment, for a 947
period of thirty to one hundred eighty days as determined by the 948
court. If the offender successfully completes the inpatient or 949
outpatient mental or behavioral health treatment, the sanction 950
shall be terminated. If the offender does not successfully 951
complete the mental or behavioral health treatment, the sanction 952
shall be reimposed. 953

~~(2)(a)~~ (3) (a) If an offender was acting pursuant to 954
division (B) (2) (b) of section 2925.11 or a related provision of 955
section 2925.12, 2925.14, or 2925.141 of the Revised Code and in 956
so doing violated the conditions of a community control sanction 957
based on a minor drug possession offense, as defined in section 958
2925.11 of the Revised Code, or violated section 2925.12, 959
division (C) (1) of section 2925.14, or section 2925.141 of the 960
Revised Code, the sentencing court shall not impose any of the 961
penalties described in division (B) (1) of this section based on 962
the violation. 963

(b) If a court imposes a prison term on an offender under 964
division ~~(B) (1) (e) (i) or (ii)~~ (B) (1) (f) (i) or (ii) of this 965
section for a technical violation of the conditions of a 966

community control sanction, one of the following is applicable 967
with respect to the time that the offender spends in prison 968
under the term: 969

(i) Subject to division ~~(B)(2)(b)(ii)~~(B)(3)(b)(ii) of this 970
section, it shall be credited against the offender's community 971
control sanction that was being served at the time of the 972
violation, and the remaining time under that community control 973
sanction shall be reduced by the time that the offender spends 974
in prison under the prison term. By determination of the court, 975
the offender upon release from the prison term either shall 976
continue serving the remaining time under the community control 977
sanction, as reduced under this division, or shall have the 978
community control sanction terminated. 979

(ii) If, at the time a prison term is imposed for a 980
technical violation, the offender was serving a residential 981
community control sanction imposed under section 2929.16 of the 982
Revised Code, the time spent serving the residential community 983
control sanction shall be credited against the offender's 984
reserved prison sentence, and the remaining time under that 985
residential community control sanction and under the reserved 986
prison sentence shall be reduced by the time that the offender 987
spends in prison under the prison term. By determination of the 988
court, the offender upon release from the prison term either 989
shall continue serving the remaining time under the residential 990
community control sanction, as reduced under this division, or 991
shall have the residential community control sanction 992
terminated. 993

~~(3)~~(4) The prison term, if any, imposed on a violator 994
pursuant to this division and division (B)(1) of this section 995
shall be within the range of prison terms described in this 996

division and shall not exceed a prison term from the range of 997
terms specified in the notice provided to the offender at the 998
sentencing hearing pursuant to division (B) (4) of section 999
2929.19 of the Revised Code. The court may reduce the longer 1000
period of time that the offender is required to spend under the 1001
longer sanction, ~~the~~ more restrictive sanction, temporary 1002
incarceration, or a prison term imposed pursuant to division (B) 1003
(1) of this section by the time the offender successfully spent 1004
under the sanction that was initially imposed. Except as 1005
otherwise specified in this division, the prison term imposed 1006
under this division and division (B) (1) of this section shall be 1007
within the range of prison terms available as a definite term 1008
for the offense for which the sanction that was violated was 1009
imposed. If the offense for which the sanction that was violated 1010
was imposed is a felony of the first or second degree committed 1011
on or after March 22, 2019, the prison term so imposed under 1012
this division shall be within the range of prison terms 1013
available as a minimum term for the offense under division (A) 1014
(1) (a) or (2) (a) of section 2929.14 of the Revised Code. 1015

(C) If an offender, for a significant period of time, 1016
fulfills the conditions of a sanction imposed pursuant to 1017
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 1018
exemplary manner, the court may reduce the period of time under 1019
the sanction or impose a less restrictive sanction, but the 1020
court shall not permit the offender to violate any law or permit 1021
the offender to leave the state without the permission of the 1022
court or the offender's probation officer. 1023

(D) (1) Within sixty days after an offender completes two 1024
years of the conditions of a community control sanction imposed 1025
for a felony, the court shall determine whether the following 1026
apply: 1027

(a) The offender is serving the community control sanction 1028
for any felony of the third, fourth, or fifth degree. 1029

(b) The offender has not violated the conditions of the 1030
community control sanction in the six months prior to the 1031
court's determination. 1032

(c) The offender has completed all programs required as a 1033
condition of the community control sanction. 1034

(2) (a) If the court determines that all of the conditions 1035
listed in division (D) (1) of this section apply, the court shall 1036
terminate the community control sanction unless the court 1037
determines, by clear and convincing evidence, that termination 1038
will present a risk of serious physical harm to persons. If the 1039
court terminates the community control sanction, the court is 1040
not required to conduct a hearing. 1041

(b) If the court does not terminate the community control 1042
sanction under division (D) (2) (a) of this section, the court 1043
shall schedule a hearing and shall notify the offender and 1044
prosecutor for the case of the hearing. The prosecutor shall 1045
provide timely notice of the hearing to the victim and victim's 1046
representative, if applicable. The court shall hold the hearing 1047
not less than thirty days after the date the court makes the 1048
determinations described in division (D) (1) of this section and 1049
at the hearing shall determine whether the factors in division 1050
(D) (1) of this section are met and whether clear and convincing 1051
evidence exists that termination of the sanction presents a 1052
serious risk of physical harm to persons. If the court, pursuant 1053
to the hearing, determines that the factors in division (D) (1) 1054
of this section are met, the court shall terminate the sanction 1055
unless the court determines, by clear and convincing evidence, 1056
that termination of the sanction would present a serious risk of 1057

physical harm to persons. 1058

(E) (1) If a court under division (A) (1) of this section 1059
imposes a condition of release under a community control 1060
sanction that requires the offender to submit to random drug 1061
testing, the department of probation, the adult parole 1062
authority, or any other entity that has general control and 1063
supervision of the offender under division (A) (2) (a) of this 1064
section may cause the offender to submit to random drug testing 1065
performed by a laboratory or entity that has entered into a 1066
contract with any of the governmental entities or officers 1067
authorized to enter into a contract with that laboratory or 1068
entity under section 341.26, 753.33, or 5120.63 of the Revised 1069
Code. 1070

(2) If no laboratory or entity described in division ~~(D)~~ 1071
~~(1)~~ (E) (1) of this section has entered into a contract as 1072
specified in that division, the department of probation, the 1073
adult parole authority, or any other entity that has general 1074
control and supervision of the offender under division (A) (2) (a) 1075
of this section shall cause the offender to submit to random 1076
drug testing performed by a reputable public laboratory to 1077
determine whether the individual who is the subject of the drug 1078
test ingested or was injected with a drug of abuse. 1079

(3) A laboratory or entity that has entered into a 1080
contract pursuant to section 341.26, 753.33, or 5120.63 of the 1081
Revised Code shall perform the random drug tests under division 1082
~~(D)~~ ~~(1)~~ (E) (1) of this section in accordance with the applicable 1083
standards that are included in the terms of that contract. A 1084
public laboratory shall perform the random drug tests under 1085
division ~~(D)~~ ~~(2)~~ (E) (2) of this section in accordance with the 1086
standards set forth in the policies and procedures established 1087

by the department of rehabilitation and correction pursuant to 1088
section 5120.63 of the Revised Code. An offender who is required 1089
under division (A) (1) of this section to submit to random drug 1090
testing as a condition of release under a community control 1091
sanction and whose test results indicate that the offender 1092
ingested or was injected with a drug of abuse shall pay the fee 1093
for the drug test if the department of probation, the adult 1094
parole authority, or any other entity that has general control 1095
and supervision of the offender requires payment of a fee. A 1096
laboratory or entity that performs the random drug testing on an 1097
offender under division ~~(D) (1)~~ (E) (1) or (2) of this section 1098
shall transmit the results of the drug test to the appropriate 1099
department of probation, the adult parole authority, or any 1100
other entity that has general control and supervision of the 1101
offender under division (A) (2) (a) of this section. 1102

~~(E)~~ (F) As used in this section, "technical violation" 1103
means ~~a~~ either of the following: 1104

(1) A violation of the conditions of a community control 1105
sanction imposed for a felony ~~of the fifth degree, or for a~~ 1106
~~felony of the fourth degree that is not an offense of violence~~ 1107
~~and is not a sexually oriented offense,~~ and to which neither of 1108
the following applies: 1109

~~(1)~~ (a) The violation consists of a new criminal offense 1110
that is a felony or that is a misdemeanor other than a minor 1111
misdemeanor, and the violation is committed while under the 1112
community control sanction. 1113

~~(2)~~ (b) The violation consists of or includes the 1114
offender's articulated or demonstrated refusal to participate in 1115
the community control sanction imposed on the offender or any of 1116
its conditions, and the refusal demonstrates to the court that 1117

the offender has abandoned the objects of the community control 1118
sanction or condition. 1119

(2) Any of the following violations of the conditions of a 1120
community control sanction imposed for a felony: 1121

(a) A positive drug or alcohol test result; 1122

(b) Failure to report to the probation officer; 1123

(c) Failure to report a change in address or other 1124
required information; 1125

(d) Failure to attend a required class, treatment or 1126
counseling session, or meeting; 1127

(e) Failure to submit to a drug or alcohol test; 1128

(f) A violation of curfew; 1129

(g) Leaving the county without permission; 1130

(h) Failure to report a change in employment; 1131

(i) Associating with a person engaged in criminal 1132
activity. 1133

Sec. 2929.20. (A) As used in this section: 1134

(1) (a) Except as provided in division (A) (1) (b) of this 1135
section, "eligible offender" means any person who, on or after 1136
April 7, 2009, is serving a stated prison term that includes one 1137
or more nonmandatory prison terms. A person may be an eligible 1138
offender and also may be an eighty per cent-qualifying offender 1139
or, during a declared state of emergency, a state of emergency- 1140
qualifying offender. 1141

(b) "Eligible offender" does not include any person who, 1142
on or after April 7, 2009, is serving a stated prison term for 1143

any of the following criminal offenses that was a felony and was committed while the person held a public office in this state:

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

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

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

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

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

(vi) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A) (1) (b) (ii) or described in division (A) (1) (b) (iv) of this section, if the conduct constituting the offense that was the subject of the conspiracy, that would have constituted the offense

attempted, or constituting the offense in which the offender was 1173
complicit was or would have been related to the duties of the 1174
offender's public office or to the offender's actions as a 1175
public official holding that public office. 1176

(2) "State of emergency-qualifying offender" means any 1177
inmate to whom all of the following apply: 1178

(a) The inmate is serving a stated prison term during a 1179
state of emergency that is declared by the governor as a direct 1180
response to a pandemic or public health emergency. 1181

(b) The geographical area covered by the declared state of 1182
emergency includes the location at which the inmate is serving 1183
the stated prison term described in division (A) (2) (a) of this 1184
section. 1185

(c) There is a direct nexus between the emergency that is 1186
the basis of the governor's declaration of the state of 1187
emergency and the circumstances of, and need for release of, the 1188
inmate. 1189

(3) (a) "Eighty per cent-qualifying offender" means an 1190
offender who is serving a stated prison term of one year or 1191
more, on or after April 4, 2023, who has commenced service of 1192
that stated prison term, who is not serving a stated prison term 1193
that includes a disqualifying prison term or a stated prison 1194
term that consists solely of one or more restricting prison 1195
terms, and to whom either of the following applies: 1196

(i) If the offender is serving a stated prison term of one 1197
year or more that includes one or more restricting prison terms 1198
and one or more eligible prison terms, the offender has fully 1199
served all restricting prison terms and has served eighty per 1200
cent of that stated prison term that remains to be served after 1201

all restricting prison terms have been fully served. 1202

(ii) If the offender is serving a stated prison term of 1203
one year or more that consists solely of one or more eligible 1204
prison terms, the offender has served eighty per cent of that 1205
stated prison term. 1206

(b) For purposes of determining whether an offender is an 1207
eighty per cent-qualifying offender under division (A) (3) (a) of 1208
this section: 1209

(i) If the offender's stated prison term includes 1210
consecutive prison terms, any restricting prison terms shall be 1211
deemed served prior to any eligible prison terms that run 1212
consecutively to the restricting prison terms, and the eligible 1213
prison terms are deemed to commence after all of the restricting 1214
prison terms have been fully served. 1215

(ii) An offender serving a stated prison term of one year 1216
or more that includes a mandatory prison term that is not a 1217
disqualifying prison term and is not a restricting prison term 1218
is not automatically disqualified from being an eighty per cent- 1219
qualifying offender as a result of the offender's service of 1220
that mandatory term for release from prison under this section, 1221
and the offender may be eligible for release from prison in 1222
accordance with this division and division (O) of this section. 1223

(4) "Nonmandatory prison term" means a prison term that is 1224
not a mandatory prison term. 1225

(5) "Public office" means any elected federal, state, or 1226
local government office in this state. 1227

(6) "Victim's representative" has the same meaning as in 1228
section 2930.01 of the Revised Code. 1229

- (7) "Imminent danger of death," "medically incapacitated," 1230
and "terminal illness" have the same meanings as in section 1231
2967.05 of the Revised Code. 1232
- (8) "Aggregated nonmandatory prison term or terms" means 1233
the aggregate of the following: 1234
- (a) All nonmandatory definite prison terms; 1235
- (b) With respect to any non-life felony indefinite prison 1236
term, all nonmandatory minimum prison terms imposed as part of 1237
the non-life felony indefinite prison term or terms. 1238
- (9) "Deadly weapon" and "dangerous ordnance" have the same 1239
meanings as in section 2923.11 of the Revised Code. 1240
- (10) "Disqualifying prison term" means any of the 1241
following: 1242
- (a) A prison term imposed for aggravated murder, murder, 1243
voluntary manslaughter, involuntary manslaughter, felonious 1244
assault, kidnapping, rape, aggravated arson, aggravated 1245
burglary, or aggravated robbery; 1246
- (b) A prison term imposed for complicity in, an attempt to 1247
commit, or conspiracy to commit any offense listed in division 1248
(A) (10) (a) of this section; 1249
- (c) A prison term of life imprisonment, including any term 1250
of life imprisonment that has parole eligibility; 1251
- (d) A prison term imposed for any felony other than 1252
carrying a concealed weapon an essential element of which is any 1253
conduct or failure to act expressly involving any deadly weapon 1254
or dangerous ordnance; 1255
- (e) A prison term imposed for any violation of section 1256

2925.03 of the Revised Code that is a felony of the first or second degree;	1257 1258
(f) A prison term imposed for engaging in a pattern of corrupt activity in violation of section 2923.32 of the Revised Code;	1259 1260 1261
(g) A prison term imposed pursuant to section 2971.03 of the Revised Code;	1262 1263
(h) A prison term imposed for any sexually oriented offense.	1264 1265
(11) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term.	1266 1267 1268
(12) "Restricting prison term" means any of the following:	1269
(a) A mandatory prison term imposed under division (B) (1) (a), (B) (1) (c), (B) (1) (f), (B) (1) (g), (B) (2), or (B) (7) of section 2929.14 of the Revised Code for a specification of the type described in that division;	1270 1271 1272 1273
(b) In the case of an offender who has been sentenced to a mandatory prison term for a specification of the type described in division (A) (12) (a) of this section, the prison term imposed for the felony offense for which the specification was stated at the end of the body of the indictment, count in the indictment, or information charging the offense;	1274 1275 1276 1277 1278 1279
(c) A prison term imposed for trafficking in persons;	1280
(d) A prison term imposed for any offense that is described in division (A) (12) (d) (i) of this section if division (A) (12) (d) (ii) of this section applies to the offender:	1281 1282 1283

(i) The offense is a felony of the first or second degree 1284
that is an offense of violence and that is not described in 1285
division (A) (10) (a) or (b) of this section, an attempt to commit 1286
a felony of the first or second degree that is an offense of 1287
violence and that is not described in division (A) (10) (a) or (b) 1288
of this section if the attempt is a felony of the first or 1289
second degree, or an offense under an existing or former law of 1290
this state, another state, or the United States that is or was 1291
substantially equivalent to any other offense described in this 1292
division. 1293

(ii) The offender previously was convicted of or pleaded 1294
guilty to any offense listed in division (A) (10) or (A) (12) (d) 1295
(i) of this section. 1296

(13) "Sexually oriented offense" has the same meaning as 1297
in section 2950.01 of the Revised Code. 1298

(14) "Stated prison term of one year or more" means a 1299
definite prison term of one year or more imposed as a stated 1300
prison term, or a minimum prison term of one year or more 1301
imposed as part of a stated prison term that is a non-life 1302
felony indefinite prison term. 1303

(B) On the motion of an eligible offender, on the motion 1304
of a state of emergency-qualifying offender made during the 1305
declared state of emergency, or on its own motion with respect 1306
to an eligible offender or with respect to a state of emergency- 1307
qualifying offender during the declared state of emergency, the 1308
sentencing court may reduce the offender's aggregated 1309
nonmandatory prison term or terms through a judicial release 1310
under this section. 1311

(C) (1) Subject to division (C) (2) of this section, an 1312

eligible offender may file a motion for judicial release with 1313
the sentencing court, or a state of emergency-qualifying 1314
offender may file a motion for judicial release with the 1315
sentencing court during the declared state of emergency, within 1316
the following applicable periods: 1317

(a) If the aggregated nonmandatory prison term or terms is 1318
less than two years, the eligible offender or state of 1319
emergency-qualifying offender may file the motion at any time 1320
after the offender is delivered to a state correctional 1321
institution or, if the prison term includes a mandatory prison 1322
term or terms, at any time after the expiration of all mandatory 1323
prison terms. 1324

(b) If the aggregated nonmandatory prison term or terms is 1325
at least two years but less than five years, the eligible 1326
offender or state of emergency-qualifying offender may file the 1327
motion not earlier than one hundred eighty days after the 1328
offender is delivered to a state correctional institution or, if 1329
the prison term includes a mandatory prison term or terms, not 1330
earlier than one hundred eighty days after the expiration of all 1331
mandatory prison terms. 1332

(c) If the aggregated nonmandatory prison term or terms is 1333
five years, the eligible offender or state of emergency- 1334
qualifying offender may file the motion not earlier than the 1335
date on which the offender has served four years of the 1336
offender's stated prison term or, if the prison term includes a 1337
mandatory prison term or terms, not earlier than four years 1338
after the expiration of all mandatory prison terms. 1339

(d) If the aggregated nonmandatory prison term or terms is 1340
more than five years but not more than ten years, the eligible 1341
offender or state of emergency-qualifying offender may file the 1342

motion not earlier than the date on which the offender has 1343
served five years of the offender's stated prison term or, if 1344
the prison term includes a mandatory prison term or terms, not 1345
earlier than five years after the expiration of all mandatory 1346
prison terms. 1347

(e) If the aggregated nonmandatory prison term or terms is 1348
more than ten years, the eligible offender or state of 1349
emergency-qualifying offender may file the motion not earlier 1350
than the later of the date on which the offender has served one- 1351
half of the offender's stated prison term or the date specified 1352
in division (C) (1) (d) of this section. 1353

(f) With respect to a state of emergency-qualifying 1354
offender, if the offender's prison term does not include a 1355
mandatory prison term or terms, or if the offender's prison term 1356
includes one or more mandatory prison terms and the offender has 1357
completed the mandatory prison term or terms, the state of 1358
emergency-qualifying offender may file the motion at any time 1359
during the offender's aggregated nonmandatory prison term or 1360
terms, provided that time also is during the declared state of 1361
emergency. 1362

(2) During any single declared state of emergency, a state 1363
of emergency-qualifying offender may only file a motion for 1364
judicial release as a state of emergency-qualifying offender 1365
with the sentencing court during that declared state of 1366
emergency once every six months. 1367

(D) (1) (a) Upon receipt of a timely motion for judicial 1368
release filed by an eligible offender or a state of emergency- 1369
qualifying offender under division (C) of this section, or upon 1370
the sentencing court's own motion made within the appropriate 1371
time specified in that division, the court may deny the motion 1372

without a hearing or schedule a hearing on the motion. The court 1373
may grant the motion without a hearing for an offender under 1374
consideration for judicial release as a state of emergency- 1375
qualifying offender, but the court shall not grant the motion 1376
without a hearing for an offender under consideration as an 1377
eligible offender. If a court denies a motion without a hearing, 1378
the court later may consider judicial release for that eligible 1379
offender or that state of emergency-qualifying offender on a 1380
subsequent motion. For an offender under consideration for 1381
judicial release as an eligible offender, but not for one under 1382
consideration as a state of emergency-qualifying offender, the 1383
court may deny the motion with prejudice. If a court denies a 1384
motion with prejudice, the court may later consider judicial 1385
release on its own motion. For an offender under consideration 1386
for judicial release as a state of emergency-qualifying 1387
offender, the court shall not deny a motion with prejudice. For 1388
an offender under consideration for judicial release as an 1389
eligible offender, but not for one under consideration as a 1390
state of emergency-qualifying offender, if a court denies a 1391
motion after a hearing, the court shall not consider a 1392
subsequent motion for that offender based on the offender's 1393
classification as an eligible offender. The court may hold 1394
multiple hearings for any offender under consideration for 1395
judicial release as a state of emergency-qualifying offender, 1396
but shall hold only one hearing for any offender under 1397
consideration as an eligible offender. 1398

(b) If an offender is under consideration for judicial 1399
release as an eligible offender and the motion is denied, and if 1400
the offender at that time also is or subsequently becomes a 1401
state of emergency-qualifying offender, the denial does not 1402
limit or affect any right of the offender to file a motion under 1403

this section for consideration for judicial release as a state 1404
of emergency-qualifying offender or for the court on its own 1405
motion to consider the offender for judicial release as a state 1406
of emergency-qualifying offender. 1407

If an offender is under consideration for judicial release 1408
as a state of emergency-qualifying offender and the motion is 1409
denied, and if the offender at that time also is or subsequently 1410
becomes an eligible offender, the denial does not limit or 1411
affect any right of the offender to file a motion under this 1412
section for consideration for judicial release as an eligible 1413
offender or for the court on its own motion to consider the 1414
offender for judicial release as an eligible offender. 1415

(2) (a) With respect to a motion for judicial release filed 1416
by an offender as an eligible offender or made by the court on 1417
its own motion for an offender as an eligible offender, a 1418
hearing under this section shall be conducted in open court not 1419
less than thirty or more than sixty days after the motion is 1420
filed, provided that the court may delay the hearing for one 1421
hundred eighty additional days. If the court holds a hearing, 1422
the court shall enter a ruling on the motion within ten days 1423
after the hearing. If the court denies the motion without a 1424
hearing, the court shall enter its ruling on the motion within 1425
sixty days after the motion is filed. 1426

(b) With respect to a motion for judicial release filed by 1427
an offender as a state of emergency-qualifying offender or made 1428
by the court on its own motion for an offender as a state of 1429
emergency-qualifying offender, the court shall notify the 1430
prosecuting attorney of the county in which the offender was 1431
indicted and may order the prosecuting attorney to respond to 1432
the motion in writing within ten days. The prosecuting attorney 1433

shall notify the victim pursuant to the Ohio Constitution. The 1434
prosecuting attorney shall include in the response any statement 1435
that the victim wants to be represented to the court. The court 1436
shall consider any response from the prosecuting attorney and 1437
any statement from the victim in its ruling on the motion. After 1438
receiving the response from the prosecuting attorney, the court 1439
either shall order a hearing consistent with divisions (E) to 1440
(I) of this section as soon as possible, or shall enter its 1441
ruling on the motion for judicial release as soon as possible. 1442
If the court conducts a hearing, the hearing shall be conducted 1443
in open court or by a virtual, telephonic, or other form of 1444
remote hearing. If the court holds a hearing, the court shall 1445
enter a ruling on the motion within ten days after the hearing. 1446
If the court denies the motion without a hearing, the court 1447
shall enter its ruling on the motion within ten days after the 1448
motion is filed or after it receives the response from the 1449
prosecuting attorney. 1450

(E) If a court schedules a hearing under divisions (D) (1) 1451
and (2) (a) of this section or under divisions (D) (1) and (2) (b) 1452
of this section, the court shall notify the subject eligible 1453
offender or state of emergency-qualifying offender and the head 1454
of the state correctional institution in which that subject 1455
offender is confined prior to the hearing. The head of the state 1456
correctional institution immediately shall notify the 1457
appropriate person at the department of rehabilitation and 1458
correction of the hearing, and the department within twenty-four 1459
hours after receipt of the notice, shall post on the database it 1460
maintains pursuant to section 5120.66 of the Revised Code the 1461
subject offender's name and all of the information specified in 1462
division (A) (1) (c) (i) of that section. If the court schedules a 1463
hearing for judicial release, the court promptly shall give 1464

notice of the hearing to the prosecuting attorney of the county 1465
in which the subject eligible offender or state of emergency- 1466
qualifying offender was indicted. Upon receipt of the notice 1467
from the court, the prosecuting attorney shall do whichever of 1468
the following is applicable: 1469

(1) Subject to division (E)(2) of this section, notify the 1470
victim of the offense and the victim's representative, if 1471
applicable, pursuant to the Ohio Constitution and division (B) 1472
of section 2930.16 of the Revised Code; 1473

(2) If the offense was an offense of violence that is a 1474
felony of the first, second, or third degree, except as 1475
otherwise provided in this division, pursuant to the Ohio 1476
Constitution, notify the victim and the victim's representative, 1477
if applicable, of the hearing regardless of whether the victim 1478
or victim's representative has requested the notification. 1479
Except when notice to the victim is required under the Ohio 1480
Constitution, the notice of the hearing shall not be given under 1481
this division to a victim or victim's representative if the 1482
victim or victim's representative has requested pursuant to 1483
division (B)(2) of section 2930.03 of the Revised Code that the 1484
victim or the victim's representative not be provided the 1485
notice. If notice is to be provided to a victim or victim's 1486
representative under this division, the prosecuting attorney may 1487
give the notice by any reasonable means, including regular mail, 1488
telephone, and electronic mail, in accordance with division (D) 1489
(1) of section 2930.16 of the Revised Code. If the notice is 1490
based on an offense committed prior to March 22, 2013, the 1491
notice also shall include the opt-out information described in 1492
division (D)(1) of section 2930.16 of the Revised Code. The 1493
prosecuting attorney, in accordance with division (D)(2) of 1494
section 2930.16 of the Revised Code, shall keep a record of all 1495

attempts to provide the notice, and of all notices provided, 1496
under this division. Division (E) (2) of this section, and the 1497
notice-related provisions of division (K) of this section, 1498
division (D) (1) of section 2930.16, division (H) of section 1499
2967.12, division (E) (1) (b) of section 2967.19 as it existed 1500
prior to April 4, 2023, division (A) (3) (b) of section 2967.26, 1501
division (D) (1) of section 2967.28, and division (A) (2) of 1502
section 5149.101 of the Revised Code enacted in the act in which 1503
division (E) (2) of this section was enacted, shall be known as 1504
"Roberta's Law." 1505

(F) Upon an offender's successful completion of 1506
rehabilitative activities, the head of the state correctional 1507
institution may notify the sentencing court of the successful 1508
completion of the activities. 1509

(G) Prior to the date of the hearing on a motion for 1510
judicial release made by an eligible offender, by a state of 1511
emergency-qualifying offender, or by a court on its own under 1512
this section, the head of the state correctional institution in 1513
which the subject offender is confined shall send to the court 1514
an institutional summary report on the offender's conduct in the 1515
institution and in any institution from which the offender may 1516
have been transferred. Upon the request of the prosecuting 1517
attorney of the county in which the subject offender was 1518
indicted or of any law enforcement agency, the head of the state 1519
correctional institution, at the same time the person sends the 1520
institutional summary report to the court, also shall send a 1521
copy of the report to the requesting prosecuting attorney and 1522
law enforcement agencies. The institutional summary report shall 1523
cover the subject offender's participation in school, vocational 1524
training, work, treatment, and other rehabilitative activities 1525
and any disciplinary action taken against the subject offender. 1526

The report shall be made part of the record of the hearing. A 1527
presentence investigation report is not required for judicial 1528
release. 1529

(H) If the court grants a hearing on a motion for judicial 1530
release made by an eligible offender, by a state of emergency- 1531
qualifying offender, or by a court on its own under this 1532
section, the subject offender shall attend the hearing if 1533
ordered to do so by the court. Upon receipt of a copy of the 1534
journal entry containing the order, the head of the state 1535
correctional institution in which the subject offender is 1536
incarcerated shall deliver the subject offender to the sheriff 1537
of the county in which the hearing is to be held. The sheriff 1538
shall convey the subject offender to and from the hearing. 1539

(I) At the hearing on a motion for judicial release under 1540
this section made by an eligible offender, by a state of 1541
emergency-qualifying offender, or by a court on its own, the 1542
court shall afford the subject offender and the offender's 1543
attorney an opportunity to present written and, if present, oral 1544
information relevant to the motion. The court shall afford a 1545
similar opportunity to the prosecuting attorney, the victim, the 1546
victim's representative, the victim's attorney, if applicable, 1547
and any other person the court determines is likely to present 1548
additional relevant information. The court shall consider any 1549
oral or written statement of a victim, victim's representative, 1550
and victim's attorney, if applicable, made pursuant to section 1551
2930.14 or 2930.17 of the Revised Code, any victim impact 1552
statement prepared pursuant to section 2947.051 of the Revised 1553
Code, and any report made under division (G) of this section. 1554
The court may consider any written statement of any person 1555
submitted to the court pursuant to division (L) of this section. 1556

If the motion alleges that the offender who is the subject 1557
of the motion is an eligible offender and the court makes an 1558
initial determination that the offender satisfies the criteria 1559
for being an eligible offender, or if the motion alleges that 1560
the offender who is the subject of the motion is a state of 1561
emergency-qualifying offender and the court makes an initial 1562
determination that the offender satisfies the criteria for being 1563
a state of emergency-qualifying offender, the court shall 1564
determine whether to grant the motion. After ruling on the 1565
motion, the court shall notify the prosecuting attorney of the 1566
county in which the eligible offender or state of emergency- 1567
qualifying offender was indicted of the ruling, and the 1568
prosecuting attorney shall notify the victim and the victim's 1569
representative of the ruling in accordance with sections 2930.03 1570
and 2930.16 of the Revised Code or, if the court granted the 1571
motion, in accordance with division (K) of this section. 1572

(J) (1) A court shall not grant a judicial release under 1573
this section to an offender who is imprisoned for a felony of 1574
the first or second degree and who is under consideration as an 1575
eligible offender, or to an offender who committed an offense 1576
under Chapter 2925. or 3719. of the Revised Code, who is under 1577
consideration as an eligible offender, and for whom there was a 1578
presumption under section 2929.13 of the Revised Code in favor 1579
of a prison term, unless the court, with reference to factors 1580
under section 2929.12 of the Revised Code, finds both of the 1581
following: 1582

(a) That a sanction other than a prison term would 1583
adequately punish the offender and protect the public from 1584
future criminal violations by the offender because the 1585
applicable factors indicating a lesser likelihood of recidivism 1586
outweigh the applicable factors indicating a greater likelihood 1587

of recidivism; 1588

(b) That a sanction other than a prison term would not 1589
demean the seriousness of the offense because factors indicating 1590
that the offender's conduct in committing the offense was less 1591
serious than conduct normally constituting the offense outweigh 1592
factors indicating that the eligible offender's conduct was more 1593
serious than conduct normally constituting the offense. 1594

(2) A court that grants a judicial release under division 1595
(J) (1) of this section to an offender who is under consideration 1596
as an eligible offender shall specify on the record both 1597
findings required in that division and also shall list all the 1598
factors described in that division that were presented at the 1599
hearing. 1600

(3) (a) Subject to division (J) (3) (b) of this section, a 1601
court shall grant a judicial release under this section to an 1602
offender who is under consideration as a state of emergency- 1603
qualifying offender if the court determines that the risks posed 1604
by incarceration to the health and safety of the offender, 1605
because of the nature of the declared state of emergency, 1606
outweigh the risk to public safety if the offender were to be 1607
released from incarceration. 1608

(b) A court shall not grant a judicial release under this 1609
section to an offender who is imprisoned for a felony of the 1610
first or second degree and is under consideration for judicial 1611
release as a state of emergency-qualifying offender unless the 1612
court, with reference to the factors specified under section 1613
2929.12 of the Revised Code, finds both of the criteria set 1614
forth in divisions (J) (1) (a) and (b) of this section. 1615

~~(K)~~ (K) (1) If the court grants a motion for judicial 1616

release under this section, the court shall order the release of 1617
the eligible offender or state of emergency-qualifying offender, 1618
shall place the offender under an appropriate community control 1619
sanction, under appropriate conditions, and under the 1620
supervision of the department of probation serving the court and 1621
shall reserve the right to reimpose the sentence that it reduced 1622
if the offender violates the sanction. If the court reimposes 1623
the reduced sentence, it may do so either concurrently with, or 1624
consecutive to, any new sentence imposed on the eligible 1625
offender or state of emergency-qualifying offender as a result 1626
of the violation that is a new offense. Except as provided in 1627
division (N) (5) (b) of this section and divisions (B) (1) (c) to 1628
(e) and (2) of section 2929.15 of the Revised Code, the period 1629
of community control shall be no longer than five years if the 1630
most serious offense from which the judicial release is granted 1631
is a felony of the first or second degree and no longer than 1632
three years if the most serious offense from which judicial 1633
release is granted is a felony of the third, fourth, or fifth 1634
degree. The court, in its discretion, may reduce the period of 1635
community control by the amount of time the offender spent in 1636
jail or prison for the offense and in prison. If the court made 1637
any findings pursuant to division (J) (1) of this section, the 1638
court shall serve a copy of the findings upon counsel for the 1639
parties within fifteen days after the date on which the court 1640
grants the motion for judicial release. 1641

(2) If the court grants a motion for judicial release, the 1642
court shall notify the appropriate person at the department of 1643
rehabilitation and correction, and the department shall post 1644
notice of the release on the database it maintains pursuant to 1645
section 5120.66 of the Revised Code. The court also shall notify 1646
the prosecuting attorney of the county in which the eligible 1647

offender or state of emergency-qualifying offender was indicted 1648
that the motion has been granted. When notice to the victim is 1649
required under the Ohio Constitution, the prosecuting attorney 1650
shall notify the victim and the victim's representative, if 1651
applicable, of the judicial release. In all other cases, unless 1652
the victim or the victim's representative has requested pursuant 1653
to division (B) (2) of section 2930.03 of the Revised Code that 1654
the victim or victim's representative not be provided the 1655
notice, the prosecuting attorney shall notify the victim and the 1656
victim's representative, if applicable, of the judicial release 1657
in any manner, and in accordance with the same procedures, 1658
pursuant to which the prosecuting attorney is authorized to 1659
provide notice of the hearing pursuant to division (E) (2) of 1660
this section. If the notice is based on an offense committed 1661
prior to March 22, 2013, the notice to the victim or victim's 1662
representative also shall include the opt-out information 1663
described in division (D) (1) of section 2930.16 of the Revised 1664
Code. 1665

(L) In addition to and independent of the right of a 1666
victim to make a statement pursuant to section 2930.14, 2930.17, 1667
or 2946.051 of the Revised Code and any right of a person to 1668
present written information or make a statement pursuant to 1669
division (I) of this section, any person may submit to the 1670
court, at any time prior to the hearing on the motion for 1671
judicial release of the eligible offender or state of emergency- 1672
qualifying offender, a written statement concerning the effects 1673
of the offender's criminal offense, the circumstances 1674
surrounding the criminal offense, the manner in which the 1675
criminal offense was perpetrated, and the person's opinion as to 1676
whether the offender should be released. 1677

(M) (1) The changes to this section that are made on 1678

September 30, 2011, apply to any judicial release decision made 1679
on or after September 30, 2011, for any eligible offender, 1680
subject to division (M) (2) of this section. 1681

(2) The changes to this section that are made on April 4, 1682
2023, apply to any judicial release application, and any 1683
judicial release decision, made on or after April 4, 2023, for 1684
any eligible offender or state of emergency-qualifying offender. 1685

(N) (1) Notwithstanding the eligibility requirements 1686
specified in divisions (A) (1) and (2) of this section and the 1687
filing time frames specified in division (C) of this section and 1688
notwithstanding the findings required under division (J) (1) and 1689
the eligibility criteria specified in division (J) (3) of this 1690
section, the sentencing court, upon the court's own motion and 1691
after considering whether the release of the offender into 1692
society would create undue risk to public safety, may grant a 1693
judicial release to an offender who is not serving a life 1694
sentence at any time during the offender's imposed sentence when 1695
the director of rehabilitation and correction certifies to the 1696
sentencing court through the chief medical officer for the 1697
department of rehabilitation and correction that the offender is 1698
in imminent danger of death, is medically incapacitated, or has 1699
a terminal illness. 1700

(2) The director of rehabilitation and correction shall 1701
not certify any offender under division (N) (1) of this section 1702
who is serving a death sentence. 1703

(3) A motion made by the court under division (N) (1) of 1704
this section is subject to the notice, hearing, and other 1705
procedural requirements specified in divisions (D), (E), (G), 1706
(H), (I), (K), and (L) of this section with respect to motions 1707
for a grant of judicial release to eligible offenders, including 1708

notice to the victim, except for the following: 1709

(a) The court may waive the offender's appearance at any 1710
hearing scheduled by the court if the offender's condition makes 1711
it impossible for the offender to participate meaningfully in 1712
the proceeding. 1713

(b) The court may grant the motion without a hearing, 1714
provided that the prosecuting attorney, victim, and victim's 1715
representative, if applicable, to whom notice of the hearing was 1716
provided under division (E) of this section indicate that they 1717
do not wish to participate in the hearing or present information 1718
relevant to the motion. 1719

(4) The court may request health care records from the 1720
department of rehabilitation and correction to verify the 1721
certification made under division (N) (1) of this section. 1722

(5) (a) If the court grants judicial release under division 1723
(N) (1) of this section, the court shall do all of the following: 1724

(i) Order the release of the offender; 1725

(ii) Place the offender under an appropriate community 1726
control sanction, under appropriate conditions; 1727

(iii) Place the offender under the supervision of the 1728
department of probation serving the court or under the 1729
supervision of the adult parole authority. 1730

(b) The court, in its discretion, may revoke the judicial 1731
release if the offender violates the community control sanction 1732
described in division (N) (5) (a) of this section. The period of 1733
that community control is not subject to the ~~five-year~~ 1734
~~limitation~~ limitations on duration described in division (K) of 1735
this section and shall not expire earlier than the date on which 1736

all of the offender's mandatory prison terms expire. 1737

(6) If the health of an offender who is released under 1738
division (N)(1) of this section improves so that the offender is 1739
no longer terminally ill, medically incapacitated, or in 1740
imminent danger of death, the court shall, upon the court's own 1741
motion, revoke the judicial release. The court shall not grant 1742
the motion without a hearing unless the offender waives a 1743
hearing. If a hearing is held, the court shall afford the 1744
offender and the offender's attorney an opportunity to present 1745
written and, if the offender or the offender's attorney is 1746
present, oral information relevant to the motion. The court 1747
shall afford a similar opportunity to the prosecuting attorney, 1748
the victim, the victim's representative, the victim's attorney, 1749
if applicable, and any other person the court determines is 1750
likely to present additional relevant information. If a hearing 1751
is held, the prosecuting attorney shall notify the victim and 1752
the victim's representative, if applicable, pursuant to the Ohio 1753
Constitution. A court that grants a motion under this division 1754
shall specify its findings on the record. 1755

(O)(1) Separate from and independent of the provisions of 1756
divisions (A) to (N) of this section, the director of the 1757
department of rehabilitation and correction may recommend in 1758
writing to the sentencing court that the court consider 1759
releasing from prison, through a judicial release, any offender 1760
who is confined in a state correctional institution and who is 1761
an eighty per cent-qualifying offender. The director may file 1762
such a recommendation for judicial release by submitting to the 1763
sentencing court a notice, in writing, of the recommendation 1764
within the applicable period specified in division (A)(3) of 1765
this section for qualifying as an eighty per cent-qualifying 1766
offender. 1767

The director shall include with any notice submitted to 1768
the sentencing court under this division an institutional 1769
summary report that covers the offender's participation while 1770
confined in a state correctional institution in school, 1771
training, work, treatment, and other rehabilitative activities 1772
and any disciplinary action taken against the offender while so 1773
confined. The director shall include with the notice any other 1774
documentation requested by the court, if available. 1775

If the director submits a notice under this division 1776
recommending judicial release, the department promptly shall 1777
provide to the prosecuting attorney of the county in which the 1778
offender was indicted a copy of the written notice and 1779
recommendation, a copy of the institutional summary report, and 1780
any other information provided to the court, and shall provide a 1781
copy of the institutional summary report to any law enforcement 1782
agency that requests the report. The department also shall 1783
provide written notice of the submission of the director's 1784
notice to any victim of the offender or victim's representative, 1785
if applicable, in the same manner as is specified in divisions 1786
(E) (1) and (2) of this section with respect to notices of 1787
hearings. 1788

(2) A recommendation for judicial release in a notice 1789
submitted by the director under division (O) (1) of this section 1790
is subject to the notice, hearing, and other procedural 1791
requirements specified in divisions (E), (H), (I), and (L) of 1792
this section, including notice to the victim pursuant to the 1793
Ohio Constitution, except as otherwise specified in divisions 1794
(O) (3) to (5) of this section, provided that references in 1795
divisions (E), (H), (I), (K), and (L) of this section to "the 1796
motion" shall be construed for purposes of division (O) of this 1797
section as being references to the notice and recommendation 1798

specified in division (O) (1) of this section. 1799

(3) The director's submission of a notice under division 1800
(O) (1) of this section constitutes a recommendation by the 1801
director that the court strongly consider a judicial release of 1802
the offender consistent with the purposes and principles of 1803
sentencing set forth in sections 2929.11 and 2929.13 of the 1804
Revised Code and establishes a rebuttable presumption that the 1805
offender shall be released through a judicial release in 1806
accordance with the recommendation. The presumption of release 1807
may be rebutted only as described in division (O) (6) of this 1808
section. Only an offender recommended by the director under 1809
division (O) (1) of this section may be considered for a judicial 1810
release under division (O) of this section. 1811

(4) Upon receipt of a notice recommending judicial release 1812
submitted by the director under division (O) (1) of this section, 1813
the court shall schedule a hearing to consider the 1814
recommendation for the judicial release of the offender who is 1815
the subject of the notice. The hearing shall be conducted in 1816
open court not less than thirty or more than sixty days after 1817
the notice is submitted. The court shall inform the department 1818
and the prosecuting attorney of the county in which the offender 1819
who is the subject of the notice was indicted of the date, time, 1820
and location of the hearing. Upon receipt of the notice from the 1821
court, the prosecuting attorney shall comply with division (E) 1822
of this section, including providing notice to the victim and 1823
the victim's representative, if applicable, pursuant to the Ohio 1824
Constitution, and the department shall post the information 1825
specified in that division. 1826

(5) When a court schedules a hearing under division (O) (4) 1827
of this section, at the hearing, the court shall consider all of 1828

the following in determining whether to grant the offender	1829
judicial release under division (O) of this section:	1830
(a) The institutional summary report submitted under	1831
division (O)(1) of this section;	1832
(b) The inmate's academic, vocational education programs,	1833
or alcohol or drug treatment programs; or involvement in	1834
meaningful activity;	1835
(c) The inmate's assignments and whether the inmate	1836
consistently performed each work assignment to the satisfaction	1837
of the department staff responsible for supervising the inmate's	1838
work;	1839
(d) The inmate transferred to and actively participated in	1840
core curriculum programming at a reintegration center prison;	1841
(e) The inmate's disciplinary history;	1842
(f) The inmate's security level;	1843
(g) All other information, statements, reports, and	1844
documentation described in division (I) of this section.	1845
(6) If the court that receives a notice recommending	1846
judicial release submitted by the director under division (O)(1)	1847
of this section makes an initial determination that the offender	1848
satisfies the criteria for being an eighty per cent-qualifying	1849
offender, the court then shall determine whether to grant the	1850
offender judicial release. In making the second determination,	1851
the court shall grant the offender judicial release unless the	1852
prosecuting attorney proves to the court, by a preponderance of	1853
the evidence, that the legitimate interests of the government in	1854
maintaining the offender's confinement outweigh the interests of	1855
the offender in being released from that confinement. If the	1856

court grants a judicial release under this division, division 1857
(K) of this section applies regarding the judicial release, 1858
including the maximums specified in that division for the 1859
duration of the period of all community control sanctions 1860
imposed on the offender under that division and the notice to 1861
the victim and the victim's representative, if applicable, 1862
pursuant to the Ohio Constitution, provided that references in 1863
division (K) of this section to "the motion" shall be construed 1864
for purposes of the judicial release granted under this division 1865
as being references to the notice and recommendation specified 1866
in division (O) (1) of this section. 1867

The court shall enter its ruling on the notice 1868
recommending judicial release submitted by the director under 1869
division (O) (1) of this section within ten days after the 1870
hearing is conducted. After ruling on whether to grant the 1871
offender judicial release under division (O) of this section, 1872
the court shall notify the offender, the prosecuting attorney, 1873
and the department of rehabilitation and correction of its 1874
decision, and shall notify the victim of its decision in 1875
accordance with the Ohio Constitution and sections 2930.03 and 1876
2930.16 of the Revised Code. If the court does not enter a 1877
ruling on the notice within ten days after the hearing is 1878
conducted as required under this division, the division of 1879
parole and community services of the department of 1880
rehabilitation and correction may release the offender. 1881

(P) All notices to a victim of an offense provided under 1882
division (D), (E), (K), (N), or (O) of this section shall be 1883
provided in accordance with the Ohio Constitution. 1884

Sec. 2929.25. (A) (1) Except as provided in sections 1885
2929.22 and 2929.23 of the Revised Code or when a jail term is 1886

required by law, in sentencing an offender for a misdemeanor, 1887
other than a minor misdemeanor, the sentencing court may do 1888
either of the following: 1889

(a) Directly impose a sentence that consists of one or 1890
more community control sanctions authorized by section 2929.26, 1891
2929.27, or 2929.28 of the Revised Code. The court may impose 1892
any other conditions of release under a community control 1893
sanction that the court considers appropriate. If the court 1894
imposes a jail term upon the offender, the court may impose any 1895
community control sanction or combination of community control 1896
sanctions in addition to the jail term. 1897

(b) Impose a jail term under section 2929.24 of the 1898
Revised Code from the range of jail terms authorized under that 1899
section for the offense, suspend all or a portion of the jail 1900
term imposed, and place the offender under a community control 1901
sanction or combination of community control sanctions 1902
authorized under section 2929.26, 2929.27, or 2929.28 of the 1903
Revised Code. 1904

(2) The Except as provided in divisions (D) (2) (d) and (e) 1905
and division (D) (3) of this section, the duration of all 1906
community control sanctions imposed upon an offender and in 1907
effect for an offender at any time shall not exceed five-three 1908
years. 1909

(3) At sentencing, if a court directly imposes a community 1910
control sanction or combination of community control sanctions 1911
pursuant to division (A) (1) (a) or (B) of this section, the court 1912
shall state the duration of the community control sanctions 1913
imposed and shall notify the offender that if any of the 1914
conditions of the community control sanctions are violated the 1915
court may do any of the following: 1916

(a) Impose a longer time under the same community control 1917
sanction if the total time under all of the offender's community 1918
control sanctions does not exceed the ~~five-year~~ limit specified 1919
in division (A) (2) of this section, except as provided in 1920
divisions (D) (2) (d) and (e) and division (D) (3) of this section; 1921

(b) Impose a more restrictive community control sanction 1922
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 1923
but the court is not required to impose any particular sanction 1924
or sanctions; 1925

(c) Impose a definite jail term from the range of jail 1926
terms authorized for the offense under section 2929.24 of the 1927
Revised Code. 1928

(B) If a court sentences an offender to any community 1929
control sanction or combination of community control sanctions 1930
pursuant to division (A) (1) (a) of this section, the sentencing 1931
court retains jurisdiction over the offender and the period of 1932
community control for the duration of the period of community 1933
control. Upon the motion of either party or on the court's own 1934
motion, the court, in the court's sole discretion and as the 1935
circumstances warrant, may modify the community control 1936
sanctions or conditions of release previously imposed, 1937
substitute a community control sanction or condition of release 1938
for another community control sanction or condition of release 1939
previously imposed, or impose an additional community control 1940
sanction or condition of release. 1941

(C) (1) If a court sentences an offender to any community 1942
control sanction or combination of community control sanctions 1943
authorized under section 2929.26, 2929.27, or 2929.28 of the 1944
Revised Code, the court shall place the offender under the 1945
general control and supervision of the court or of a department 1946

of probation in the jurisdiction that serves the court for 1947
purposes of reporting to the court a violation of any of the 1948
conditions of the sanctions imposed. If the offender resides in 1949
another jurisdiction and a department of probation has been 1950
established to serve the municipal court or county court in that 1951
jurisdiction, the sentencing court may request the municipal 1952
court or the county court to receive the offender into the 1953
general control and supervision of that department of probation 1954
for purposes of reporting to the sentencing court a violation of 1955
any of the conditions of the sanctions imposed. The sentencing 1956
court retains jurisdiction over any offender whom it sentences 1957
for the duration of the sanction or sanctions imposed. 1958

(2) The sentencing court shall require as a condition of 1959
any community control sanction that the offender abide by the 1960
law and not leave the state without the permission of the court 1961
or the offender's probation officer. In the interests of doing 1962
justice, rehabilitating the offender, and ensuring the 1963
offender's good behavior, the court may impose additional 1964
requirements on the offender. The offender's compliance with the 1965
additional requirements also shall be a condition of the 1966
community control sanction imposed upon the offender. 1967

(D) (1) If the court imposing sentence upon an offender 1968
sentences the offender to any community control sanction or 1969
combination of community control sanctions authorized under 1970
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 1971
the offender violates any of the conditions of the sanctions, 1972
the public or private person or entity that supervises or 1973
administers the program or activity that comprises the sanction 1974
shall report the violation directly to the sentencing court or 1975
to the department of probation or probation officer with general 1976
control and supervision over the offender. If the public or 1977

private person or entity reports the violation to the department 1978
of probation or probation officer, the department or officer 1979
shall report the violation to the sentencing court. 1980

(2) Except as provided in division (D) (3) of this section, 1981
if an offender violates any condition of a community control 1982
sanction, the sentencing court may impose upon the violator one 1983
or more of the following penalties: 1984

(a) A longer time under the same community control 1985
sanction if the total time under all of the community control 1986
sanctions imposed on the violator does not exceed the ~~five-year~~ 1987
limit specified in division (A) (2) of this section; 1988

(b) A more restrictive community control sanction; 1989

(c) A combination of community control sanctions, 1990
including a jail term; 1991

(d) Subject to division (D) (3) of this section, a term of 1992
not more than one year under the same sanction if the total time 1993
under the sanction does not exceed five years and the court 1994
conducts a hearing and finds either of the following: 1995

(i) In the six months prior to the hearing, the offender 1996
has consistently demonstrated a willful refusal to comply with 1997
required mental or behavioral health treatment imposed as a 1998
condition of the community control sanction, and the court 1999
cannot appropriately respond in the remaining period of the 2000
community control sanction; 2001

(ii) The offender is required to complete programming as a 2002
condition of the community control sanction, and has not 2003
completed the programming at the conclusion of the initial 2004
supervision term. 2005

<u>(e) If the offender is required to pay restitution</u>	2006
<u>pursuant to section 2929.28 or 2929.281 of the Revised Code,</u>	2007
<u>subject to division (D) (3) of this section, a longer time under</u>	2008
<u>the same sanction if the total time under the sanction does not</u>	2009
<u>exceed the time required for the offender to complete the</u>	2010
<u>restitution payments or five years, whichever is less, if the</u>	2011
<u>court conducts a hearing and finds all of the following:</u>	2012
<u>(i) The offender has consistently demonstrated a willful</u>	2013
<u>refusal to pay restitution imposed as a condition of the</u>	2014
<u>community control sanction;</u>	2015
<u>(ii) The offender has the ability to pay restitution</u>	2016
<u>without suffering an undue financial burden;</u>	2017
<u>(iii) The civil remedies and procedures described in</u>	2018
<u>division (D) of section 2929.18 of the Revised Code are</u>	2019
<u>insufficient to allow the victim of the offender's criminal</u>	2020
<u>offense or the victim's estate to recover restitution after the</u>	2021
<u>period of the community control sanction has terminated.</u>	2022
<u>(3) (a) A court is not limited in the number of times it</u>	2023
<u>may sentence an offender to a term described in divisions (D) (2)</u>	2024
<u>(d) or (e) of this section if the total time under the sanction</u>	2025
<u>does not exceed five years.</u>	2026
<u>(b) If the court imposes a term described in division (D)</u>	2027
<u>(2) (d) of this section, the offender shall not be subject to any</u>	2028
<u>conditions of supervision under the community control sanction</u>	2029
<u>except for complying with mental or behavioral health treatment</u>	2030
<u>or completing required programming during the extended term. If</u>	2031
<u>the court imposes a term described in division (D) (2) (e) of this</u>	2032
<u>section, the offender shall not be subject to any conditions of</u>	2033
<u>supervision under the community control sanction except for</u>	2034

payment of restitution during the extended term. 2035

~~(3)~~(4) If an offender was acting pursuant to division (B) 2036
(2)(b) of section 2925.11 or a related provision under section 2037
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 2038
doing violated the conditions of a community control sanction 2039
based on a minor drug possession offense, as defined in section 2040
2925.11 of the Revised Code, or violated section 2925.12, 2041
division (C)(1) of section 2925.14, or section 2925.141 of the 2042
Revised Code, the sentencing court shall not impose any of the 2043
penalties described in division (D)(2) of this section based on 2044
the violation. 2045

~~(4)~~(5) If the court imposes a jail term upon a violator 2046
pursuant to division (D)(2) of this section, the total time 2047
spent in jail for the misdemeanor offense and the violation of a 2048
condition of the community control sanction shall not exceed the 2049
maximum jail term available for the offense for which the 2050
sanction that was violated was imposed. The court may reduce the 2051
longer period of time that the violator is required to spend 2052
under the longer sanction or the more restrictive sanction 2053
imposed under division (D)(2) of this section by all or part of 2054
the time the violator successfully spent under the sanction that 2055
was initially imposed. 2056

(E) Except as otherwise provided in this division, if an 2057
offender, for a significant period of time, fulfills the 2058
conditions of a community control sanction imposed pursuant to 2059
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 2060
exemplary manner, the court may reduce the period of time under 2061
the community control sanction or impose a less restrictive 2062
community control sanction. Fulfilling the conditions of a 2063
community control sanction does not relieve the offender of a 2064

duty to make restitution under section 2929.28 of the Revised Code. 2065
2066

(F) (1) Within sixty days after an offender completes two 2067
years of the conditions of a community control sanction imposed 2068
for a misdemeanor, the court shall determine whether the 2069
following apply: 2070

(a) The offender is serving the community control sanction 2071
for any misdemeanor. 2072

(b) The offender has not violated the conditions of the 2073
community control sanction in the six months prior to the 2074
court's determination. 2075

(c) The offender has completed all programs required as a 2076
condition of the community control sanction. 2077

(2) (a) If the court determines that all of the conditions 2078
listed in division (F) (1) of this section apply, the court shall 2079
terminate the community control sanction, unless the court 2080
determines by clear and convincing evidence that termination 2081
will present a risk of serious physical harm to persons. If the 2082
court terminates the community control sanction, the court is 2083
not required to conduct a hearing. 2084

(b) If the court does not terminate the community control 2085
sanction under division (F) (2) (a) of this section, the court 2086
shall schedule a hearing and shall notify the offender and 2087
prosecutor for the case of the hearing. The prosecutor shall 2088
provide timely notice of the hearing to the victim and victim's 2089
representative, if applicable. The court shall hold the hearing 2090
not less than thirty days after the date the court makes the 2091
determinations described in division (F) (1) of this section and 2092
at the hearing shall determine whether the factors in division 2093

(F) (1) of this section are met and whether clear and convincing evidence exists that termination of the sanction presents a serious risk of physical harm to persons. If the court, pursuant to the hearing, determines that the factors in division (F) (1) of this section are met, the court shall terminate the sanction, unless the court determines, by clear and convincing evidence, that termination of the sanction would present a serious risk of physical harm to persons.

Sec. 2951.02. (A) (1) During the period of a misdemeanor offender's community control sanction or during the period of a felony offender's nonresidential sanction, authorized probation officers who are engaged within the scope of their supervisory duties or responsibilities may search, with or without a warrant, the person of the offender, the place of residence of the offender, and a motor vehicle, another item of tangible or intangible personal property, or other real property in which the offender has a right, title, or interest or for which the offender has the express or implied permission of a person with a right, title, or interest to use, occupy, or possess if any of the following apply:

(a) The probation officers have reasonable grounds to believe that the offender is not abiding by the law or otherwise is not complying with the conditions of the misdemeanor offender's community control sanction or the conditions of the felony offender's nonresidential sanction.

(b) If the offender is a felony offender, the court requires the offender's consent to searches as part of the terms and conditions of community control, and the offender agreed to those terms and conditions.

(c) If the offender is a felony offender, the offender

otherwise provides consent for the search. 2124

(2) If a felony offender who is sentenced to a 2125
nonresidential sanction is under the general control and 2126
supervision of the adult parole authority, as described in 2127
division (A)(2)(a) of section 2929.15 of the Revised Code, adult 2128
parole authority field officers with supervisory 2129
responsibilities over the felony offender shall have the same 2130
search authority relative to the felony offender during the 2131
period of the sanction that is described under division (A)(1) 2132
of this section for probation officers. 2133

(3) If a misdemeanor offender is placed under a community 2134
control sanction pursuant to section 2929.25 of the Revised Code 2135
or if a felony offender is sentenced to a nonresidential 2136
sanction pursuant to section 2929.17 of the Revised Code, the 2137
court that places the misdemeanor offender under the sanction or 2138
sentences the felony offender to the sanction shall provide the 2139
offender with a written notice that informs the offender that 2140
authorized probation officers or adult parole authority field 2141
officers with supervisory responsibilities over the offender who 2142
are engaged within the scope of their supervisory duties or 2143
responsibilities may conduct the types of searches described in 2144
divisions (A)(1) and (2) of this section during the period of 2145
community control sanction or the nonresidential sanction if any 2146
of the following apply: 2147

(a) The officers have reasonable grounds to believe that 2148
the offender is not abiding by the law or otherwise is not 2149
complying with the conditions of the offender's community 2150
control sanction or nonresidential sanction. 2151

(b) If the offender is a felony offender, the court 2152
requires the offender's consent to searches as part of the terms 2153

and conditions of community control, and the offender agreed to 2154
those terms and conditions. 2155

(c) If the offender is a felony offender, the offender 2156
otherwise provides consent for the search. 2157

(B) If an offender is convicted of or pleads guilty to a 2158
misdemeanor, the court may require the offender, as a condition 2159
of the offender's sentence of a community control sanction, to 2160
perform supervised community service work in accordance with 2161
this division. If an offender is convicted of or pleads guilty 2162
to a felony, the court, pursuant to sections 2929.15 and 2929.17 2163
of the Revised Code, may impose a sanction that requires the 2164
offender to perform supervised community service work in 2165
accordance with this division. The supervised community service 2166
work shall be under the authority of health districts, park 2167
districts, counties, municipal corporations, townships, other 2168
political subdivisions of the state, or agencies of the state or 2169
any of its political subdivisions, or under the authority of 2170
charitable organizations that render services to the community 2171
or its citizens, in accordance with this division. The court may 2172
require an offender who is ordered to perform the work to pay to 2173
it a reasonable fee to cover the costs of the offender's 2174
participation in the work, including, but not limited to, the 2175
costs of procuring a policy or policies of liability insurance 2176
to cover the period during which the offender will perform the 2177
work. 2178

A court may permit any offender convicted of a felony or a 2179
misdemeanor to satisfy the payment of a fine imposed for the 2180
offense pursuant to section 2929.18 or 2929.28 of the Revised 2181
Code by performing supervised community service work as 2182
described in this division if the offender requests an 2183

opportunity to satisfy the payment by this means and if the 2184
court determines that the offender is financially unable to pay 2185
the fine. 2186

After imposing a term of community service, the court may 2187
modify the sentence to authorize a reasonable contribution to 2188
the appropriate general fund as provided in division (B) of 2189
section 2929.27 of the Revised Code. 2190

The supervised community service work that may be imposed 2191
under this division shall be subject to the following 2192
limitations: 2193

(1) The court shall fix the period of the work and, if 2194
necessary, shall distribute it over weekends or over other 2195
appropriate times that will allow the offender to continue at 2196
the offender's occupation or to care for the offender's family. 2197
The period of the work as fixed by the court shall not exceed in 2198
the aggregate the number of hours of community service imposed 2199
by the court pursuant to section 2929.17 or 2929.27 of the 2200
Revised Code. 2201

(2) An agency, political subdivision, or charitable 2202
organization must agree to accept the offender for the work 2203
before the court requires the offender to perform the work for 2204
the entity. A court shall not require an offender to perform 2205
supervised community service work for an agency, political 2206
subdivision, or charitable organization at a location that is an 2207
unreasonable distance from the offender's residence or domicile, 2208
unless the offender is provided with transportation to the 2209
location where the work is to be performed. 2210

(3) A court may enter into an agreement with a county 2211
department of job and family services for the management, 2212

placement, and supervision of offenders eligible for community 2213
service work in work activities, developmental activities, and 2214
alternative work activities under sections 5107.40 to 5107.69 of 2215
the Revised Code. If a court and a county department of job and 2216
family services have entered into an agreement of that nature, 2217
the clerk of that court is authorized to pay directly to the 2218
county department all or a portion of the fees collected by the 2219
court pursuant to this division in accordance with the terms of 2220
its agreement. 2221

(4) Community service work that a court requires under 2222
this division shall be supervised by an official of the agency, 2223
political subdivision, or charitable organization for which the 2224
work is performed or by a person designated by the agency, 2225
political subdivision, or charitable organization. The official 2226
or designated person shall be qualified for the supervision by 2227
education, training, or experience, and periodically shall 2228
report, in writing, to the court and to the offender's probation 2229
officer concerning the conduct of the offender in performing the 2230
work. 2231

(5) The total of any period of supervised community 2232
service work imposed on an offender under division (B) of this 2233
section plus the period of all other sanctions imposed pursuant 2234
to sections 2929.15, 2929.16, 2929.17, and 2929.18 of the 2235
Revised Code for a felony, or pursuant to sections 2929.25, 2236
2929.26, 2929.27, and 2929.28 of the Revised Code for a 2237
misdemeanor, shall not exceed five years the community control 2238
maximum specified in section 2929.15 of the Revised Code that is 2239
applicable to the offense if it is a felony or the community 2240
control maximum specified in section 2929.25 of the Revised Code 2241
if the offense is a misdemeanor. 2242

(C) (1) If an offender is convicted of a violation of 2243
section 4511.19 of the Revised Code or a substantially similar 2244
municipal ordinance, the court may require, as a condition of a 2245
community control sanction, that the offender operate only a 2246
motor vehicle equipped with an ignition interlock device that is 2247
certified pursuant to section 4510.43 of the Revised Code. 2248

(2) If a court requires an offender, as a condition of a 2249
community control sanction pursuant to division (C) (1) of this 2250
section, to operate only a motor vehicle equipped with an 2251
ignition interlock device that is certified pursuant to section 2252
4510.43 of the Revised Code, the offender immediately shall 2253
surrender the offender's driver's or commercial driver's license 2254
or permit to the court. Upon the receipt of the offender's 2255
license or permit, the court shall issue an order authorizing 2256
the offender to operate a motor vehicle equipped with a 2257
certified ignition interlock device and deliver the offender's 2258
license or permit to the registrar of motor vehicles. The court 2259
also shall give the offender a copy of its order for purposes of 2260
obtaining a restricted license. 2261

(3) An offender shall present to the registrar or to a 2262
deputy registrar the copy of the order issued under division (C) 2263
of this section and a certificate affirming the installation of 2264
an ignition interlock device that is in a form established by 2265
the director of public safety and that is signed by the person 2266
who installed the device. Upon presentation of the order and 2267
certificate, the registrar or deputy registrar shall issue a 2268
restricted license to the offender, unless the offender's 2269
driver's license or commercial driver's license or permit is 2270
suspended under any other provision of law and limited driving 2271
privileges have not been granted with regard to that suspension. 2272
The restricted license shall be identical to the surrendered 2273

license, except that it shall have printed on its face a 2274
statement that the offender is prohibited from operating a motor 2275
vehicle that is not equipped with an ignition interlock device 2276
that is certified pursuant to section 4510.43 of the Revised 2277
Code. The registrar shall deliver the offender's surrendered 2278
license or permit to the court upon receipt of a court order 2279
requiring it to do so, or reissue the offender's license or 2280
permit under section 4510.52 of the Revised Code if the 2281
registrar destroyed the offender's license or permit under that 2282
section. The offender shall surrender the restricted license to 2283
the court upon receipt of the offender's surrendered license or 2284
permit. 2285

(4) If an offender violates a requirement of the court 2286
imposed under division (C)(1) of this section, the court may 2287
impose a class seven suspension of the offender's driver's or 2288
commercial driver's license or permit or nonresident operating 2289
privilege from the range specified in division (A)(7) of section 2290
4510.02 of the Revised Code. On a second or subsequent 2291
violation, the court may impose a class four suspension of the 2292
offender's driver's or commercial driver's license or permit or 2293
nonresident operating privilege from the range specified in 2294
division (A)(4) of section 4510.02 of the Revised Code. 2295

Sec. 2951.07. A community control sanction imposed for an 2296
offense continues for the period that the judge or magistrate 2297
determines and may be extended, subject to the ~~five-year-~~ 2298
~~limit~~following maximums: 2299

(A) The community control maximum specified in section 2300
2929.15 or of the Revised Code that is applicable to the offense 2301
if it is a felony. 2302

(B) The community control maximum specified in section 2303

2929.25 of the Revised Code if the offense is a misdemeanor, ~~may~~ 2304
~~be extended.~~ 2305

(C) If the offender under community control absconds or 2306
otherwise leaves the jurisdiction of the court without 2307
permission from the probation officer, the probation agency, or 2308
the court to do so, or if the offender is confined in any 2309
institution for the commission of any offense, the period of 2310
community control ceases to run until the time that the offender 2311
is brought before the court for its further action. 2312

Section 2. That existing sections 2925.11, 2929.15, 2313
2929.20, 2929.25, 2951.02, and 2951.07 of the Revised Code are 2314
hereby repealed. 2315

Section 3. The General Assembly, applying the principle 2316
stated in division (B) of section 1.52 of the Revised Code that 2317
amendments are to be harmonized if reasonably capable of 2318
simultaneous operation, finds that the following sections, 2319
presented in this act as composites of the sections as amended 2320
by the acts indicated, are the resulting versions of the 2321
sections in effect prior to the effective date of the sections 2322
as presented in this act: 2323

Section 2929.15 of the Revised Code as amended by H.B. 2324
110, H.B. 281, and S.B. 288, all of the 134th General Assembly. 2325

Section 2925.11 of the Revised Code as amended by both 2326
H.B. 29 and S.B. 95 of the 135th General Assembly. 2327