

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 556**

**Representatives Mathews, A., Williams**

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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

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| 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 196  
a compound, mixture, preparation, or substance containing 197  
marihuana other than hashish, whoever violates division (A) of 198  
this section is guilty of possession of marihuana. The penalty 199  
for the offense shall be determined as follows: 200

(a) Except as otherwise provided in division (C) (3) (b), 201  
(c), (d), (e), (f), or (g) of this section, possession of 202  
marihuana is a minor misdemeanor. 203

(b) If the amount of the drug involved equals or exceeds 204  
one hundred grams but is less than two hundred grams, possession 205  
of marihuana is a misdemeanor of the fourth degree. 206

(c) If the amount of the drug involved equals or exceeds 207  
two hundred grams but is less than one thousand grams, 208  
possession of marihuana is a felony of the fifth degree, and 209  
division (B) of section 2929.13 of the Revised Code applies in 210  
determining whether to impose a prison term on the offender. 211

(d) If the amount of the drug involved equals or exceeds 212  
one thousand grams but is less than five thousand grams, 213  
possession of marihuana is a felony of the third degree, and 214  
division (C) of section 2929.13 of the Revised Code applies in 215  
determining whether to impose a prison term on the offender. 216

(e) If the amount of the drug involved equals or exceeds 217  
five thousand grams but is less than twenty thousand grams, 218  
possession of marihuana is a felony of the third degree, and 219  
there is a presumption that a prison term shall be imposed for 220  
the offense. 221

(f) If the amount of the drug involved equals or exceeds 222  
twenty thousand grams but is less than forty thousand grams, 223  
possession of marihuana is a felony of the second degree, and 224

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 Code, the court may impose upon the offender a community control sanction or combination of community control sanctions in accordance with sections 2929.16 and 2929.17 of the Revised Code. If the court is sentencing an offender for a third or fourth degree felony OVI offense under division (G) (2) of section 2929.13 of the Revised Code, in addition to the mandatory prison term or mandatory prison term and additional prison term imposed under that division, the court also may impose upon the offender a community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

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

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," and "terminal illness" have the same meanings as in section 2967.05 of the Revised Code. 1230  
1231  
1232
- (8) "Aggregated nonmandatory prison term or terms" means the aggregate of the following: 1233  
1234
- (a) All nonmandatory definite prison terms; 1235
- (b) With respect to any non-life felony indefinite prison term, all nonmandatory minimum prison terms imposed as part of the non-life felony indefinite prison term or terms. 1236  
1237  
1238
- (9) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code. 1239  
1240
- (10) "Disqualifying prison term" means any of the following: 1241  
1242
- (a) A prison term imposed for aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, felonious assault, kidnapping, rape, aggravated arson, aggravated burglary, or aggravated robbery; 1243  
1244  
1245  
1246
- (b) A prison term imposed for complicity in, an attempt to commit, or conspiracy to commit any offense listed in division (A) (10) (a) of this section; 1247  
1248  
1249
- (c) A prison term of life imprisonment, including any term of life imprisonment that has parole eligibility; 1250  
1251
- (d) A prison term imposed for any felony other than carrying a concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance; 1252  
1253  
1254  
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<br>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<br>1260<br>1261                         |
| (g) A prison term imposed pursuant to section 2971.03 of the Revised Code;   | 1262<br>1263                                 |
| (h) A prison term imposed for any sexually oriented offense.   | 1264<br>1265                                 |
| (11) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term.  | 1266<br>1267<br>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<br>1271<br>1272<br>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<br>1275<br>1276<br>1277<br>1278<br>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<br>1282<br>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

(e) If the offender is required to pay restitution 2006  
pursuant to section 2929.28 or 2929.281 of the Revised Code, 2007  
subject to division (D) (3) of this section, a longer time under 2008  
the same sanction if the total time under the sanction does not 2009  
exceed the time required for the offender to complete the 2010  
restitution payments or five years, whichever is less, if the 2011  
court conducts a hearing and finds all of the following: 2012

(i) The offender has consistently demonstrated a willful 2013  
refusal to pay restitution imposed as a condition of the 2014  
community control sanction; 2015

(ii) The offender has the ability to pay restitution 2016  
without suffering an undue financial burden; 2017

(iii) The civil remedies and procedures described in 2018  
division (D) of section 2929.18 of the Revised Code are 2019  
insufficient to allow the victim of the offender's criminal 2020  
offense or the victim's estate to recover restitution after the 2021  
period of the community control sanction has terminated. 2022

(3) (a) A court is not limited in the number of times it 2023  
may sentence an offender to a term described in divisions (D) (2) 2024  
(d) or (e) of this section if the total time under the sanction 2025  
does not exceed five years. 2026

(b) If the court imposes a term described in division (D) 2027  
(2) (d) of this section, the offender shall not be subject to any 2028  
conditions of supervision under the community control sanction 2029  
except for complying with mental or behavioral health treatment 2030  
or completing required programming during the extended term. If 2031  
the court imposes a term described in division (D) (2) (e) of this 2032  
section, the offender shall not be subject to any conditions of 2033  
supervision under the community control sanction except for 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