

As Introduced

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H. B. No. 635

Representatives Plummer, Young

Cosponsors: Representatives White, A., Workman, Johnson

To amend sections 2151.412, 2151.421, 2151.423, 1
2151.429, 2151.467, 2151.468, 2903.01, 2903.11, 2
2919.22, 2929.13, 2929.14, 2941.1426, 5153.122, 3
and 5153.16 and to enact sections 2151.4211, 4
2151.4235, 2151.89, and 5180.09 of the Revised 5
Code to enact the Child Protection Reform Act. 6

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

Section 1. That sections 2151.412, 2151.421, 2151.423, 7
2151.429, 2151.467, 2151.468, 2903.01, 2903.11, 2919.22, 8
2929.13, 2929.14, 2941.1426, 5153.122, and 5153.16 be amended 9
and sections 2151.4211, 2151.4235, 2151.89, and 5180.09 of the 10
Revised Code be enacted to read as follows: 11

Sec. 2151.412. (A) Each public children services agency 12
and private child placing agency shall prepare and maintain a 13
case plan for any child to whom the agency is providing services 14
and to whom any of the following applies: 15

(1) The agency filed a complaint pursuant to section 16
2151.27 of the Revised Code alleging that the child is an 17
abused, neglected, or dependent child; 18

(2) The agency has temporary or permanent custody of the 19

child; 20

(3) The child is living at home subject to an order for 21
protective supervision; 22

(4) The child is in a planned permanent living 23
arrangement. 24

Except as provided by division (A) (2) of section 5103.153 25
of the Revised Code, a private child placing agency providing 26
services to a child who is the subject of a voluntary permanent 27
custody surrender agreement entered into under division (B) (4) 28
of section 5103.15 of the Revised Code is not required to 29
prepare and maintain a case plan for that child. 30

(B) Each public children services agency shall prepare and 31
maintain a case plan for any child for whom the agency is 32
providing in-home services pursuant to an alternative response. 33

(C) (1) The director of children and youth shall adopt 34
rules pursuant to Chapter 119. of the Revised Code setting forth 35
the content and format of case plans required by division (A) of 36
this section and establishing procedures for developing, 37
implementing, and changing the case plans. The rules shall at a 38
minimum comply with the requirements of Title IV-E of the 39
"Social Security Act," 42 U.S.C. 670, et seq. (1980). 40

(2) The director of children and youth shall adopt rules 41
pursuant to Chapter 119. of the Revised Code requiring public 42
children services agencies and private child placing agencies to 43
maintain case plans for children and their families who are 44
receiving services in their homes from the agencies and for whom 45
case plans are not required by division (A) of this section. The 46
rules for public children services agencies shall include the 47
requirements for case plans maintained for children and their 48

families who are receiving services in their homes from public 49
children services agencies pursuant to an alternative response. 50
The agencies shall maintain case plans as required by those 51
rules; however, the case plans shall not be subject to any other 52
provision of this section except as specifically required by the 53
rules. 54

(D) Each public children services agency and private child 55
placing agency that is required by division (A) of this section 56
to maintain a case plan shall file the case plan with the court 57
prior to the child's adjudicatory hearing but no later than 58
thirty days after the earlier of the date on which the complaint 59
in the case was filed or the child was first placed into shelter 60
care. If the agency does not have sufficient information prior 61
to the adjudicatory hearing to complete any part of the case 62
plan, the agency shall specify in the case plan the additional 63
information necessary to complete each part of the case plan and 64
the steps that will be taken to obtain that information. All 65
parts of the case plan shall be completed by the earlier of 66
thirty days after the adjudicatory hearing or the date of the 67
dispositional hearing for the child. 68

(E) Any agency that is required by division (A) of this 69
section to prepare a case plan shall attempt to obtain an 70
agreement among all parties, including, but not limited to, the 71
parents, guardian, or custodian of the child and the guardian ad 72
litem of the child regarding the content of the case plan. If 73
all parties agree to the content of the case plan and the court 74
approves it, the court shall journalize it as part of its 75
dispositional order. If the agency cannot obtain an agreement 76
upon the contents of the case plan or the court does not approve 77
it, the parties shall present evidence on the contents of the 78
case plan at the dispositional hearing. The court, based upon 79

the evidence presented at the dispositional hearing and the best 80
interest of the child, shall determine the contents of the case 81
plan and journalize it as part of the dispositional order for 82
the child. 83

(F) (1) All parties, including the parents, guardian, or 84
custodian of the child, are bound by the terms of the 85
journalized case plan. A party that fails to comply with the 86
terms of the journalized case plan may be held in contempt of 87
court. 88

(2) Any party may propose a change to a substantive part 89
of the case plan, including, but not limited to, the child's 90
placement and the visitation rights of any party. A party 91
proposing a change to the case plan shall file the proposed 92
change with the court and give notice of the proposed change in 93
writing before the end of the day after the day of filing it to 94
all parties and the child's guardian ad litem. All parties and 95
the guardian ad litem shall have seven days from the date the 96
notice is sent to object to and request a hearing on the 97
proposed change. 98

(a) If it receives a timely request for a hearing, the 99
court shall schedule a hearing pursuant to section 2151.417 of 100
the Revised Code to be held no later than thirty days after the 101
request is received by the court. The court shall give notice of 102
the date, time, and location of the hearing to all parties and 103
the guardian ad litem. The agency may implement the proposed 104
change after the hearing, if the court approves it. The agency 105
shall not implement the proposed change unless it is approved by 106
the court. 107

(b) If it does not receive a timely request for a hearing, 108
the court may approve the proposed change without a hearing. If 109

the court approves the proposed change without a hearing, it 110
shall journalize the case plan with the change not later than 111
fourteen days after the change is filed with the court. If the 112
court does not approve the proposed change to the case plan, it 113
shall schedule a hearing to be held pursuant to section 2151.417 114
of the Revised Code no later than thirty days after the 115
expiration of the fourteen-day time period and give notice of 116
the date, time, and location of the hearing to all parties and 117
the guardian ad litem of the child. If, despite the requirements 118
of division (F)(2) of this section, the court neither approves 119
and journalizes the proposed change nor conducts a hearing, the 120
agency may implement the proposed change not earlier than 121
fifteen days after it is submitted to the court. 122

(3) If an agency has reasonable cause to believe that a 123
child is suffering from illness or injury and is not receiving 124
proper care and that an appropriate change in the child's case 125
plan is necessary to prevent immediate or threatened physical or 126
emotional harm, to believe that a child is in immediate danger 127
from the child's surroundings and that an immediate change in 128
the child's case plan is necessary to prevent immediate or 129
threatened physical or emotional harm to the child, or to 130
believe that a parent, guardian, custodian, or other member of 131
the child's household has abused or neglected the child and that 132
the child is in danger of immediate or threatened physical or 133
emotional harm from that person unless the agency makes an 134
appropriate change in the child's case plan, it may implement 135
the change without prior agreement or a court hearing and, 136
before the end of the next day after the change is made, give 137
all parties, the guardian ad litem of the child, and the court 138
notice of the change. Before the end of the third day after 139
implementing the change in the case plan, the agency shall file 140

a statement of the change with the court and give notice of the 141
filing accompanied by a copy of the statement to all parties and 142
the guardian ad litem. All parties and the guardian ad litem 143
shall have ten days from the date the notice is sent to object 144
to and request a hearing on the change. 145

(a) If it receives a timely request for a hearing, the 146
court shall schedule a hearing pursuant to section 2151.417 of 147
the Revised Code to be held no later than thirty days after the 148
request is received by the court. The court shall give notice of 149
the date, time, and location of the hearing to all parties and 150
the guardian ad litem. The agency shall continue to administer 151
the case plan with the change after the hearing, if the court 152
approves the change. If the court does not approve the change, 153
the court shall make appropriate changes to the case plan and 154
shall journalize the case plan. 155

(b) If it does not receive a timely request for a hearing, 156
the court may approve the change without a hearing. If the court 157
approves the change without a hearing, it shall journalize the 158
case plan with the change within fourteen days after receipt of 159
the change. If the court does not approve the change to the case 160
plan, it shall schedule a hearing under section 2151.417 of the 161
Revised Code to be held no later than thirty days after the 162
expiration of the fourteen-day time period and give notice of 163
the date, time, and location of the hearing to all parties and 164
the guardian ad litem of the child. 165

(G) (1) All case plans for children in temporary custody 166
shall have the following general goals: 167

(a) Consistent with the best interest and special needs of 168
the child, to achieve a safe out-of-home placement in the least 169
restrictive, most family-like setting available and in close 170

proximity to the home from which the child was removed or the 171
home in which the child will be permanently placed; 172

(b) To eliminate with all due speed the need for the out- 173
of-home placement so that the child can safely return home. 174

(2) The director of children and youth shall adopt rules 175
pursuant to Chapter 119. of the Revised Code setting forth the 176
general goals of case plans for children subject to 177
dispositional orders for protective supervision, a planned 178
permanent living arrangement, or permanent custody. 179

(H) All case plans for children under three years of age 180
in temporary custody shall require child and family 181
participation in the help me grow program established under 182
section 5180.21 of the Revised Code and, if the child is 183
eligible, participation in part C early intervention services 184
available pursuant to section 5180.30 of the Revised Code. 185

(I) In the agency's development of a case plan and the 186
court's review of the case plan, the child's health and safety 187
shall be the paramount concern. The agency and the court shall 188
be guided by the following general priorities: 189

(1) A child who is residing with or can be placed with the 190
child's parents within a reasonable time should remain in their 191
legal custody even if an order of protective supervision is 192
required for a reasonable period of time; 193

(2) If both parents of the child have abandoned the child, 194
have relinquished custody of the child, have become incapable of 195
supporting or caring for the child even with reasonable 196
assistance, or have a detrimental effect on the health, safety, 197
and best interest of the child, the child should be placed in 198
the legal custody of a suitable member of the child's extended 199

family; 200

(3) If a child described in division ~~(H) (2)~~ (I) (2) of this 201
section has no suitable member of the child's extended family to 202
accept legal custody, the child should be placed in the legal 203
custody of a suitable nonrelative who shall be made a party to 204
the proceedings after being given legal custody of the child; 205

(4) If the child has no suitable member of the child's 206
extended family to accept legal custody of the child and no 207
suitable nonrelative is available to accept legal custody of the 208
child and, if the child temporarily cannot or should not be 209
placed with the child's parents, guardian, or custodian, the 210
child should be placed in the temporary custody of a public 211
children services agency or a private child placing agency; 212

(5) If the child cannot be placed with either of the 213
child's parents within a reasonable period of time or should not 214
be placed with either, if no suitable member of the child's 215
extended family or suitable nonrelative is available to accept 216
legal custody of the child, and if the agency has a reasonable 217
expectation of placing the child for adoption, the child should 218
be committed to the permanent custody of the public children 219
services agency or private child placing agency; 220

(6) If the child is to be placed for adoption or foster 221
care, the placement shall not be delayed or denied on the basis 222
of the child's or adoptive or foster family's race, color, or 223
national origin. 224

~~(I)~~ (J) The case plan for a child in temporary custody 225
shall include at a minimum the following requirements if the 226
child is or has been the victim of abuse or neglect or if the 227
child witnessed the commission in the child's household of abuse 228

or neglect against a sibling of the child, a parent of the 229
child, or any other person in the child's household: 230

(1) A requirement that the child's parents, guardian, or 231
custodian participate in mandatory counseling; 232

(2) A requirement that the child's parents, guardian, or 233
custodian participate in any supportive services that are 234
required by or provided pursuant to the child's case plan. 235

~~(J)~~(K) (1) Prior to January 1, 2023, a case plan for a 236
child in temporary custody may include, as a supplement, a plan 237
for locating a permanent family placement. The supplement shall 238
not be considered part of the case plan for purposes of division 239
(E) of this section. 240

(2) On and after January 1, 2023, a case plan for a child 241
in temporary custody shall include a permanency plan for the 242
child unless it is documented that such a plan would not be in 243
the best interest of the child. The permanency plan shall 244
describe the services the agency shall provide to achieve 245
permanency for the child if reasonable efforts to return the 246
child to the child's home, or eliminate the continued removal 247
from that home, are unsuccessful. Those services shall be 248
provided concurrently with reasonable efforts to return the 249
child home or eliminate the child's continued removal from home. 250

(3) The director of children and youth, pursuant to 251
Chapter 119. of the Revised Code, shall adopt rules necessary to 252
carry out the purposes of division ~~(J)~~(K) of this section. 253

~~(K)~~(L) (1) A public children services agency may request 254
that the superintendent of the bureau of criminal identification 255
and investigation conduct a criminal records check with respect 256
to a parent, guardian, custodian, prospective custodian, or 257

prospective placement whose actions result in a finding after 258
the filing of a complaint as described in division (A)(1) of 259
this section that a child is an abused, neglected, or dependent 260
child. The public children services agency shall request that 261
the superintendent obtain information from the federal bureau of 262
investigation as part of the criminal records check. 263

(2) At any time on or after the date that is ninety days 264
after September 10, 2012, a prosecuting attorney, or an 265
assistant prosecuting attorney appointed under section 309.06 of 266
the Revised Code, may request that the superintendent of the 267
bureau of criminal identification and investigation conduct a 268
criminal records check with respect to each parent, guardian, 269
custodian, prospective custodian, or prospective placement whose 270
actions resulted in a finding after the filing of a complaint 271
described in division (A)(1) of this section that a child is an 272
abused, neglected, or dependent child. Each prosecuting attorney 273
or assistant prosecuting attorney who makes such a request shall 274
request that the superintendent obtain information from the 275
federal bureau of investigation as part of the criminal records 276
check for each parent, guardian, custodian, prospective 277
custodian, or prospective placement who is a subject of the 278
request. 279

(3) A public children services agency, prosecuting 280
attorney, or assistant prosecuting attorney that requests a 281
criminal records check under division ~~(K)(1)~~ (L)(1) or (2) of 282
this section shall do both of the following: 283

(a) Provide to each parent, guardian, custodian, 284
prospective custodian, or prospective placement for whom a 285
criminal records check is requested a copy of the form 286
prescribed pursuant to division (C)(1) of section 109.572 of the 287

Revised Code and a standard fingerprint impression sheet 288
prescribed pursuant to division (C) (2) of that section and 289
obtain the completed form and impression sheet from the parent, 290
guardian, custodian, prospective custodian, or prospective 291
placement; 292

(b) Forward the completed form and impression sheet to the 293
superintendent of the bureau of criminal identification and 294
investigation. 295

(4) A parent, guardian, custodian, prospective custodian, 296
or prospective placement who is given a form and fingerprint 297
impression sheet under division ~~(K) (3) (a)~~ (L) (3) (a) of this 298
section and who fails to complete the form or provide 299
fingerprint impressions may be held in contempt of court. 300

Sec. 2151.421. (A) (1) (a) No person described in division 301
(A) (1) (b) of this section who is acting in an official or 302
professional capacity and knows, or has reasonable cause to 303
suspect based on facts that would cause a reasonable person in a 304
similar position to suspect, that a child under eighteen years 305
of age, or a person under twenty-one years of age with a 306
developmental disability or physical impairment, has suffered or 307
faces a threat of suffering any physical or mental wound, 308
injury, disability, or condition of a nature that reasonably 309
indicates abuse or neglect of the child shall fail to 310
immediately report that knowledge or reasonable cause to suspect 311
to the entity or persons specified in this division. Except as 312
otherwise provided in this division or section 5120.173 of the 313
Revised Code, the person making the report shall make it to the 314
public children services agency or a peace officer in the county 315
in which the child resides or in which the abuse or neglect is 316
occurring or has occurred. If the person making the report is a 317

peace officer, the officer shall make it to the public children 318
services agency in the county in which the child resides or in 319
which the abuse or neglect is occurring or has occurred. In the 320
circumstances described in section 5120.173 of the Revised Code, 321
the person making the report shall make it to the entity 322
specified in that section. 323

(b) Division (A)(1)(a) of this section applies to any 324
person who is an attorney; health care professional; 325
practitioner of a limited branch of medicine as specified in 326
section 4731.15 of the Revised Code; licensed school 327
psychologist; independent marriage and family therapist or 328
marriage and family therapist; coroner; administrator or 329
employee of a child care center; administrator or employee of a 330
residential camp, child day camp, or private, nonprofit 331
therapeutic wilderness camp; administrator or employee of a 332
certified child care agency or other public or private children 333
services agency; school teacher; school employee; school 334
authority; peace officer; humane society agent; dog warden, 335
deputy dog warden, or other person appointed to act as an animal 336
control officer for a municipal corporation or township in 337
accordance with state law, an ordinance, or a resolution; 338
person, other than a cleric, rendering spiritual treatment 339
through prayer in accordance with the tenets of a well- 340
recognized religion; employee of a county department of job and 341
family services who is a professional and who works with 342
children and families; employee of an entity that provides home 343
visiting services under the help me grow program established by 344
the department of children and youth pursuant to section 5180.21 345
of the Revised Code; superintendent or regional administrator 346
employed by the department of youth services; superintendent, 347
board member, or employee of a county board of developmental 348

disabilities; investigative agent contracted with by a county 349
board of developmental disabilities; employee of the department 350
of developmental disabilities; employee of a facility or home 351
that provides respite care in accordance with section 5123.171 352
of the Revised Code; employee of an entity that provides 353
homemaker services; employee of a qualified organization as 354
defined in section 2151.90 of the Revised Code; a host family as 355
defined in section 2151.90 of the Revised Code; foster 356
caregiver; a person performing the duties of an assessor 357
pursuant to Chapter 3107. or 5103. of the Revised Code; third 358
party employed by a public children services agency to assist in 359
providing child or family related services; court appointed 360
special advocate; or guardian ad litem. 361

(c) If two or more health care professionals, after 362
providing health care services to a child, determine or suspect 363
that the child has been or is being abused or neglected, the 364
health care professionals may designate one of the health care 365
professionals to report the abuse or neglect. A single report 366
made under this division shall meet the reporting requirements 367
of division (A)(1) of this section. 368

(2) Except as provided in division (A)(3) of this section, 369
an attorney, physician, or advanced practice registered nurse is 370
not required to make a report pursuant to division (A)(1) of 371
this section concerning any communication the attorney, 372
physician, or advanced practice registered nurse receives from a 373
client or patient in an attorney-client, physician-patient, or 374
advanced practice registered nurse-patient relationship, if, in 375
accordance with division (A) or (B) of section 2317.02 of the 376
Revised Code, the attorney, physician, or advanced practice 377
registered nurse could not testify with respect to that 378
communication in a civil or criminal proceeding. 379

(3) The client or patient in an attorney-client, 380
physician-patient, or advanced practice registered nurse-patient 381
relationship described in division (A) (2) of this section is 382
deemed to have waived any testimonial privilege under division 383
(A) or (B) of section 2317.02 of the Revised Code with respect 384
to any communication the attorney, physician, or advanced 385
practice registered nurse receives from the client or patient in 386
that relationship, and the attorney, physician, or advanced 387
practice registered nurse shall make a report pursuant to 388
division (A) (1) of this section with respect to that 389
communication, if all of the following apply: 390

(a) The client or patient, at the time of the 391
communication, is a child under eighteen years of age or is a 392
person under twenty-one years of age with a developmental 393
disability or physical impairment. 394

(b) The attorney, physician, or advanced practice 395
registered nurse knows, or has reasonable cause to suspect based 396
on facts that would cause a reasonable person in similar 397
position to suspect that the client or patient has suffered or 398
faces a threat of suffering any physical or mental wound, 399
injury, disability, or condition of a nature that reasonably 400
indicates abuse or neglect of the client or patient. 401

(c) The abuse or neglect does not arise out of the 402
client's or patient's attempt to have an abortion without the 403
notification of her parents, guardian, or custodian in 404
accordance with section 2151.85 of the Revised Code. 405

(4) (a) No cleric and no person, other than a volunteer, 406
designated by any church, religious society, or faith acting as 407
a leader, official, or delegate on behalf of the church, 408
religious society, or faith who is acting in an official or 409

professional capacity, who knows, or has reasonable cause to 410
believe based on facts that would cause a reasonable person in a 411
similar position to believe, that a child under eighteen years 412
of age, or a person under twenty-one years of age with a 413
developmental disability or physical impairment, has suffered or 414
faces a threat of suffering any physical or mental wound, 415
injury, disability, or condition of a nature that reasonably 416
indicates abuse or neglect of the child, and who knows, or has 417
reasonable cause to believe based on facts that would cause a 418
reasonable person in a similar position to believe, that another 419
cleric or another person, other than a volunteer, designated by 420
a church, religious society, or faith acting as a leader, 421
official, or delegate on behalf of the church, religious 422
society, or faith caused, or poses the threat of causing, the 423
wound, injury, disability, or condition that reasonably 424
indicates abuse or neglect shall fail to immediately report that 425
knowledge or reasonable cause to believe to the entity or 426
persons specified in this division. Except as provided in 427
section 5120.173 of the Revised Code, the person making the 428
report shall make it to the public children services agency or a 429
peace officer in the county in which the child resides or in 430
which the abuse or neglect is occurring or has occurred. In the 431
circumstances described in section 5120.173 of the Revised Code, 432
the person making the report shall make it to the entity 433
specified in that section. 434

(b) Except as provided in division (A) (4) (c) of this 435
section, a cleric is not required to make a report pursuant to 436
division (A) (4) (a) of this section concerning any communication 437
the cleric receives from a penitent in a cleric-penitent 438
relationship, if, in accordance with division (C) of section 439
2317.02 of the Revised Code, the cleric could not testify with 440

respect to that communication in a civil or criminal proceeding. 441

(c) The penitent in a cleric-penitent relationship 442
described in division (A) (4) (b) of this section is deemed to 443
have waived any testimonial privilege under division (C) of 444
section 2317.02 of the Revised Code with respect to any 445
communication the cleric receives from the penitent in that 446
cleric-penitent relationship, and the cleric shall make a report 447
pursuant to division (A) (4) (a) of this section with respect to 448
that communication, if all of the following apply: 449

(i) The penitent, at the time of the communication, is a 450
child under eighteen years of age or is a person under twenty- 451
one years of age with a developmental disability or physical 452
impairment. 453

(ii) The cleric knows, or has reasonable cause to believe 454
based on facts that would cause a reasonable person in a similar 455
position to believe, as a result of the communication or any 456
observations made during that communication, the penitent has 457
suffered or faces a threat of suffering any physical or mental 458
wound, injury, disability, or condition of a nature that 459
reasonably indicates abuse or neglect of the penitent. 460

(iii) The abuse or neglect does not arise out of the 461
penitent's attempt to have an abortion performed upon a child 462
under eighteen years of age or upon a person under twenty-one 463
years of age with a developmental disability or physical 464
impairment without the notification of her parents, guardian, or 465
custodian in accordance with section 2151.85 of the Revised 466
Code. 467

(d) Divisions (A) (4) (a) and (c) of this section do not 468
apply in a cleric-penitent relationship when the disclosure of 469

any communication the cleric receives from the penitent is in 470
violation of the sacred trust. 471

(e) As used in divisions (A) (1) and (4) of this section, 472
"cleric" and "sacred trust" have the same meanings as in section 473
2317.02 of the Revised Code. 474

(B) Anyone who knows, or has reasonable cause to suspect 475
based on facts that would cause a reasonable person in similar 476
circumstances to suspect, that a child under eighteen years of 477
age, or a person under twenty-one years of age with a 478
developmental disability or physical impairment, has suffered or 479
faces a threat of suffering any physical or mental wound, 480
injury, disability, or other condition of a nature that 481
reasonably indicates abuse or neglect of the child may report or 482
cause reports to be made of that knowledge or reasonable cause 483
to suspect to the entity or persons specified in this division. 484
Except as provided in section 5120.173 of the Revised Code, a 485
person making a report or causing a report to be made under this 486
division shall make it or cause it to be made to the public 487
children services agency or to a peace officer. In the 488
circumstances described in section 5120.173 of the Revised Code, 489
a person making a report or causing a report to be made under 490
this division shall make it or cause it to be made to the entity 491
specified in that section. 492

(C) Any report made pursuant to division (A) or (B) of 493
this section shall be made forthwith either by telephone, in 494
person, or electronically and shall be followed by a written 495
report, if requested by the receiving agency or officer. The 496
written report shall contain: 497

(1) The names and addresses of the child and the child's 498
parents or the person or persons having custody of the child, if 499

known; 500

(2) The child's age and the nature and extent of the 501
child's injuries, abuse, or neglect that is known or reasonably 502
suspected or believed, as applicable, to have occurred or of the 503
threat of injury, abuse, or neglect that is known or reasonably 504
suspected or believed, as applicable, to exist, including any 505
evidence of previous injuries, abuse, or neglect; 506

(3) Any other information, including, but not limited to, 507
results and reports of any medical examinations, tests, or 508
procedures performed under division (D) of this section, that 509
might be helpful in establishing the cause of the injury, abuse, 510
or neglect that is known or reasonably suspected or believed, as 511
applicable, to have occurred or of the threat of injury, abuse, 512
or neglect that is known or reasonably suspected or believed, as 513
applicable, to exist. 514

(D) (1) Any person, who is required by division (A) of this 515
section to report child abuse or child neglect that is known or 516
reasonably suspected or believed to have occurred, may take or 517
cause to be taken color photographs of areas of trauma visible 518
on a child and, if medically necessary for the purpose of 519
diagnosing or treating injuries that are suspected to have 520
occurred as a result of child abuse or child neglect, perform or 521
cause to be performed radiological examinations and any other 522
medical examinations of, and tests or procedures on, the child. 523

(2) The results and any available reports of examinations, 524
tests, or procedures made under division (D) (1) of this section 525
shall be included in a report made pursuant to division (A) of 526
this section. Any additional reports of examinations, tests, or 527
procedures that become available shall be provided to the public 528
children services agency, upon request. 529

(3) If a health care professional provides health care 530
services in a hospital, children's advocacy center, or emergency 531
medical facility to a child about whom a report has been made 532
under division (A) of this section, the health care professional 533
may take any steps that are reasonably necessary for the release 534
or discharge of the child to an appropriate environment. Before 535
the child's release or discharge, the health care professional 536
may obtain information, or consider information obtained, from 537
other entities or individuals that have knowledge about the 538
child. Nothing in division (D) (3) of this section shall be 539
construed to alter the responsibilities of any person under 540
sections 2151.27 and 2151.31 of the Revised Code. 541

(4) A health care professional may conduct medical 542
examinations, tests, or procedures on the siblings of a child 543
about whom a report has been made under division (A) of this 544
section and on other children who reside in the same home as the 545
child, if the professional determines that the examinations, 546
tests, or procedures are medically necessary to diagnose or 547
treat the siblings or other children in order to determine 548
whether reports under division (A) of this section are warranted 549
with respect to such siblings or other children. The results of 550
the examinations, tests, or procedures on the siblings and other 551
children may be included in a report made pursuant to division 552
(A) of this section. 553

(5) Medical examinations, tests, or procedures conducted 554
under divisions (D) (1) and (4) of this section and decisions 555
regarding the release or discharge of a child under division (D) 556
(3) of this section do not constitute a law enforcement 557
investigation or activity. 558

(E) (1) When a peace officer receives a report made 559

pursuant to division (A) or (B) of this section, upon receipt of 560
the report, the peace officer who receives the report shall 561
refer the report to the appropriate public children services 562
agency, in accordance with requirements specified under division 563
(B) (6) of section 2151.4221 of the Revised Code, unless an 564
arrest is made at the time of the report that results in the 565
appropriate public children services agency being contacted 566
concerning the possible abuse or neglect of a child or the 567
possible threat of abuse or neglect of a child. 568

(2) When a public children services agency receives a 569
report pursuant to this division or division (A) or (B) of this 570
section, upon receipt of the report, the public children 571
services agency shall do all of the following: 572

(a) Comply with section 2151.422 of the Revised Code; 573

(b) If the county served by the agency is also served by a 574
children's advocacy center and the report alleges sexual abuse 575
of a child or another type of abuse of a child that is specified 576
in the memorandum of understanding that creates the center as 577
being within the center's jurisdiction, comply regarding the 578
report with the protocol and procedures for referrals and 579
investigations, with the coordinating activities, and with the 580
authority or responsibility for performing or providing 581
functions, activities, and services stipulated in the 582
interagency agreement entered into under section 2151.428 of the 583
Revised Code relative to that center; 584

(c) Unless an arrest is made at the time of the report 585
that results in the appropriate law enforcement agency being 586
contacted concerning the possible abuse or neglect of a child or 587
the possible threat of abuse or neglect of a child, and in 588
accordance with requirements specified under division (B) (6) of 589

section 2151.4221 of the Revised Code, notify the appropriate 590
law enforcement agency of the report, if the public children 591
services agency received either of the following: 592

(i) A report of abuse of a child; 593

(ii) A report of neglect of a child that alleges a type of 594
neglect identified by the department of children and youth in 595
rules adopted under division (L) (2) of this section; 596

(d) If the child who is the subject of the report resides 597
in a county other than the county served by the agency that 598
receives the report or has a residence or legal settlement in 599
both the county served by the agency that receives the report 600
and another county, immediately notify the agency served by the 601
other county in which the child resides. 602

(3) If the child who is the subject of the report resides 603
in a county other than the county served by the agency that 604
receives the report or has a residence or legal settlement in 605
both the county served by the agency that receives the report 606
and another county, the agencies shall jointly determine which 607
agency shall serve as the lead agency. The agencies shall make 608
this determination before a case is filed in court. 609

(4) (a) All of the following entities shall provide 610
relevant information to a public children services agency or 611
peace officer concerning a report of child abuse or neglect 612
without a subpoena upon the request of a public children 613
services agency or peace officer or when disclosure is necessary 614
to ensure a child's safety: 615

(i) Another public children services agency; 616

(ii) Another peace officer or law enforcement agency; 617

(iii) A health care professional or health care facility; 618

(iv) Notwithstanding section 3319.321 of the Revised Code, 619
a school district. 620

(b) The disclosure of protected health information by a 621
covered entity pursuant to division (E) (4) (a) of this section is 622
deemed permissible under the HIPAA Privacy Rule and Chapter 623
3798. of the Revised Code, as each of those terms are defined in 624
section 3798.01 of the Revised Code. 625

(F) No peace officer shall remove a child about whom a 626
report is made pursuant to this section from the child's 627
parents, stepparents, or guardian or any other persons having 628
custody of the child without consultation with the public 629
children services agency, unless, in the judgment of the 630
officer, and, if the report was made by a physician or advanced 631
practice registered nurse, the physician or nurse, immediate 632
removal is considered essential to protect the child from 633
further abuse or neglect. The agency that must be consulted 634
shall be the agency conducting the investigation of the report 635
as determined pursuant to section 2151.422 of the Revised Code. 636

(G) (1) Except as provided in section 2151.422 of the 637
Revised Code or in an interagency agreement entered into under 638
section 2151.428 of the Revised Code that applies to the 639
particular report, the public children services agency shall 640
investigate, within twenty-four hours, each report of child 641
abuse or child neglect that is known or reasonably suspected or 642
believed to have occurred and of a threat of child abuse or 643
child neglect that is known or reasonably suspected or believed 644
to exist that is referred to it under this section to determine 645
the circumstances surrounding the injuries, abuse, or neglect or 646
the threat of injury, abuse, or neglect, the cause of the 647

injuries, abuse, neglect, or threat, and the person or persons 648
responsible. The investigation shall be made in cooperation with 649
the law enforcement agency and in accordance with the memorandum 650
of understanding prepared under sections 2151.4220 to 2151.4234 651
of the Revised Code. A representative of the public children 652
services agency shall, at the time of initial contact with the 653
person subject to the investigation, inform the person of the 654
specific complaints or allegations made against the person. The 655
information shall be given in a manner that is consistent with 656
division (I)(1) of this section and protects the rights of the 657
person making the report under this section. 658

A failure to make the investigation in accordance with the 659
memorandum is not grounds for, and shall not result in, the 660
dismissal of any charges or complaint arising from the report or 661
the suppression of any evidence obtained as a result of the 662
report and does not give, and shall not be construed as giving, 663
any rights or any grounds for appeal or post-conviction relief 664
to any person. The public children services agency shall report 665
each case to the uniform statewide automated child welfare 666
information system that the department of children and youth 667
shall maintain in accordance with section 5180.40 of the Revised 668
Code. The public children services agency shall submit a report 669
of its investigation, in writing, to the law enforcement agency. 670

(2) If the child who is the subject of a report resides in 671
a county other than the county served by the agency that 672
receives the report or has a residence or legal settlement in 673
both the county served by the agency that receives the report 674
and another county, the agencies shall jointly investigate the 675
report until the agencies jointly determine which agency shall 676
serve as the lead agency in accordance with division (E)(3) of 677
this section. 678

(3) The public children services agency shall make any 679
recommendations to the county prosecuting attorney or city 680
director of law that it considers necessary to protect any 681
children that are brought to its attention. 682

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 683
(I) (3) of this section, any person, health care professional, 684
hospital, institution, school, health department, or agency 685
shall be immune from any civil or criminal liability for injury, 686
death, or loss to person or property that otherwise might be 687
incurred or imposed as a result of any of the following: 688

(i) Participating in the making of reports pursuant to 689
division (A) of this section or in the making of reports in good 690
faith, pursuant to division (B) of this section; 691

(ii) Participating in medical examinations, tests, or 692
procedures under division (D) of this section; 693

(iii) Providing information used in a report made pursuant 694
to division (A) of this section or providing information in good 695
faith used in a report made pursuant to division (B) of this 696
section; 697

(iv) Participating in a judicial proceeding resulting from 698
a report made pursuant to division (A) of this section or 699
participating in good faith in a proceeding resulting from a 700
report made pursuant to division (B) of this section. 701

(b) Immunity under division (H) (1) (a) (ii) of this section 702
shall not apply when a health care provider has deviated from 703
the standard of care applicable to the provider's profession. 704

(c) Notwithstanding section 4731.22 of the Revised Code, 705
the physician-patient privilege shall not be a ground for 706
excluding evidence regarding a child's injuries, abuse, or 707

neglect, or the cause of the injuries, abuse, or neglect in any 708
judicial proceeding resulting from a report submitted pursuant 709
to this section. 710

(2) In any civil or criminal action or proceeding in which 711
it is alleged and proved that participation in the making of a 712
report under this section was not in good faith or participation 713
in a judicial proceeding resulting from a report made under this 714
section was not in good faith, the court shall award the 715
prevailing party reasonable attorney's fees and costs and, if a 716
civil action or proceeding is voluntarily dismissed, may award 717
reasonable attorney's fees and costs to the party against whom 718
the civil action or proceeding is brought. 719

(I) (1) Except as provided in divisions (I) (4) and (N) of 720
this section and sections 2151.423 and 2151.4210 of the Revised 721
Code, a report made under this section is confidential. The 722
information provided in a report made pursuant to this section 723
and the name of the person who made the report shall not be 724
released for use, and shall not be used, as evidence in any 725
civil action or proceeding brought against the person who made 726
the report. Nothing in this division shall preclude the use of 727
reports of other incidents of known or suspected abuse or 728
neglect in a civil action or proceeding brought pursuant to 729
division (M) of this section against a person who is alleged to 730
have violated division (A) (1) of this section, provided that any 731
information in a report that would identify the child who is the 732
subject of the report or the maker of the report, if the maker 733
of the report is not the defendant or an agent or employee of 734
the defendant, has been redacted. In a criminal proceeding, the 735
report is admissible in evidence in accordance with the Rules of 736
Evidence and is subject to discovery in accordance with the 737
Rules of Criminal Procedure. 738

(2) (a) Except as provided in division (I) (2) (b) of this 739
section, no person shall permit or encourage the unauthorized 740
dissemination of the contents of any report made under this 741
section. 742

(b) A health care professional that obtains the same 743
information contained in a report made under this section from a 744
source other than the report may disseminate the information, if 745
its dissemination is otherwise permitted by law. 746

(3) A person who knowingly makes or causes another person 747
to make a false report under division (B) of this section that 748
alleges that any person has committed an act or omission that 749
resulted in a child being an abused child or a neglected child 750
is guilty of a violation of section 2921.14 of the Revised Code. 751

(4) If a report is made pursuant to division (A) or (B) of 752
this section and the child who is the subject of the report dies 753
for any reason at any time after the report is made, but before 754
the child attains eighteen years of age, the public children 755
services agency or peace officer to which the report was made or 756
referred, on the request of the child fatality review board, the 757
suicide fatality review committee, or the director of health 758
pursuant to guidelines established under section 3701.70 of the 759
Revised Code, shall submit a summary sheet of information 760
providing a summary of the report to the review board or review 761
committee of the county in which the deceased child resided at 762
the time of death or to the director. On the request of the 763
review board, review committee, or director, the agency or peace 764
officer may, at its discretion, make the report available to the 765
review board, review committee, or director. If the county 766
served by the public children services agency is also served by 767
a children's advocacy center and the report of alleged sexual 768

abuse of a child or another type of abuse of a child is 769
specified in the memorandum of understanding that creates the 770
center as being within the center's jurisdiction, the agency or 771
center shall perform the duties and functions specified in this 772
division in accordance with the interagency agreement entered 773
into under section 2151.428 of the Revised Code relative to that 774
advocacy center. 775

(5) Not later than five business days after the 776
determination of a disposition, a public children services 777
agency shall advise a person alleged to have inflicted abuse or 778
neglect on a child who is the subject of a report made pursuant 779
to this section, including a report alleging sexual abuse of a 780
child or another type of abuse of a child referred to a 781
children's advocacy center pursuant to an interagency agreement 782
entered into under section 2151.428 of the Revised Code, in 783
writing of the disposition of the investigation. The agency 784
shall not provide to the person any information that identifies 785
the person who made the report, statements of witnesses, or 786
police or other investigative reports. The written notice of 787
disposition shall be made in a form designated by the department 788
of children and youth and shall inform the person of the right 789
to appeal the disposition. 790

(J) Any report that is required by this section, other 791
than a report that is made to the state highway patrol as 792
described in section 5120.173 of the Revised Code, shall result 793
in protective services and emergency supportive services being 794
made available by the public children services agency on behalf 795
of the children about whom the report is made. The agency 796
required to provide the services shall be the agency conducting 797
the investigation of the report pursuant to section 2151.422 of 798
the Revised Code. If a family is determined to benefit from 799

prevention services, the agency also may make efforts to prevent 800
neglect or abuse, to enhance a child's welfare, and to preserve 801
the family unit intact by referring a report for assessment and 802
provision of services to an agency providing prevention 803
services, if appropriate prevention services are available from 804
a local provider or other reasonable source. 805

(K) (1) Except as provided in division (K) (4) or (5) of 806
this section, a person who is required to make a report under 807
division (A) of this section may make a reasonable number of 808
requests of the public children services agency that receives or 809
is referred the report, or of the children's advocacy center 810
that is referred the report if the report is referred to a 811
children's advocacy center pursuant to an interagency agreement 812
entered into under section 2151.428 of the Revised Code, to be 813
provided with the following information: 814

(a) Whether the agency or center has initiated an 815
investigation of the report; 816

(b) Whether the agency or center is continuing to 817
investigate the report; 818

(c) Whether the agency or center is otherwise involved 819
with the child who is the subject of the report; 820

(d) The general status of the health and safety of the 821
child who is the subject of the report; 822

(e) Whether the report has resulted in the filing of a 823
complaint in juvenile court or of criminal charges in another 824
court. 825

(2) (a) A person may request the information specified in 826
division (K) (1) of this section only if, at the time the report 827
is made, the person's name, address, and telephone number are 828

provided to the person who receives the report. 829

(b) When a peace officer or employee of a public children 830
services agency receives a report pursuant to division (A) or 831
(B) of this section the recipient of the report shall inform the 832
person of the right to request the information described in 833
division (K)(1) of this section. The recipient of the report 834
shall include in the initial child abuse or child neglect report 835
that the person making the report was so informed and, if 836
provided at the time of the making of the report, shall include 837
the person's name, address, and telephone number in the report. 838

(c) If the person making the report provides the person's 839
name and contact information on making the report, the public 840
children services agency that received or was referred the 841
report shall send a written notice via United States mail or 842
electronic mail, in accordance with the person's preference, to 843
the person not later than seven calendar days after receipt of 844
the report. The notice shall provide the status of the agency's 845
investigation into the report made, who the person may contact 846
at the agency for further information, and a description of the 847
person's rights under division (K)(1) of this section. 848

(d) Each request is subject to verification of the 849
identity of the person making the report. If that person's 850
identity is verified, the agency shall provide the person with 851
the information described in division (K)(1) of this section a 852
reasonable number of times, except that the agency shall not 853
disclose any confidential information regarding the child who is 854
the subject of the report other than the information described 855
in those divisions. 856

(3) A request made pursuant to division (K)(1) of this 857
section is not a substitute for any report required to be made 858

pursuant to division (A) of this section. 859

(4) If an agency other than the agency that received or 860
was referred the report is conducting the investigation of the 861
report pursuant to section 2151.422 of the Revised Code, the 862
agency conducting the investigation shall comply with the 863
requirements of division (K) of this section. 864

(5) A health care professional who made a report under 865
division (A) of this section, or on whose behalf such a report 866
was made as provided in division (A)(1)(c) of this section, may 867
authorize a person to obtain the information described in 868
division (K)(1) of this section if the person requesting the 869
information is associated with or acting on behalf of the health 870
care professional who provided health care services to the child 871
about whom the report was made. 872

(6) If the person making the report provides the person's 873
name and contact information on making the report, the public 874
children services agency that received or was referred the 875
report shall send a written notice via United States mail or 876
electronic mail, in accordance with the person's preference, to 877
the person not later than seven calendar days after the agency 878
closes the investigation into the case reported by the person. 879
The notice shall notify the person that the agency has closed 880
the investigation. 881

(L)(1) The director of children and youth shall adopt 882
rules in accordance with Chapter 119. of the Revised Code to 883
implement this section. The department of children and youth may 884
enter into a plan of cooperation with any other governmental 885
entity to aid in ensuring that children are protected from abuse 886
and neglect. The department shall make recommendations to the 887
attorney general that the department determines are necessary to 888

protect children from child abuse and child neglect. 889

(2) The director of children and youth shall adopt rules 890
in accordance with Chapter 119. of the Revised Code to identify 891
the types of neglect of a child that a public children services 892
agency shall be required to notify law enforcement of pursuant 893
to division (E) (2) (c) (ii) of this section. 894

(M) Whoever violates division (A) of this section is 895
liable for compensatory and exemplary damages to the child who 896
would have been the subject of the report that was not made. A 897
person who brings a civil action or proceeding pursuant to this 898
division against a person who is alleged to have violated 899
division (A) (1) of this section may use in the action or 900
proceeding reports of other incidents of known or suspected 901
abuse or neglect, provided that any information in a report that 902
would identify the child who is the subject of the report or the 903
maker of the report, if the maker is not the defendant or an 904
agent or employee of the defendant, has been redacted. 905

(N) (1) As used in this division: 906

(a) "Out-of-home care" includes a nonchartered nonpublic 907
school if the alleged child abuse or child neglect, or alleged 908
threat of child abuse or child neglect, described in a report 909
received by a public children services agency allegedly occurred 910
in or involved the nonchartered nonpublic school and the alleged 911
perpetrator named in the report holds a certificate, permit, or 912
license issued by the state board of education under section 913
3301.071 or Chapter 3319. of the Revised Code. 914

(b) "Administrator, director, or other chief 915
administrative officer" means the superintendent of the school 916
district if the out-of-home care entity subject to a report made 917

pursuant to this section is a school operated by the district. 918

(2) No later than the end of the day following the day on 919
which a public children services agency receives a report of 920
alleged child abuse or child neglect, or a report of an alleged 921
threat of child abuse or child neglect, that allegedly occurred 922
in or involved an out-of-home care entity, the agency shall 923
provide written notice of the allegations contained in and the 924
person named as the alleged perpetrator in the report to the 925
administrator, director, or other chief administrative officer 926
of the out-of-home care entity that is the subject of the report 927
unless the administrator, director, or other chief 928
administrative officer is named as an alleged perpetrator in the 929
report. If the administrator, director, or other chief 930
administrative officer of an out-of-home care entity is named as 931
an alleged perpetrator in a report of alleged child abuse or 932
child neglect, or a report of an alleged threat of child abuse 933
or child neglect, that allegedly occurred in or involved the 934
out-of-home care entity, the agency shall provide the written 935
notice to the owner or governing board of the out-of-home care 936
entity that is the subject of the report. The agency shall not 937
provide witness statements or police or other investigative 938
reports. 939

(3) No later than three days after the day on which a 940
public children services agency that conducted the investigation 941
as determined pursuant to section 2151.422 of the Revised Code 942
makes a disposition of an investigation involving a report of 943
alleged child abuse or child neglect, or a report of an alleged 944
threat of child abuse or child neglect, that allegedly occurred 945
in or involved an out-of-home care entity, the agency shall send 946
written notice of the disposition of the investigation to the 947
administrator, director, or other chief administrative officer 948

and the owner or governing board of the out-of-home care entity. 949
The agency shall not provide witness statements or police or 950
other investigative reports. 951

(0) As used in this section: 952

(1) "Children's advocacy center" and "sexual abuse of a 953
child" have the same meanings as in section 2151.425 of the 954
Revised Code. 955

(2) "Health care professional" means an individual who 956
provides health-related services. "Health care professional" 957
includes all of the following: a physician, including a hospital 958
intern or resident; a dentist; a podiatrist; a registered nurse, 959
including such a nurse who is an advanced practice registered 960
nurse; a licensed practical nurse; a home care nurse; a licensed 961
psychologist; a speech-language pathologist; an audiologist; a 962
person engaged in social work or the practice of professional 963
counseling; and an employee of a home health agency. "Health 964
care professional" does not include a practitioner of a limited 965
branch of medicine as specified in section 4731.15 of the 966
Revised Code, licensed school psychologist, independent marriage 967
and family therapist or marriage and family therapist, or 968
coroner. 969

(3) "Investigation" means the public children services 970
agency's response to an accepted report of child abuse or 971
neglect through either an alternative response or a traditional 972
response. 973

(4) "Peace officer" means a sheriff, deputy sheriff, 974
constable, police officer of a township or joint police 975
district, marshal, deputy marshal, municipal police officer, or 976
a state highway patrol trooper. 977

Sec. 2151.423. A public children services agency shall 978
disclose confidential information discovered during an 979
investigation conducted pursuant to section 2151.421 or 2151.422 980
of the Revised Code to any federal, state, or local government 981
entity, including any appropriate military authority~~or~~, any 982
prevention services provider to the family, or another public 983
children services agency, that needs the information to carry 984
out its responsibilities to protect children from abuse or 985
neglect. 986

Information disclosed pursuant to this section is 987
confidential and is not subject to disclosure pursuant to 988
section 149.43 or 1347.08 of the Revised Code by the agency to 989
whom the information was disclosed. The agency receiving the 990
information shall maintain the confidentiality of information 991
disclosed pursuant to this section. 992

Sec. 2151.429. (A) The differential response approach, as 993
defined in section 2151.011 of the Revised Code, pursued by a 994
public children services agency shall include two response 995
pathways, the traditional response pathway and the alternative 996
response pathway. The director of children and youth shall adopt 997
rules pursuant to Chapter 119. of the Revised Code setting forth 998
the procedures and criteria for public children services 999
agencies to assign and reassign response pathways. 1000

(B) The agency shall use the traditional response for the 1001
following types of accepted reports: 1002

(1) Physical abuse~~resulting in serious injury or that~~ 1003
~~creates a serious and immediate risk to a child's health and~~ 1004
~~safety.~~ 1005

(2) Sexual abuse. 1006

(3) Child fatality.	1007
(4) Reports requiring a specialized assessment as identified by rule adopted by the department.	1008 1009
(5) Reports requiring a third party investigative procedure as identified by rule adopted by the department.	1010 1011
(C) For all other child abuse and neglect reports, an alternative response shall be the preferred response, whenever appropriate and in accordance with rules adopted by the department.	1012 1013 1014 1015
<u>Sec. 2151.4211. (A) A public children services agency that jointly investigates a report of child abuse or neglect with another public children services agency in accordance with division (G) (2) of section 2151.421 of the Revised Code shall share case information with the other agency as needed or requested, regardless of whether the agencies have determined which agency shall serve as the lead agency under division (E) (3) of section 2151.421 of the Revised Code.</u>	1016 1017 1018 1019 1020 1021 1022 1023
<u>(B) If custody or supervision of a child transfers from a public children services agency of one county to a public children services agency of another county, the agency that previously had custody or supervision of the child shall transfer all information regarding the child, including any case plan, to the other agency and share all information that is necessary to serve the well-being of the child.</u>	1024 1025 1026 1027 1028 1029 1030
<u>(C) Nothing in Chapter 2151. of the Revised Code prevents a public children services agency from cooperating or sharing case management duties or other responsibilities with another public children services agency as necessary.</u>	1031 1032 1033 1034
<u>Sec. 2151.4235. (A) A law enforcement agency shall enter</u>	1035

in the uniform statewide automated child welfare information 1036
system established in section 5180.40 of the Revised Code all 1037
alleged incidents of the offense of domestic violence and the 1038
address where the alleged offense occurred that the law 1039
enforcement agency responded to in the preceding week. 1040

(B) A public children services agency that is 1041
investigating a report of child abuse or neglect under section 1042
2151.421 of the Revised Code or has filed a complaint pursuant 1043
to section 2151.27 of the Revised Code shall make an examination 1044
of the statewide automated child welfare information system to 1045
determine if any alleged offense documented in division (A) of 1046
this section involves the child who is the subject of an 1047
investigation or complaint. 1048

Sec. 2151.467. (A) A public children services agency or 1049
private child placing agency with custody of a child who is 1050
under the care and supervision of a residential facility shall 1051
conduct a monthly weekly in-person visit-visits to the 1052
residential facility to determine the well-being of the child. 1053

The agency shall maintain documentation of each visit and 1054
report each visit as well as concerns about the child to the 1055
department of children and youth in accordance with rules 1056
adopted under division ~~(B)~~ (C) of this section. 1057

~~(B)~~ (B) (1) The department shall monitor whether an agency 1058
is in compliance with division (A) of this section. With regard 1059
to each residential facility in this state, the department shall 1060
submit on a quarterly basis a compliance report to the county 1061
commissioners of the county in which the residential facility is 1062
located. 1063

(2) If an agency is in compliance with division (A) of 1064

this section, the county in which the agency is located shall 1065
receive access to funding that is appropriated from the general 1066
revenue fund to incentivize best practices. If an agency is not 1067
in compliance with division (A) of this section, the county in 1068
which the agency is located shall not receive access to such 1069
funding. 1070

(C) Not later than ninety days after ~~the effective date of~~ 1071
~~this section~~ April 3, 2025, the director of children and youth 1072
shall adopt rules in accordance with Chapter 119. of the Revised 1073
Code to establish both of the following: 1074

(1) Criteria for determining whether an agency shall 1075
report a concern to the department; 1076

(2) Criteria for determining whether an agency shall 1077
conduct a mandatory review of the placement of the child 1078
pursuant to section 2151.468 of the Revised Code. 1079

Sec. 2151.468. (A) A public children services agency or 1080
private child placing agency with custody of a child who is 1081
under the care and supervision of a residential facility shall 1082
review the placement of the child if any of the following occur: 1083

(1) The child presents to an emergency department or is 1084
admitted to a hospital for an injury or mental health crisis. 1085

(2) A police report is generated with regard to the child. 1086

(3) During a ~~monthly~~ weekly visit, the agency has 1087
determined that a review is necessary pursuant to rules adopted 1088
under section 2151.467 of the Revised Code. 1089

(B) A review of the placement of a child under division 1090
(A) of this section shall include a determination of whether the 1091
residential facility is an appropriate setting and is providing 1092

a satisfactory level of care for the child. 1093

(C) The public children services agency or private child 1094
placing agency shall notify the operator of the residential 1095
facility of the results of a review under division (A) of this 1096
section and any action that the agency plans to take with regard 1097
to the child as a result of the review. 1098

(D) Not later than ninety days after ~~the effective date of~~ 1099
~~this section~~ April 3, 2025, the department of children and youth 1100
shall adopt rules in accordance with Chapter 119. of the Revised 1101
Code to establish guidelines for reviewing the placement of a 1102
child under this section, including review criteria, 1103
circumstances that would require a change in the placement of 1104
the child, and a timeline for conducting review and taking 1105
appropriate action. 1106

Sec. 2151.89. (A) As used in this section: 1107

(1) "Employee" means any person who performs a service for 1108
wages or other remuneration for an employer. 1109

(2) "Employer" means any governmental entity that employs 1110
one or more employees, including the state or any agency or 1111
instrumentality of the state, and any municipal corporation, 1112
county, township, school district, or any agency or 1113
instrumentality thereof. 1114

(B) (1) No employer shall take any disciplinary or 1115
retaliatory action against an employee who shares information 1116
with a federal, state, or local government entity regarding a 1117
child in accordance with state or federal law in order to 1118
protect the child's welfare. For purposes of this division, 1119
disciplinary or retaliatory action by the employer includes 1120
doing any of the following: 1121

(a) Removing or suspending the person from employment; 1122

(b) Withholding from the person salary increases or 1123
employee benefits to which the person is otherwise entitled; 1124

(c) Transferring or reassigning the person; 1125

(d) Denying the person a promotion that the person 1126
otherwise would have received; 1127

(e) Reducing the person in pay or position. 1128

(2) If an employer takes any disciplinary or retaliatory 1129
action against a person who shares information as described in 1130
division (B)(1) of this section, the person may bring a civil 1131
action for appropriate injunctive relief in a court of common 1132
pleas in accordance with the Rules of Civil Procedure. The 1133
court, in rendering a judgment for the person in an action 1134
brought pursuant to this division, may order, as it determines 1135
appropriate, reinstatement of the person to the same position 1136
that the person held at the time of the disciplinary or 1137
retaliatory action, the payment of back wages, full 1138
reinstatement of fringe benefits and seniority rights, or any 1139
combination of these remedies. The court also may award the 1140
prevailing party all or a portion of the costs of litigation. If 1141
the person who brought the action prevails in the action, the 1142
court may award the prevailing person reasonable attorney's 1143
fees, witness fees, and fees for experts who testify at trial, 1144
in an amount the court determines appropriate. 1145

Sec. 2903.01. (A) No person shall purposely, and with 1146
prior calculation and design, cause the death of another or the 1147
unlawful termination of another's pregnancy. 1148

(B) No person shall purposely cause the death of another 1149
or the unlawful termination of another's pregnancy while 1150

committing or attempting to commit, or while fleeing immediately 1151
after committing or attempting to commit, kidnapping, rape, 1152
aggravated arson, arson, aggravated robbery, robbery, aggravated 1153
burglary, burglary, trespass in a habitation when a person is 1154
present or likely to be present, terrorism, or escape. 1155

(C) No person shall purposely cause the death of another 1156
who is under ~~thirteen~~-eighteen years of age at the time of the 1157
commission of the offense. 1158

(D) No person who is under detention as a result of having 1159
been found guilty of or having pleaded guilty to a felony or who 1160
breaks that detention shall purposely cause the death of 1161
another. 1162

(E) No person shall purposely cause the death of a law 1163
enforcement officer whom the offender knows or has reasonable 1164
cause to know is a law enforcement officer when either of the 1165
following applies: 1166

(1) The victim, at the time of the commission of the 1167
offense, is engaged in the victim's duties. 1168

(2) It is the offender's specific purpose to kill a law 1169
enforcement officer. 1170

(F) No person shall purposely cause the death of a first 1171
responder or military member whom the offender knows or has 1172
reasonable cause to know is a first responder or military member 1173
when it is the offender's specific purpose to kill a first 1174
responder or military member. 1175

(G) Whoever violates this section is guilty of aggravated 1176
murder, and shall be punished as provided in section 2929.02 of 1177
the Revised Code. 1178

(H) As used in this section:	1179
(1) "Detention" has the same meaning as in section 2921.01 of the Revised Code.	1180 1181
(2) "Law enforcement officer" has the same meaning as in section 2911.01 of the Revised Code and also includes any federal law enforcement officer as defined in section 2921.51 of the Revised Code and anyone who has previously served as a law enforcement officer or federal law enforcement officer.	1182 1183 1184 1185 1186
(3) "First responder" means an emergency medical service provider, a firefighter, or any other emergency response personnel, or anyone who has previously served as a first responder.	1187 1188 1189 1190
(4) "Military member" means a member of the armed forces of the United States, reserves, or Ohio national guard, a participant in ROTC, JROTC, or any similar military training program, or anyone who has previously served in the military.	1191 1192 1193 1194
Sec. 2903.11. (A) No person shall knowingly do either of the following:	1195 1196
(1) Cause serious physical harm to another or to another's unborn;	1197 1198
(2) Cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance.	1199 1200 1201
(B) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall knowingly do any of the following:	1202 1203 1204 1205
(1) Engage in sexual conduct with another person without	1206

disclosing that knowledge to the other person prior to engaging 1207
in the sexual conduct; 1208

(2) Engage in sexual conduct with a person whom the 1209
offender knows or has reasonable cause to believe lacks the 1210
mental capacity to appreciate the significance of the knowledge 1211
that the offender has tested positive as a carrier of a virus 1212
that causes acquired immunodeficiency syndrome; 1213

(3) Engage in sexual conduct with a person under eighteen 1214
years of age who is not the spouse of the offender. 1215

(C) The prosecution of a person under this section does 1216
not preclude prosecution of that person under section 2907.02 of 1217
the Revised Code. 1218

(D) (1) (a) Whoever violates this section is guilty of 1219
felonious assault. Except as otherwise provided in this division 1220
or division (D) (1) (b) of this section, felonious assault is a 1221
felony of the second degree. If the victim of a violation of 1222
division (A) of this section is a peace officer or an 1223
investigator of the bureau of criminal identification and 1224
investigation, felonious assault is a felony of the first 1225
degree. 1226

(b) Regardless of whether the felonious assault is a 1227
felony of the first or second degree under division (D) (1) (a) of 1228
this section, if the offender also is convicted of or pleads 1229
guilty to a specification as described in section 2941.1423 of 1230
the Revised Code that was included in the indictment, count in 1231
the indictment, or information charging the offense, except as 1232
otherwise provided in this division or unless a longer prison 1233
term is required under any other provision of law, the court 1234
shall sentence the offender to a mandatory prison term as 1235

provided in division (B) (8) of section 2929.14 of the Revised 1236
Code. If the victim of the offense is a peace officer or an 1237
investigator of the bureau of criminal identification and 1238
investigation, and if the victim suffered serious physical harm 1239
as a result of the commission of the offense, felonious assault 1240
is a felony of the first degree, and the court, pursuant to 1241
division (F) of section 2929.13 of the Revised Code, shall 1242
impose as a mandatory prison term one of the definite prison 1243
terms prescribed for a felony of the first degree in division 1244
(A) (1) (b) of section 2929.14 of the Revised Code, except that if 1245
the violation is committed on or after ~~the effective date of~~ 1246
~~this amendment~~ March 22, 2019, the court shall impose as the 1247
minimum prison term for the offense a mandatory prison term that 1248
is one of the minimum terms prescribed for a felony of the first 1249
degree in division (A) (1) (a) of section 2929.14 of the Revised 1250
Code. 1251

(2) In addition to any other sanctions imposed pursuant to 1252
division (D) (1) of this section for felonious assault committed 1253
in violation of division (A) (1) or (2) of this section, if the 1254
offender also is convicted of or pleads guilty to a 1255
specification of the type described in section 2941.1425 of the 1256
Revised Code that was included in the indictment, count in the 1257
indictment, or information charging the offense, the court shall 1258
sentence the offender to a mandatory prison term under division 1259
(B) (9) of section 2929.14 of the Revised Code. 1260

(3) If the victim of a felonious assault committed in 1261
violation of division (A) of this section is a child under ~~ten~~ 1262
eighteen years of age or is a person over sixty-five years of 1263
age, and if the offender also is convicted of or pleads guilty 1264
to a specification of the type described in section 2941.1426 of 1265
the Revised Code that was included in the indictment, count in 1266

the indictment, or information charging the offense, in addition 1267
to any other sanctions imposed pursuant to division (D)(1) of 1268
this section, the court shall sentence the offender to a 1269
mandatory prison term pursuant to division (B)(10) of section 1270
2929.14 of the Revised Code. 1271

(4) In addition to any other sanctions imposed pursuant to 1272
division (D)(1) of this section for felonious assault committed 1273
in violation of division (A)(2) of this section, if the deadly 1274
weapon used in the commission of the violation is a motor 1275
vehicle, the court shall impose upon the offender a class two 1276
suspension of the offender's driver's license, commercial 1277
driver's license, temporary instruction permit, probationary 1278
license, or nonresident operating privilege as specified in 1279
division (A)(2) of section 4510.02 of the Revised Code. 1280

(E) As used in this section: 1281

(1) "Deadly weapon" and "dangerous ordnance" have the same 1282
meanings as in section 2923.11 of the Revised Code. 1283

(2) "Motor vehicle" has the same meaning as in section 1284
4501.01 of the Revised Code. 1285

(3) "Peace officer" has the same meaning as in section 1286
2935.01 of the Revised Code. 1287

(4) "Sexual conduct" has the same meaning as in section 1288
2907.01 of the Revised Code, except that, as used in this 1289
section, it does not include the insertion of an instrument, 1290
apparatus, or other object that is not a part of the body into 1291
the vaginal or anal opening of another, unless the offender knew 1292
at the time of the insertion that the instrument, apparatus, or 1293
other object carried the offender's bodily fluid. 1294

(5) "Investigator of the bureau of criminal identification 1295

and investigation" means an investigator of the bureau of 1296
criminal identification and investigation who is commissioned by 1297
the superintendent of the bureau as a special agent for the 1298
purpose of assisting law enforcement officers or providing 1299
emergency assistance to peace officers pursuant to authority 1300
granted under section 109.541 of the Revised Code. 1301

(6) "Investigator" has the same meaning as in section 1302
109.541 of the Revised Code. 1303

(F) The provisions of division (D) (2) of this section and 1304
of division (F) (20) of section 2929.13, divisions (B) (9) and (C) 1305
(6) of section 2929.14, and section 2941.1425 of the Revised 1306
Code shall be known as "Judy's Law." 1307

Sec. 2919.22. (A) (1) No person, who is the parent, 1308
guardian, custodian, person having custody or control, or person 1309
in loco parentis of a child under eighteen years of age or a 1310
child with a mental or physical disability under twenty-one 1311
years of age, shall create a substantial risk to the health or 1312
safety of the child, by violating a duty of care, protection, or 1313
support. It is not a violation of a duty of care, protection, or 1314
support under this division when the parent, guardian, 1315
custodian, or person having custody or control of a child treats 1316
the physical or mental illness or disability of the child by 1317
spiritual means through prayer alone, in accordance with the 1318
tenets of a recognized religious body. 1319

(2) No person who has been granted temporary care or 1320
supervision of a child by the child's parent, guardian, or 1321
custodian shall, without the express consent of the child's 1322
parent, guardian, or custodian, negligently leave the child in 1323
the care, custody, or control of another individual who has 1324
previously been convicted of or pleaded guilty to a violation of 1325

this section. 1326

(B) No person shall do any of the following to a child 1327
under eighteen years of age or a child with a mental or physical 1328
disability under twenty-one years of age: 1329

(1) Abuse the child; 1330

(2) Torture or cruelly abuse the child; 1331

(3) Administer corporal punishment or other physical 1332
disciplinary measure, or physically restrain the child in a 1333
cruel manner or for a prolonged period, which punishment, 1334
discipline, or restraint is excessive under the circumstances 1335
and creates a substantial risk of serious physical harm to the 1336
child; 1337

(4) Repeatedly administer unwarranted disciplinary 1338
measures to the child, when there is a substantial risk that 1339
such conduct, if continued, will seriously impair or retard the 1340
child's mental health or development; 1341

(5) Entice, coerce, permit, encourage, compel, hire, 1342
employ, use, or allow the child to act, model, or in any other 1343
way participate in, or be photographed for, the production, 1344
presentation, dissemination, or advertisement of any material or 1345
performance that the offender knows or reasonably should know is 1346
obscene, is sexually oriented matter, or is nudity-oriented 1347
matter; 1348

(6) Allow the child to be on the same parcel of real 1349
property and within one hundred feet of, or, in the case of more 1350
than one housing unit on the same parcel of real property, in 1351
the same housing unit and within one hundred feet of, any act in 1352
violation of section 2925.04 or 2925.041 of the Revised Code 1353
when the person knows that the act is occurring, whether or not 1354

any person is prosecuted for or convicted of the violation of 1355
section 2925.04 or 2925.041 of the Revised Code that is the 1356
basis of the violation of this division. 1357

(C) (1) No person shall operate a vehicle, streetcar, or 1358
trackless trolley within this state in violation of division (A) 1359
of section 4511.19 of the Revised Code when one or more children 1360
under eighteen years of age are in the vehicle, streetcar, or 1361
trackless trolley. Notwithstanding any other provision of law, a 1362
person may be convicted at the same trial or proceeding of a 1363
violation of this division and a violation of division (A) of 1364
section 4511.19 of the Revised Code that constitutes the basis 1365
of the charge of the violation of this division. For purposes of 1366
sections 4511.191 to 4511.197 of the Revised Code and all 1367
related provisions of law, a person arrested for a violation of 1368
this division shall be considered to be under arrest for 1369
operating a vehicle while under the influence of alcohol, a drug 1370
of abuse, or a combination of them or for operating a vehicle 1371
with a prohibited concentration of alcohol, a controlled 1372
substance, or a metabolite of a controlled substance in the 1373
whole blood, blood serum or plasma, breath, or urine. 1374

(2) As used in division (C) (1) of this section: 1375

(a) "Controlled substance" has the same meaning as in 1376
section 3719.01 of the Revised Code. 1377

(b) "Vehicle," "streetcar," and "trackless trolley" have 1378
the same meanings as in section 4511.01 of the Revised Code. 1379

(D) (1) Division (B) (5) of this section does not apply to 1380
any material or performance that is produced, presented, or 1381
disseminated for a bona fide medical, scientific, educational, 1382
religious, governmental, judicial, or other proper purpose, by 1383

or to a physician, psychologist, sociologist, scientist, 1384
teacher, person pursuing bona fide studies or research, 1385
librarian, member of the clergy, prosecutor, judge, or other 1386
person having a proper interest in the material or performance. 1387

(2) Mistake of age is not a defense to a charge under 1388
division (B) (5) of this section. 1389

(3) In a prosecution under division (B) (5) of this 1390
section, the trier of fact may infer that an actor, model, or 1391
participant in the material or performance involved is a 1392
juvenile if the material or performance, through its title, 1393
text, visual representation, or otherwise, represents or depicts 1394
the actor, model, or participant as a juvenile. 1395

(4) As used in this division and division (B) (5) of this 1396
section: 1397

(a) "Material," "performance," "obscene," and "sexual 1398
activity" have the same meanings as in section 2907.01 of the 1399
Revised Code. 1400

(b) "Nudity-oriented matter" means any material or 1401
performance that shows a minor in a state of nudity and that, 1402
taken as a whole by the average person applying contemporary 1403
community standards, appeals to prurient interest. 1404

(c) "Sexually oriented matter" means any material or 1405
performance that shows a minor participating or engaging in 1406
sexual activity, masturbation, or bestiality. 1407

(E) (1) Whoever violates this section is guilty of 1408
endangering children. 1409

(2) If the offender violates division ~~(A)~~ (A) (1) or (B) (1) 1410
of this section, endangering children is one of the following, 1411

and, in the circumstances described in division (E) (2) (e) of 1412
this section, that division applies: 1413

(a) Except as otherwise provided in division (E) (2) (b), 1414
(c), or (d) of this section, a misdemeanor of the first degree; 1415

(b) If the offender previously has been convicted of an 1416
offense under this section or of any offense involving neglect, 1417
abandonment, contributing to the delinquency of, or physical 1418
abuse of a child, except as otherwise provided in division (E) 1419
(2) (c) or (d) of this section, a felony of the fourth degree; 1420

(c) If the violation is a violation of division ~~(A)~~ (A) (1) 1421
of this section and results in serious physical harm to the 1422
child involved, a felony of the third degree; 1423

(d) If the violation is a violation of division (B) (1) of 1424
this section and results in serious physical harm to the child 1425
involved, a felony of the second degree. 1426

(e) If the violation is a felony violation of division (B) 1427
(1) of this section and the offender also is convicted of or 1428
pleads guilty to a specification as described in section 1429
2941.1422 of the Revised Code that was included in the 1430
indictment, count in the indictment, or information charging the 1431
offense, the court shall sentence the offender to a mandatory 1432
prison term as provided in division (B) (7) of section 2929.14 of 1433
the Revised Code and shall order the offender to make 1434
restitution as provided in division (B) (8) of section 2929.18 of 1435
the Revised Code. 1436

(3) If the offender violates division (A) (2) of this 1437
section, endangering children is a misdemeanor of the first 1438
degree. 1439

(4) If the offender violates division (B) (2), (3), (4), or 1440

(6) of this section, except as otherwise provided in this 1441
division, endangering children is a felony of the third degree. 1442
If the violation results in serious physical harm to the child 1443
involved, or if the offender previously has been convicted of an 1444
offense under this section or of any offense involving neglect, 1445
abandonment, contributing to the delinquency of, or physical 1446
abuse of a child, endangering children is a felony of the second 1447
degree. If the offender violates division (B) (2), (3), or (4) of 1448
this section and the offender also is convicted of or pleads 1449
guilty to a specification as described in section 2941.1422 of 1450
the Revised Code that was included in the indictment, count in 1451
the indictment, or information charging the offense, the court 1452
shall sentence the offender to a mandatory prison term as 1453
provided in division (B) (7) of section 2929.14 of the Revised 1454
Code and shall order the offender to make restitution as 1455
provided in division (B) (8) of section 2929.18 of the Revised 1456
Code. If the offender violates division (B) (6) of this section 1457
and the drug involved is methamphetamine, the court shall impose 1458
a mandatory prison term on the offender as follows: 1459

(a) If the violation is a violation of division (B) (6) of 1460
this section that is a felony of the third degree under division 1461
~~(E) (3)~~ (E) (4) of this section and the drug involved is 1462
methamphetamine, except as otherwise provided in this division, 1463
the court shall impose as a mandatory prison term one of the 1464
prison terms prescribed for a felony of the third degree that is 1465
not less than two years. If the violation is a violation of 1466
division (B) (6) of this section that is a felony of the third 1467
degree under division ~~(E) (3)~~ (E) (4) of this section, if the drug 1468
involved is methamphetamine, and if the offender previously has 1469
been convicted of or pleaded guilty to a violation of division 1470
(B) (6) of this section, a violation of division (A) of section 1471

2925.04 of the Revised Code, or a violation of division (A) of 1472
section 2925.041 of the Revised Code, the court shall impose as 1473
a mandatory prison term one of the prison terms prescribed for a 1474
felony of the third degree that is not less than five years. 1475

(b) If the violation is a violation of division (B) (6) of 1476
this section that is a felony of the second degree under 1477
division ~~(E) (3)~~ (E) (4) of this section and the drug involved is 1478
methamphetamine, except as otherwise provided in this division, 1479
the court shall impose as a mandatory prison term one of the 1480
definite prison terms prescribed for a felony of the second 1481
degree in division (A) (2) (b) of section 2929.14 of the Revised 1482
Code that is not less than three years, except that if the 1483
violation is committed on or after ~~the effective date of this~~ 1484
~~amendment~~ March 22, 2019, the court shall impose as the minimum 1485
prison term for the offense a mandatory prison term that is one 1486
of the minimum terms prescribed for a felony of the second 1487
degree in division (A) (2) (a) of that section that is not less 1488
than three years. If the violation is a violation of division 1489
(B) (6) of this section that is a felony of the second degree 1490
under division ~~(E) (3)~~ (E) (4) of this section, if the drug 1491
involved is methamphetamine, and if the offender previously has 1492
been convicted of or pleaded guilty to a violation of division 1493
(B) (6) of this section, a violation of division (A) of section 1494
2925.04 of the Revised Code, or a violation of division (A) of 1495
section 2925.041 of the Revised Code, the court shall impose as 1496
a mandatory prison term one of the definite prison terms 1497
prescribed for a felony of the second degree in division (A) (2) 1498
(b) of section 2929.14 of the Revised Code that is not less than 1499
five years, except that if the violation is committed on or 1500
after March 22, 2019, the court shall impose as the minimum 1501
prison term for the offense a mandatory prison term that is one 1502

of the terms prescribed for a felony of the second degree in 1503
division (A) (2) (a) of that section that is not less than five 1504
years. 1505

~~(4)~~(5) If the offender violates division (B) (5) of this 1506
section, endangering children is a felony of the second degree. 1507
If the offender also is convicted of or pleads guilty to a 1508
specification as described in section 2941.1422 of the Revised 1509
Code that was included in the indictment, count in the 1510
indictment, or information charging the offense, the court shall 1511
sentence the offender to a mandatory prison term as provided in 1512
division (B) (7) of section 2929.14 of the Revised Code and shall 1513
order the offender to make restitution as provided in division 1514
(B) (8) of section 2929.18 of the Revised Code. 1515

~~(5)~~(6) If the offender violates division (C) of this 1516
section, the offender shall be punished as follows: 1517

(a) Except as otherwise provided in division ~~(E) (5) (b)~~ (E) 1518
(6) (b) or (c) of this section, endangering children in violation 1519
of division (C) of this section is a misdemeanor of the first 1520
degree. 1521

(b) If the violation results in serious physical harm to 1522
the child involved or the offender previously has been convicted 1523
of an offense under this section or any offense involving 1524
neglect, abandonment, contributing to the delinquency of, or 1525
physical abuse of a child, except as otherwise provided in 1526
division ~~(E) (5) (c)~~ (E) (6) (c) of this section, endangering 1527
children in violation of division (C) of this section is a 1528
felony of the fifth degree. 1529

(c) If the violation results in serious physical harm to 1530
the child involved and if the offender previously has been 1531

convicted of a violation of division (C) of this section, 1532
section 2903.06 or 2903.08 of the Revised Code, section 2903.07 1533
of the Revised Code as it existed prior to March 23, 2000, or 1534
section 2903.04 of the Revised Code in a case in which the 1535
offender was subject to the sanctions described in division (D) 1536
of that section, endangering children in violation of division 1537
(C) of this section is a felony of the fourth degree. 1538

(d) In addition to any term of imprisonment, fine, or 1539
other sentence, penalty, or sanction it imposes upon the 1540
offender pursuant to division ~~(E) (5) (a)~~ (E) (6) (a), (b), or (c) of 1541
this section or pursuant to any other provision of law and in 1542
addition to any suspension of the offender's driver's or 1543
commercial driver's license or permit or nonresident operating 1544
privilege under Chapter 4506., 4509., 4510., or 4511. of the 1545
Revised Code or under any other provision of law, the court also 1546
may impose upon the offender a class seven suspension of the 1547
offender's driver's or commercial driver's license or permit or 1548
nonresident operating privilege from the range specified in 1549
division (A) (7) of section 4510.02 of the Revised Code. 1550

(e) In addition to any term of imprisonment, fine, or 1551
other sentence, penalty, or sanction imposed upon the offender 1552
pursuant to division ~~(E) (5) (a)~~ (E) (6) (a), (b), (c), or (d) of 1553
this section or pursuant to any other provision of law for the 1554
violation of division (C) of this section, if as part of the 1555
same trial or proceeding the offender also is convicted of or 1556
pleads guilty to a separate charge charging the violation of 1557
division (A) of section 4511.19 of the Revised Code that was the 1558
basis of the charge of the violation of division (C) of this 1559
section, the offender also shall be sentenced in accordance with 1560
section 4511.19 of the Revised Code for that violation of 1561
division (A) of section 4511.19 of the Revised Code. 1562

(F) (1) (a) A court may require an offender to perform not 1563
more than two hundred hours of supervised community service work 1564
under the authority of an agency, subdivision, or charitable 1565
organization. The requirement shall be part of the community 1566
control sanction or sentence of the offender, and the court 1567
shall impose the community service in accordance with and 1568
subject to divisions (F) (1) (a) and (b) of this section. The 1569
court may require an offender whom it requires to perform 1570
supervised community service work as part of the offender's 1571
community control sanction or sentence to pay the court a 1572
reasonable fee to cover the costs of the offender's 1573
participation in the work, including, but not limited to, the 1574
costs of procuring a policy or policies of liability insurance 1575
to cover the period during which the offender will perform the 1576
work. If the court requires the offender to perform supervised 1577
community service work as part of the offender's community 1578
control sanction or sentence, the court shall do so in 1579
accordance with the following limitations and criteria: 1580

(i) The court shall require that the community service 1581
work be performed after completion of the term of imprisonment 1582
or jail term imposed upon the offender for the violation of 1583
division (C) of this section, if applicable. 1584

(ii) The supervised community service work shall be 1585
subject to the limitations set forth in divisions (B) (1), (2), 1586
and (3) of section 2951.02 of the Revised Code. 1587

(iii) The community service work shall be supervised in 1588
the manner described in division (B) (4) of section 2951.02 of 1589
the Revised Code by an official or person with the 1590
qualifications described in that division. The official or 1591
person periodically shall report in writing to the court 1592

concerning the conduct of the offender in performing the work. 1593

(iv) The court shall inform the offender in writing that 1594
if the offender does not adequately perform, as determined by 1595
the court, all of the required community service work, the court 1596
may order that the offender be committed to a jail or workhouse 1597
for a period of time that does not exceed the term of 1598
imprisonment that the court could have imposed upon the offender 1599
for the violation of division (C) of this section, reduced by 1600
the total amount of time that the offender actually was 1601
imprisoned under the sentence or term that was imposed upon the 1602
offender for that violation and by the total amount of time that 1603
the offender was confined for any reason arising out of the 1604
offense for which the offender was convicted and sentenced as 1605
described in sections 2949.08 and 2967.191 of the Revised Code, 1606
and that, if the court orders that the offender be so committed, 1607
the court is authorized, but not required, to grant the offender 1608
credit upon the period of the commitment for the community 1609
service work that the offender adequately performed. 1610

(b) If a court, pursuant to division (F)(1)(a) of this 1611
section, orders an offender to perform community service work as 1612
part of the offender's community control sanction or sentence 1613
and if the offender does not adequately perform all of the 1614
required community service work, as determined by the court, the 1615
court may order that the offender be committed to a jail or 1616
workhouse for a period of time that does not exceed the term of 1617
imprisonment that the court could have imposed upon the offender 1618
for the violation of division (C) of this section, reduced by 1619
the total amount of time that the offender actually was 1620
imprisoned under the sentence or term that was imposed upon the 1621
offender for that violation and by the total amount of time that 1622
the offender was confined for any reason arising out of the 1623

offense for which the offender was convicted and sentenced as 1624
described in sections 2949.08 and 2967.191 of the Revised Code. 1625
The court may order that a person committed pursuant to this 1626
division shall receive hour-for-hour credit upon the period of 1627
the commitment for the community service work that the offender 1628
adequately performed. No commitment pursuant to this division 1629
shall exceed the period of the term of imprisonment that the 1630
sentencing court could have imposed upon the offender for the 1631
violation of division (C) of this section, reduced by the total 1632
amount of time that the offender actually was imprisoned under 1633
that sentence or term and by the total amount of time that the 1634
offender was confined for any reason arising out of the offense 1635
for which the offender was convicted and sentenced as described 1636
in sections 2949.08 and 2967.191 of the Revised Code. 1637

(2) Division (F)(1) of this section does not limit or 1638
affect the authority of the court to suspend the sentence 1639
imposed upon a misdemeanor offender and place the offender under 1640
a community control sanction pursuant to section 2929.25 of the 1641
Revised Code, to require a misdemeanor or felony offender to 1642
perform supervised community service work in accordance with 1643
division (B) of section 2951.02 of the Revised Code, or to place 1644
a felony offender under a community control sanction. 1645

(G)(1) If a court suspends an offender's driver's or 1646
commercial driver's license or permit or nonresident operating 1647
privilege under division ~~(E)(5)(d)~~ (E)(6)(d) of this section, the 1648
period of the suspension shall be consecutive to, and commence 1649
after, the period of suspension of the offender's driver's or 1650
commercial driver's license or permit or nonresident operating 1651
privilege that is imposed under Chapter 4506., 4509., 4510., or 1652
4511. of the Revised Code or under any other provision of law in 1653
relation to the violation of division (C) of this section that 1654

is the basis of the suspension under division ~~(E) (5) (d)~~ (E) (6) (d) 1655
of this section or in relation to the violation of division (A) 1656
of section 4511.19 of the Revised Code that is the basis for 1657
that violation of division (C) of this section. 1658

(2) An offender is not entitled to request, and the court 1659
shall not grant to the offender, limited driving privileges if 1660
the offender's license, permit, or privilege has been suspended 1661
under division ~~(E) (5) (d)~~ (E) (6) (d) of this section and the 1662
offender, within the preceding six years, has been convicted of 1663
or pleaded guilty to three or more violations of one or more of 1664
the following: 1665

(a) Division (C) of this section; 1666

(b) Any equivalent offense, as defined in section 4511.181 1667
of the Revised Code. 1668

(H) (1) If a person violates division (C) of this section 1669
and if, at the time of the violation, there were two or more 1670
children under eighteen years of age in the motor vehicle 1671
involved in the violation, the offender may be convicted of a 1672
violation of division (C) of this section for each of the 1673
children, but the court may sentence the offender for only one 1674
of the violations. 1675

(2) (a) If a person is convicted of or pleads guilty to a 1676
violation of division (C) of this section but the person is not 1677
also convicted of and does not also plead guilty to a separate 1678
charge charging the violation of division (A) of section 4511.19 1679
of the Revised Code that was the basis of the charge of the 1680
violation of division (C) of this section, both of the following 1681
apply: 1682

(i) For purposes of the provisions of section 4511.19 of 1683

the Revised Code that set forth the penalties and sanctions for 1684
a violation of division (A) of section 4511.19 of the Revised 1685
Code, the conviction of or plea of guilty to the violation of 1686
division (C) of this section shall not constitute a violation of 1687
division (A) of section 4511.19 of the Revised Code; 1688

(ii) For purposes of any provision of law that refers to a 1689
conviction of or plea of guilty to a violation of division (A) 1690
of section 4511.19 of the Revised Code and that is not described 1691
in division (H) (2) (a) (i) of this section, the conviction of or 1692
plea of guilty to the violation of division (C) of this section 1693
shall constitute a conviction of or plea of guilty to a 1694
violation of division (A) of section 4511.19 of the Revised 1695
Code. 1696

(b) If a person is convicted of or pleads guilty to a 1697
violation of division (C) of this section and the person also is 1698
convicted of or pleads guilty to a separate charge charging the 1699
violation of division (A) of section 4511.19 of the Revised Code 1700
that was the basis of the charge of the violation of division 1701
(C) of this section, the conviction of or plea of guilty to the 1702
violation of division (C) of this section shall not constitute, 1703
for purposes of any provision of law that refers to a conviction 1704
of or plea of guilty to a violation of division (A) of section 1705
4511.19 of the Revised Code, a conviction of or plea of guilty 1706
to a violation of division (A) of section 4511.19 of the Revised 1707
Code. 1708

(I) As used in this section: 1709

(1) "Community control sanction" has the same meaning as 1710
in section 2929.01 of the Revised Code; 1711

(2) "Limited driving privileges" has the same meaning as 1712

in section 4501.01 of the Revised Code; 1713

(3) "Methamphetamine" has the same meaning as in section 1714
2925.01 of the Revised Code. 1715

Sec. 2929.13. (A) Except as provided in division (E), (F), 1716
or (G) of this section and unless a specific sanction is 1717
required to be imposed or is precluded from being imposed 1718
pursuant to law, a court that imposes a sentence upon an 1719
offender for a felony may impose any sanction or combination of 1720
sanctions on the offender that are provided in sections 2929.14 1721
to 2929.18 of the Revised Code. 1722

If the offender is eligible to be sentenced to community 1723
control sanctions, the court shall consider the appropriateness 1724
of imposing a financial sanction pursuant to section 2929.18 of 1725
the Revised Code or a sanction of community service pursuant to 1726
section 2929.17 of the Revised Code as the sole sanction for the 1727
offense. Except as otherwise provided in this division, if the 1728
court is required to impose a mandatory prison term for the 1729
offense for which sentence is being imposed, the court also 1730
shall impose any financial sanction pursuant to section 2929.18 1731
of the Revised Code that is required for the offense and may 1732
impose any other financial sanction pursuant to that section but 1733
may not impose any additional sanction or combination of 1734
sanctions under section 2929.16 or 2929.17 of the Revised Code. 1735

If the offender is being sentenced for a fourth degree 1736
felony OVI offense or for a third degree felony OVI offense, in 1737
addition to the mandatory term of local incarceration or the 1738
mandatory prison term required for the offense by division (G) 1739
(1) or (2) of this section, the court shall impose upon the 1740
offender a mandatory fine in accordance with division (B)(3) of 1741
section 2929.18 of the Revised Code and may impose whichever of 1742

the following is applicable: 1743

(1) For a fourth degree felony OVI offense for which 1744
sentence is imposed under division (G) (1) of this section, an 1745
additional community control sanction or combination of 1746
community control sanctions under section 2929.16 or 2929.17 of 1747
the Revised Code. If the court imposes upon the offender a 1748
community control sanction and the offender violates any 1749
condition of the community control sanction, the court may take 1750
any action prescribed in division (B) of section 2929.15 of the 1751
Revised Code relative to the offender, including imposing a 1752
prison term on the offender pursuant to that division. 1753

(2) For a third or fourth degree felony OVI offense for 1754
which sentence is imposed under division (G) (2) of this section, 1755
an additional prison term as described in division (B) (4) of 1756
section 2929.14 of the Revised Code or a community control 1757
sanction as described in division (G) (2) of this section. 1758

(B) (1) (a) Except as provided in division (B) (1) (b) of this 1759
section, if an offender is convicted of or pleads guilty to a 1760
felony of the fourth or fifth degree that is not an offense of 1761
violence or that is a qualifying assault offense, the court 1762
shall sentence the offender to a community control sanction or 1763
combination of community control sanctions if all of the 1764
following apply: 1765

(i) The offender previously has not been convicted of or 1766
pleaded guilty to a felony offense. 1767

(ii) The most serious charge against the offender at the 1768
time of sentencing is a felony of the fourth or fifth degree. 1769

(iii) The offender previously has not been convicted of or 1770
pleaded guilty to a misdemeanor offense of violence that the 1771

offender committed within two years prior to the offense for 1772
which sentence is being imposed. 1773

(b) The court has discretion to impose a prison term upon 1774
an offender who is convicted of or pleads guilty to a felony of 1775
the fourth or fifth degree that is not an offense of violence or 1776
that is a qualifying assault offense if any of the following 1777
apply: 1778

(i) The offender committed the offense while having a 1779
firearm on or about the offender's person or under the 1780
offender's control. 1781

(ii) If the offense is a qualifying assault offense, the 1782
offender caused serious physical harm to another person while 1783
committing the offense, and, if the offense is not a qualifying 1784
assault offense, the offender caused physical harm to another 1785
person while committing the offense. 1786

(iii) The offender violated a term of the conditions of 1787
bond as set by the court. 1788

(iv) The offense is a sex offense that is a fourth or 1789
fifth degree felony violation of any provision of Chapter 2907. 1790
of the Revised Code. 1791

(v) In committing the offense, the offender attempted to 1792
cause or made an actual threat of physical harm to a person with 1793
a deadly weapon. 1794

(vi) In committing the offense, the offender attempted to 1795
cause or made an actual threat of physical harm to a person, and 1796
the offender previously was convicted of an offense that caused 1797
physical harm to a person. 1798

(vii) The offender held a public office or position of 1799

trust, and the offense related to that office or position; the 1800
offender's position obliged the offender to prevent the offense 1801
or to bring those committing it to justice; or the offender's 1802
professional reputation or position facilitated the offense or 1803
was likely to influence the future conduct of others. 1804

(viii) The offender committed the offense for hire or as 1805
part of an organized criminal activity. 1806

(ix) The offender at the time of the offense was serving, 1807
or the offender previously had served, a prison term. 1808

(x) The offender committed the offense while under a 1809
community control sanction, while on probation, or while 1810
released from custody on a bond or personal recognizance. 1811

(c) A sentencing court may impose an additional penalty 1812
under division (B) of section 2929.15 of the Revised Code upon 1813
an offender sentenced to a community control sanction under 1814
division (B)(1)(a) of this section if the offender violates the 1815
conditions of the community control sanction, violates a law, or 1816
leaves the state without the permission of the court or the 1817
offender's probation officer. 1818

(2) If division (B)(1) of this section does not apply, 1819
except as provided in division (E), (F), or (G) of this section, 1820
in determining whether to impose a prison term as a sanction for 1821
a felony of the fourth or fifth degree, the sentencing court 1822
shall comply with the purposes and principles of sentencing 1823
under section 2929.11 of the Revised Code and with section 1824
2929.12 of the Revised Code. 1825

(C) Except as provided in division (D), (E), (F), or (G) 1826
of this section, in determining whether to impose a prison term 1827
as a sanction for a felony of the third degree or a felony drug 1828

offense that is a violation of a provision of Chapter 2925. of 1829
the Revised Code and that is specified as being subject to this 1830
division for purposes of sentencing, the sentencing court shall 1831
comply with the purposes and principles of sentencing under 1832
section 2929.11 of the Revised Code and with section 2929.12 of 1833
the Revised Code. 1834

(D) (1) Except as provided in division (E) or (F) of this 1835
section, for a felony of the first or second degree, for a 1836
felony drug offense that is a violation of any provision of 1837
Chapter 2925., 3719., or 4729. of the Revised Code for which a 1838
presumption in favor of a prison term is specified as being 1839
applicable, and for a violation of division (A) (4) or (B) of 1840
section 2907.05 of the Revised Code for which a presumption in 1841
favor of a prison term is specified as being applicable, it is 1842
presumed that a prison term is necessary in order to comply with 1843
the purposes and principles of sentencing under section 2929.11 1844
of the Revised Code. Division (D) (2) of this section does not 1845
apply to a presumption established under this division for a 1846
violation of division (A) (4) of section 2907.05 of the Revised 1847
Code. 1848

(2) Notwithstanding the presumption established under 1849
division (D) (1) of this section for the offenses listed in that 1850
division other than a violation of division (A) (4) or (B) of 1851
section 2907.05 of the Revised Code, the sentencing court may 1852
impose a community control sanction or a combination of 1853
community control sanctions instead of a prison term on an 1854
offender for a felony of the first or second degree or for a 1855
felony drug offense that is a violation of any provision of 1856
Chapter 2925., 3719., or 4729. of the Revised Code for which a 1857
presumption in favor of a prison term is specified as being 1858
applicable if it makes both of the following findings: 1859

(a) A community control sanction or a combination of 1860
community control sanctions would adequately punish the offender 1861
and protect the public from future crime, because the applicable 1862
factors under section 2929.12 of the Revised Code indicating a 1863
lesser likelihood of recidivism outweigh the applicable factors 1864
under that section indicating a greater likelihood of 1865
recidivism. 1866

(b) A community control sanction or a combination of 1867
community control sanctions would not demean the seriousness of 1868
the offense, because one or more factors under section 2929.12 1869
of the Revised Code that indicate that the offender's conduct 1870
was less serious than conduct normally constituting the offense 1871
are applicable, and they outweigh the applicable factors under 1872
that section that indicate that the offender's conduct was more 1873
serious than conduct normally constituting the offense. 1874

(E) (1) Except as provided in division (F) of this section, 1875
for any drug offense that is a violation of any provision of 1876
Chapter 2925. of the Revised Code and that is a felony of the 1877
third, fourth, or fifth degree, the applicability of a 1878
presumption under division (D) of this section in favor of a 1879
prison term or of division (B) or (C) of this section in 1880
determining whether to impose a prison term for the offense 1881
shall be determined as specified in section 2925.02, 2925.03, 1882
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 1883
2925.36, or 2925.37 of the Revised Code, whichever is applicable 1884
regarding the violation. 1885

(2) If an offender who was convicted of or pleaded guilty 1886
to a felony violates the conditions of a community control 1887
sanction imposed for the offense solely by reason of producing 1888
positive results on a drug test, the court, as punishment for 1889

the violation of the sanction, shall not order that the offender 1890
be imprisoned unless the court determines on the record either 1891
of the following: 1892

(a) The offender had been ordered as a sanction for the 1893
felony to participate in a drug treatment program, in a drug 1894
education program, or in narcotics anonymous or a similar 1895
program, and the offender continued to use illegal drugs after a 1896
reasonable period of participation in the program. 1897

(b) The imprisonment of the offender for the violation is 1898
consistent with the purposes and principles of sentencing set 1899
forth in section 2929.11 of the Revised Code. 1900

(3) A court that sentences an offender for a drug abuse 1901
offense that is a felony of the third, fourth, or fifth degree 1902
may require that the offender be assessed by a properly 1903
credentialed professional within a specified period of time. The 1904
court shall require the professional to file a written 1905
assessment of the offender with the court. If the offender is 1906
eligible for a community control sanction and after considering 1907
the written assessment, the court may impose a community control 1908
sanction that includes addiction services and recovery supports 1909
included in a community-based continuum of care established 1910
under section 340.032 of the Revised Code. If the court imposes 1911
addiction services and recovery supports as a community control 1912
sanction, the court shall direct the level and type of addiction 1913
services and recovery supports after considering the assessment 1914
and recommendation of community addiction services providers. 1915

(F) Notwithstanding divisions (A) to (E) of this section, 1916
the court shall impose a prison term or terms under sections 1917
2929.02 to 2929.06, section 2929.14, section 2929.142, or 1918
section 2971.03 of the Revised Code and except as specifically 1919

provided in section 2929.20, or section 2967.191 of the Revised 1920
Code or when parole is authorized for the offense under section 1921
2967.13 of the Revised Code shall not reduce the term or terms 1922
pursuant to section 2929.20, division (A) (2) or (3) of section 1923
2967.193 or 2967.194, or any other provision of Chapter 2967. or 1924
Chapter 5120. of the Revised Code for any of the following 1925
offenses: 1926

(1) Aggravated murder when death is not imposed or murder; 1927

(2) Any rape, regardless of whether force was involved and 1928
regardless of the age of the victim, or an attempt to commit 1929
rape if, had the offender completed the rape that was attempted, 1930
the offender would have been guilty of a violation of division 1931
(A) (1) (b) of section 2907.02 of the Revised Code and would be 1932
sentenced under section 2971.03 of the Revised Code; 1933

(3) Gross sexual imposition or sexual battery, if the 1934
victim is less than thirteen years of age and if any of the 1935
following applies: 1936

(a) Regarding gross sexual imposition, the offender 1937
previously was convicted of or pleaded guilty to rape, the 1938
former offense of felonious sexual penetration, gross sexual 1939
imposition, or sexual battery, and the victim of the previous 1940
offense was less than thirteen years of age; 1941

(b) Regarding gross sexual imposition, the offense was 1942
committed on or after August 3, 2006, and evidence other than 1943
the testimony of the victim was admitted in the case 1944
corroborating the violation. 1945

(c) Regarding sexual battery, either of the following 1946
applies: 1947

(i) The offense was committed prior to August 3, 2006, the 1948

offender previously was convicted of or pleaded guilty to rape, 1949
the former offense of felonious sexual penetration, or sexual 1950
battery, and the victim of the previous offense was less than 1951
thirteen years of age. 1952

(ii) The offense was committed on or after August 3, 2006. 1953

(4) A felony violation of section 2903.04, 2903.06, 1954
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 1955
or 2923.132 of the Revised Code if the section requires the 1956
imposition of a prison term; 1957

(5) A first, second, or third degree felony drug offense 1958
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1959
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 1960
or 4729.99 of the Revised Code, whichever is applicable 1961
regarding the violation, requires the imposition of a mandatory 1962
prison term; 1963

(6) Any offense that is a first or second degree felony 1964
and that is not set forth in division (F)(1), (2), (3), or (4) 1965
of this section, if the offender previously was convicted of or 1966
pleaded guilty to aggravated murder, murder, any first or second 1967
degree felony, or an offense under an existing or former law of 1968
this state, another state, or the United States that is or was 1969
substantially equivalent to one of those offenses; 1970

(7) Any offense that is a third degree felony and either 1971
is a violation of section 2903.04 of the Revised Code or an 1972
attempt to commit a felony of the second degree that is an 1973
offense of violence and involved an attempt to cause serious 1974
physical harm to a person or that resulted in serious physical 1975
harm to a person if the offender previously was convicted of or 1976
pleaded guilty to any of the following offenses: 1977

(a) Aggravated murder, murder, involuntary manslaughter, 1978
rape, felonious sexual penetration as it existed under section 1979
2907.12 of the Revised Code prior to September 3, 1996, a felony 1980
of the first or second degree that resulted in the death of a 1981
person or in physical harm to a person, or complicity in or an 1982
attempt to commit any of those offenses; 1983

(b) An offense under an existing or former law of this 1984
state, another state, or the United States that is or was 1985
substantially equivalent to an offense listed in division (F) (7) 1986
(a) of this section that resulted in the death of a person or in 1987
physical harm to a person. 1988

(8) Any offense, other than a violation of section 2923.12 1989
of the Revised Code, that is a felony, if the offender had a 1990
firearm on or about the offender's person or under the 1991
offender's control while committing the felony, with respect to 1992
a portion of the sentence imposed pursuant to division (B) (1) (a) 1993
of section 2929.14 of the Revised Code for having the firearm; 1994

(9) Any offense of violence that is a felony, if the 1995
offender wore or carried body armor while committing the felony 1996
offense of violence, with respect to the portion of the sentence 1997
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 1998
Revised Code for wearing or carrying the body armor; 1999

(10) Corrupt activity in violation of section 2923.32 of 2000
the Revised Code when the most serious offense in the pattern of 2001
corrupt activity that is the basis of the offense is a felony of 2002
the first degree; 2003

(11) Any violent sex offense or designated homicide, 2004
assault, or kidnapping offense if, in relation to that offense, 2005
the offender is adjudicated a sexually violent predator; 2006

(12) A violation of division (A) (1) or (2) of section 2007
2921.36 of the Revised Code, or a violation of division (C) of 2008
that section involving an item listed in division (A) (1) or (2) 2009
of that section, if the offender is an officer or employee of 2010
the department of rehabilitation and correction; 2011

(13) A violation of division (A) (1) or (2) of section 2012
2903.06 of the Revised Code if the victim of the offense is a 2013
peace officer, as defined in section 2935.01 of the Revised 2014
Code, or an investigator of the bureau of criminal 2015
identification and investigation, as defined in section 2903.11 2016
of the Revised Code, with respect to the portion of the sentence 2017
imposed pursuant to division (B) (5) of section 2929.14 of the 2018
Revised Code; 2019

(14) A violation of division (A) (1) or (2) of section 2020
2903.06 of the Revised Code if the offender has been convicted 2021
of or pleaded guilty to three or more violations of division (A) 2022
of section 4511.19 of the Revised Code or an equivalent offense, 2023
as defined in section 2941.1415 of the Revised Code, or three or 2024
more violations of any combination of those offenses, with 2025
respect to the portion of the sentence imposed pursuant to 2026
division (B) (6) of section 2929.14 of the Revised Code; 2027

(15) Kidnapping, in the circumstances specified in section 2028
2971.03 of the Revised Code and when no other provision of 2029
division (F) of this section applies; 2030

(16) Kidnapping, abduction, compelling prostitution, 2031
promoting prostitution, engaging in a pattern of corrupt 2032
activity, a violation of division (A) (1) or (2) of section 2033
2907.323 of the Revised Code that involves a minor, or 2034
endangering children in violation of division (B) (1), (2), (3), 2035
(4), or (5) of section 2919.22 of the Revised Code, if the 2036

offender is convicted of or pleads guilty to a specification as 2037
described in section 2941.1422 of the Revised Code that was 2038
included in the indictment, count in the indictment, or 2039
information charging the offense; 2040

(17) A felony violation of division (A) or (B) of section 2041
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 2042
that section, and division (D) (6) of that section, require the 2043
imposition of a prison term; 2044

(18) A felony violation of section 2903.11, 2903.12, or 2045
2903.13 of the Revised Code, if the victim of the offense was a 2046
woman that the offender knew was pregnant at the time of the 2047
violation, with respect to a portion of the sentence imposed 2048
pursuant to division (B) (8) of section 2929.14 of the Revised 2049
Code; 2050

(19) (a) Any violent felony offense if the offender is a 2051
violent career criminal and had a firearm on or about the 2052
offender's person or under the offender's control during the 2053
commission of the violent felony offense and displayed or 2054
brandished the firearm, indicated that the offender possessed a 2055
firearm, or used the firearm to facilitate the offense, with 2056
respect to the portion of the sentence imposed under division 2057
(K) of section 2929.14 of the Revised Code. 2058

(b) As used in division (F) (19) (a) of this section, 2059
"violent career criminal" and "violent felony offense" have the 2060
same meanings as in section 2923.132 of the Revised Code. 2061

(20) Any violation of division (A) (1) of section 2903.11 2062
of the Revised Code if the offender used an accelerant in 2063
committing the violation and the serious physical harm to 2064
another or another's unborn caused by the violation resulted in 2065

a permanent, serious disfigurement or permanent, substantial 2066
incapacity or any violation of division (A) (2) of that section 2067
if the offender used an accelerant in committing the violation, 2068
the violation caused physical harm to another or another's 2069
unborn, and the physical harm resulted in a permanent, serious 2070
disfigurement or permanent, substantial incapacity, with respect 2071
to a portion of the sentence imposed pursuant to division (B) (9) 2072
of section 2929.14 of the Revised Code. The provisions of this 2073
division and of division (D) (2) of section 2903.11, divisions 2074
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 2075
the Revised Code shall be known as "Judy's Law." 2076

(21) Any violation of division (A) of section 2903.11 of 2077
the Revised Code if the victim of the offense suffered permanent 2078
disabling harm as a result of the offense and the victim was 2079
under ~~ten~~eighteen years of age or over sixty-five years of age 2080
at the time of the offense, with respect to a portion of the 2081
sentence imposed pursuant to division (B) (10) of section 2929.14 2082
of the Revised Code. 2083

(22) A felony violation of section 2925.03, 2925.05, or 2084
2925.11 of the Revised Code, if the drug involved in the 2085
violation is a fentanyl-related compound or a compound, mixture, 2086
preparation, or substance containing a fentanyl-related compound 2087
and the offender is convicted of or pleads guilty to a 2088
specification of the type described in division (B) of section 2089
2941.1410 of the Revised Code that was included in the 2090
indictment, count in the indictment, or information charging the 2091
offense, with respect to the portion of the sentence imposed 2092
under division (B) (11) of section 2929.14 of the Revised Code. 2093

(G) Notwithstanding divisions (A) to (E) of this section, 2094
if an offender is being sentenced for a fourth degree felony OVI 2095

offense or for a third degree felony OVI offense, the court 2096
shall impose upon the offender a mandatory term of local 2097
incarceration or a mandatory prison term in accordance with the 2098
following: 2099

(1) If the offender is being sentenced for a fourth degree 2100
felony OVI offense and if the offender has not been convicted of 2101
and has not pleaded guilty to a specification of the type 2102
described in section 2941.1413 of the Revised Code, the court 2103
may impose upon the offender a mandatory term of local 2104
incarceration of sixty days or one hundred twenty days as 2105
specified in division (G) (1) (d) of section 4511.19 of the 2106
Revised Code. The court shall not reduce the term pursuant to 2107
section 2929.20, division (A) (2) or (3) of section 2967.193 or 2108
2967.194, or any other provision of the Revised Code. The court 2109
that imposes a mandatory term of local incarceration under this 2110
division shall specify whether the term is to be served in a 2111
jail, a community-based correctional facility, a halfway house, 2112
or an alternative residential facility, and the offender shall 2113
serve the term in the type of facility specified by the court. A 2114
mandatory term of local incarceration imposed under division (G) 2115
(1) of this section is not subject to any other Revised Code 2116
provision that pertains to a prison term except as provided in 2117
division (A) (1) of this section. 2118

(2) If the offender is being sentenced for a third degree 2119
felony OVI offense, or if the offender is being sentenced for a 2120
fourth degree felony OVI offense and the court does not impose a 2121
mandatory term of local incarceration under division (G) (1) of 2122
this section, the court shall impose upon the offender a 2123
mandatory prison term of one, two, three, four, or five years if 2124
the offender also is convicted of or also pleads guilty to a 2125
specification of the type described in section 2941.1413 of the 2126

Revised Code or shall impose upon the offender a mandatory 2127
prison term of sixty days or one hundred twenty days as 2128
specified in division (G)(1)(d) or (e) of section 4511.19 of the 2129
Revised Code if the offender has not been convicted of and has 2130
not pleaded guilty to a specification of that type. The court 2131
shall not reduce the term pursuant to section 2929.20, division 2132
(A)(2) or (3) of section 2967.193 or 2967.194, or any other 2133
provision of the Revised Code. The offender shall serve the 2134
one-, two-, three-, four-, or five-year mandatory prison term 2135
consecutively to and prior to the prison term imposed for the 2136
underlying offense and consecutively to any other mandatory 2137
prison term imposed in relation to the offense. In no case shall 2138
an offender who once has been sentenced to a mandatory term of 2139
local incarceration pursuant to division (G)(1) of this section 2140
for a fourth degree felony OVI offense be sentenced to another 2141
mandatory term of local incarceration under that division for 2142
any violation of division (A) of section 4511.19 of the Revised 2143
Code. In addition to the mandatory prison term described in 2144
division (G)(2) of this section, the court may sentence the 2145
offender to a community control sanction under section 2929.16 2146
or 2929.17 of the Revised Code, but the offender shall serve the 2147
prison term prior to serving the community control sanction. The 2148
department of rehabilitation and correction may place an 2149
offender sentenced to a mandatory prison term under this 2150
division in an intensive program prison established pursuant to 2151
section 5120.033 of the Revised Code if the department gave the 2152
sentencing judge prior notice of its intent to place the 2153
offender in an intensive program prison established under that 2154
section and if the judge did not notify the department that the 2155
judge disapproved the placement. Upon the establishment of the 2156
initial intensive program prison pursuant to section 5120.033 of 2157
the Revised Code that is privately operated and managed by a 2158

contractor pursuant to a contract entered into under section 2159
9.06 of the Revised Code, both of the following apply: 2160

(a) The department of rehabilitation and correction shall 2161
make a reasonable effort to ensure that a sufficient number of 2162
offenders sentenced to a mandatory prison term under this 2163
division are placed in the privately operated and managed prison 2164
so that the privately operated and managed prison has full 2165
occupancy. 2166

(b) Unless the privately operated and managed prison has 2167
full occupancy, the department of rehabilitation and correction 2168
shall not place any offender sentenced to a mandatory prison 2169
term under this division in any intensive program prison 2170
established pursuant to section 5120.033 of the Revised Code 2171
other than the privately operated and managed prison. 2172

(H) If an offender is being sentenced for a sexually 2173
oriented offense or child-victim oriented offense that is a 2174
felony committed on or after January 1, 1997, the judge shall 2175
require the offender to submit to a DNA specimen collection 2176
procedure pursuant to section 2901.07 of the Revised Code. 2177

(I) If an offender is being sentenced for a sexually 2178
oriented offense or a child-victim oriented offense committed on 2179
or after January 1, 1997, the judge shall include in the 2180
sentence a summary of the offender's duties imposed under 2181
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 2182
Code and the duration of the duties. The judge shall inform the 2183
offender, at the time of sentencing, of those duties and of 2184
their duration. If required under division (A) (2) of section 2185
2950.03 of the Revised Code, the judge shall perform the duties 2186
specified in that section, or, if required under division (A) (6) 2187
of section 2950.03 of the Revised Code, the judge shall perform 2188

the duties specified in that division. 2189

(J) (1) Except as provided in division (J) (2) of this 2190
section, when considering sentencing factors under this section 2191
in relation to an offender who is convicted of or pleads guilty 2192
to an attempt to commit an offense in violation of section 2193
2923.02 of the Revised Code, the sentencing court shall consider 2194
the factors applicable to the felony category of the violation 2195
of section 2923.02 of the Revised Code instead of the factors 2196
applicable to the felony category of the offense attempted. 2197

(2) When considering sentencing factors under this section 2198
in relation to an offender who is convicted of or pleads guilty 2199
to an attempt to commit a drug abuse offense for which the 2200
penalty is determined by the amount or number of unit doses of 2201
the controlled substance involved in the drug abuse offense, the 2202
sentencing court shall consider the factors applicable to the 2203
felony category that the drug abuse offense attempted would be 2204
if that drug abuse offense had been committed and had involved 2205
an amount or number of unit doses of the controlled substance 2206
that is within the next lower range of controlled substance 2207
amounts than was involved in the attempt. 2208

(K) As used in this section: 2209

(1) "Community addiction services provider" has the same 2210
meaning as in section 5119.01 of the Revised Code. 2211

(2) "Drug abuse offense" has the same meaning as in 2212
section 2925.01 of the Revised Code. 2213

(3) "Minor drug possession offense" has the same meaning 2214
as in section 2925.11 of the Revised Code. 2215

(4) "Qualifying assault offense" means a violation of 2216
section 2903.13 of the Revised Code for which the penalty 2217

provision in division (C) (8) (b) or (C) (9) (b) of that section 2218
applies. 2219

(L) At the time of sentencing an offender for any sexually 2220
oriented offense, if the offender is a tier III sex 2221
offender/child-victim offender relative to that offense and the 2222
offender does not serve a prison term or jail term, the court 2223
may require that the offender be monitored by means of a global 2224
positioning device. If the court requires such monitoring, the 2225
cost of monitoring shall be borne by the offender. If the 2226
offender is indigent, the cost of compliance shall be paid by 2227
the crime victims reparations fund. 2228

Sec. 2929.14. (A) Except as provided in division (B) (1), 2229
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 2230
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 2231
in division (D) (6) of section 2919.25 of the Revised Code and 2232
except in relation to an offense for which a sentence of death 2233
or life imprisonment is to be imposed, if the court imposing a 2234
sentence upon an offender for a felony elects or is required to 2235
impose a prison term on the offender pursuant to this chapter, 2236
the court shall impose a prison term that shall be one of the 2237
following: 2238

(1) (a) For a felony of the first degree committed on or 2239
after March 22, 2019, the prison term shall be an indefinite 2240
prison term with a stated minimum term selected by the court of 2241
three, four, five, six, seven, eight, nine, ten, or eleven years 2242
and a maximum term that is determined pursuant to section 2243
2929.144 of the Revised Code, except that if the section that 2244
criminalizes the conduct constituting the felony specifies a 2245
different minimum term or penalty for the offense, the specific 2246
language of that section shall control in determining the 2247

minimum term or otherwise sentencing the offender but the 2248
minimum term or sentence imposed under that specific language 2249
shall be considered for purposes of the Revised Code as if it 2250
had been imposed under this division. 2251

(b) For a felony of the first degree committed prior to 2252
March 22, 2019, the prison term shall be a definite prison term 2253
of three, four, five, six, seven, eight, nine, ten, or eleven 2254
years. 2255

(2) (a) For a felony of the second degree committed on or 2256
after March 22, 2019, the prison term shall be an indefinite 2257
prison term with a stated minimum term selected by the court of 2258
two, three, four, five, six, seven, or eight years and a maximum 2259
term that is determined pursuant to section 2929.144 of the 2260
Revised Code, except that if the section that criminalizes the 2261
conduct constituting the felony specifies a different minimum 2262
term or penalty for the offense, the specific language of that 2263
section shall control in determining the minimum term or 2264
otherwise sentencing the offender but the minimum term or 2265
sentence imposed under that specific language shall be 2266
considered for purposes of the Revised Code as if it had been 2267
imposed under this division. 2268

(b) For a felony of the second degree committed prior to 2269
March 22, 2019, the prison term shall be a definite term of two, 2270
three, four, five, six, seven, or eight years. 2271

(3) (a) For a felony of the third degree that is a 2272
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 2273
2907.05, 2907.321, 2907.322, 2907.323, 2919.25, or 3795.04 of 2274
the Revised Code, that is a violation of division (A) of section 2275
4511.19 of the Revised Code if the offender previously has been 2276
convicted of or pleaded guilty to a violation of division (A) of 2277

that section that was a felony, that is a violation of section 2278
2911.02 or 2911.12 of the Revised Code if the offender 2279
previously has been convicted of or pleaded guilty in two or 2280
more separate proceedings to two or more violations of section 2281
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, or 2282
that is a violation of division (B) of section 2921.331 of the 2283
Revised Code if division (C) (5) of that section applies, the 2284
prison term shall be a definite term of twelve, eighteen, 2285
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 2286
four, or sixty months. 2287

(b) For a felony of the third degree that is not an 2288
offense for which division (A) (3) (a) of this section applies, 2289
the prison term shall be a definite term of nine, twelve, 2290
eighteen, twenty-four, thirty, or thirty-six months. 2291

(4) For a felony of the fourth degree, the prison term 2292
shall be a definite term of six, seven, eight, nine, ten, 2293
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 2294
or eighteen months. 2295

(5) For a felony of the fifth degree, the prison term 2296
shall be a definite term of six, seven, eight, nine, ten, 2297
eleven, or twelve months. 2298

(B) (1) (a) Except as provided in division (B) (1) (e) of this 2299
section, if an offender who is convicted of or pleads guilty to 2300
a felony also is convicted of or pleads guilty to a 2301
specification of the type described in section 2941.141, 2302
2941.144, or 2941.145 of the Revised Code, the court shall 2303
impose on the offender one of the following prison terms: 2304

(i) A prison term of six years if the specification is of 2305
the type described in division (A) of section 2941.144 of the 2306

Revised Code that charges the offender with having a firearm 2307
that is an automatic firearm or that was equipped with a firearm 2308
muffler or suppressor on or about the offender's person or under 2309
the offender's control while committing the offense; 2310

(ii) A prison term of three years if the specification is 2311
of the type described in division (A) of section 2941.145 of the 2312
Revised Code that charges the offender with having a firearm on 2313
or about the offender's person or under the offender's control 2314
while committing the offense and displaying the firearm, 2315
brandishing the firearm, indicating that the offender possessed 2316
the firearm, or using it to facilitate the offense; 2317

(iii) A prison term of one year if the specification is of 2318
the type described in division (A) of section 2941.141 of the 2319
Revised Code that charges the offender with having a firearm on 2320
or about the offender's person or under the offender's control 2321
while committing the offense; 2322

(iv) A prison term of nine years if the specification is 2323
of the type described in division (D) of section 2941.144 of the 2324
Revised Code that charges the offender with having a firearm 2325
that is an automatic firearm or that was equipped with a firearm 2326
muffler or suppressor on or about the offender's person or under 2327
the offender's control while committing the offense and 2328
specifies that the offender previously has been convicted of or 2329
pleaded guilty to a specification of the type described in 2330
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 2331
the Revised Code; 2332

(v) A prison term of fifty-four months if the 2333
specification is of the type described in division (D) of 2334
section 2941.145 of the Revised Code that charges the offender 2335
with having a firearm on or about the offender's person or under 2336

the offender's control while committing the offense and 2337
displaying the firearm, brandishing the firearm, indicating that 2338
the offender possessed the firearm, or using the firearm to 2339
facilitate the offense and that the offender previously has been 2340
convicted of or pleaded guilty to a specification of the type 2341
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2342
2941.1412 of the Revised Code; 2343

(vi) A prison term of eighteen months if the specification 2344
is of the type described in division (D) of section 2941.141 of 2345
the Revised Code that charges the offender with having a firearm 2346
on or about the offender's person or under the offender's 2347
control while committing the offense and that the offender 2348
previously has been convicted of or pleaded guilty to a 2349
specification of the type described in section 2941.141, 2350
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 2351

(b) If a court imposes a prison term on an offender under 2352
division (B)(1)(a) of this section, the prison term shall not be 2353
reduced pursuant to section 2929.20, division (A)(2) or (3) of 2354
section 2967.193 or 2967.194, or any other provision of Chapter 2355
2967. or Chapter 5120. of the Revised Code. Except as provided 2356
in division (B)(1)(g) of this section, a court shall not impose 2357
more than one prison term on an offender under division (B)(1) 2358
(a) of this section for felonies committed as part of the same 2359
act or transaction. 2360

(c) (i) Except as provided in division (B)(1)(e) of this 2361
section, if an offender who is convicted of or pleads guilty to 2362
a violation of section 2923.161 of the Revised Code or to a 2363
felony that includes, as an essential element, purposely or 2364
knowingly causing or attempting to cause the death of or 2365
physical harm to another, also is convicted of or pleads guilty 2366

to a specification of the type described in division (A) of 2367
section 2941.146 of the Revised Code that charges the offender 2368
with committing the offense by discharging a firearm from a 2369
motor vehicle other than a manufactured home, the court, after 2370
imposing a prison term on the offender for the violation of 2371
section 2923.161 of the Revised Code or for the other felony 2372
offense under division (A), (B) (2), or (B) (3) of this section, 2373
shall impose an additional prison term of five years upon the 2374
offender that shall not be reduced pursuant to section 2929.20, 2375
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 2376
other provision of Chapter 2967. or Chapter 5120. of the Revised 2377
Code. 2378

(ii) Except as provided in division (B) (1) (e) of this 2379
section, if an offender who is convicted of or pleads guilty to 2380
a violation of section 2923.161 of the Revised Code or to a 2381
felony that includes, as an essential element, purposely or 2382
knowingly causing or attempting to cause the death of or 2383
physical harm to another, also is convicted of or pleads guilty 2384
to a specification of the type described in division (C) of 2385
section 2941.146 of the Revised Code that charges the offender 2386
with committing the offense by discharging a firearm from a 2387
motor vehicle other than a manufactured home and that the 2388
offender previously has been convicted of or pleaded guilty to a 2389
specification of the type described in section 2941.141, 2390
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 2391
the court, after imposing a prison term on the offender for the 2392
violation of section 2923.161 of the Revised Code or for the 2393
other felony offense under division (A), (B) (2), or (3) of this 2394
section, shall impose an additional prison term of ninety months 2395
upon the offender that shall not be reduced pursuant to section 2396
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 2397

or any other provision of Chapter 2967. or Chapter 5120. of the 2398
Revised Code. 2399

(iii) A court shall not impose more than one additional 2400
prison term on an offender under division (B)(1)(c) of this 2401
section for felonies committed as part of the same act or 2402
transaction. If a court imposes an additional prison term on an 2403
offender under division (B)(1)(c) of this section relative to an 2404
offense, the court also shall impose a prison term under 2405
division (B)(1)(a) of this section relative to the same offense, 2406
provided the criteria specified in that division for imposing an 2407
additional prison term are satisfied relative to the offender 2408
and the offense. 2409

(d) If an offender who is convicted of or pleads guilty to 2410
an offense of violence that is a felony also is convicted of or 2411
pleads guilty to a specification of the type described in 2412
section 2941.1411 of the Revised Code that charges the offender 2413
with wearing or carrying body armor while committing the felony 2414
offense of violence, the court shall impose on the offender an 2415
additional prison term of two years. The prison term so imposed 2416
shall not be reduced pursuant to section 2929.20, division (A) 2417
(2) or (3) of section 2967.193 or 2967.194, or any other 2418
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 2419
A court shall not impose more than one prison term on an 2420
offender under division (B)(1)(d) of this section for felonies 2421
committed as part of the same act or transaction. If a court 2422
imposes an additional prison term under division (B)(1)(a) or 2423
(c) of this section, the court is not precluded from imposing an 2424
additional prison term under division (B)(1)(d) of this section. 2425

(e) The court shall not impose any of the prison terms 2426
described in division (B)(1)(a) of this section or any of the 2427

additional prison terms described in division (B)(1)(c) of this 2428
section upon an offender for a violation of section 2923.12 or 2429
2923.123 of the Revised Code. The court shall not impose any of 2430
the prison terms described in division (B)(1)(a) or (b) of this 2431
section upon an offender for a violation of section 2923.122 2432
that involves a deadly weapon that is a firearm other than a 2433
dangerous ordnance, section 2923.16, or section 2923.121 of the 2434
Revised Code. The court shall not impose any of the prison terms 2435
described in division (B)(1)(a) of this section or any of the 2436
additional prison terms described in division (B)(1)(c) of this 2437
section upon an offender for a violation of section 2923.13 of 2438
the Revised Code unless all of the following apply: 2439

(i) The offender previously has been convicted of 2440
aggravated murder, murder, or any felony of the first or second 2441
degree. 2442

(ii) Less than five years have passed since the offender 2443
was released from prison or post-release control, whichever is 2444
later, for the prior offense. 2445

(f)(i) If an offender is convicted of or pleads guilty to 2446
a felony that includes, as an essential element, causing or 2447
attempting to cause the death of or physical harm to another and 2448
also is convicted of or pleads guilty to a specification of the 2449
type described in division (A) of section 2941.1412 of the 2450
Revised Code that charges the offender with committing the 2451
offense by discharging a firearm at a peace officer as defined 2452
in section 2935.01 of the Revised Code or a corrections officer, 2453
as defined in section 2941.1412 of the Revised Code, the court, 2454
after imposing a prison term on the offender for the felony 2455
offense under division (A), (B)(2), or (B)(3) of this section, 2456
shall impose an additional prison term of seven years upon the 2457

offender that shall not be reduced pursuant to section 2929.20, 2458
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 2459
other provision of Chapter 2967. or Chapter 5120. of the Revised 2460
Code. 2461

(ii) If an offender is convicted of or pleads guilty to a 2462
felony that includes, as an essential element, causing or 2463
attempting to cause the death of or physical harm to another and 2464
also is convicted of or pleads guilty to a specification of the 2465
type described in division (B) of section 2941.1412 of the 2466
Revised Code that charges the offender with committing the 2467
offense by discharging a firearm at a peace officer, as defined 2468
in section 2935.01 of the Revised Code, or a corrections 2469
officer, as defined in section 2941.1412 of the Revised Code, 2470
and that the offender previously has been convicted of or 2471
pleaded guilty to a specification of the type described in 2472
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 2473
the Revised Code, the court, after imposing a prison term on the 2474
offender for the felony offense under division (A), (B) (2), or 2475
(3) of this section, shall impose an additional prison term of 2476
one hundred twenty-six months upon the offender that shall not 2477
be reduced pursuant to section 2929.20, division (A) (2) or (3) 2478
of section 2967.193 or 2967.194, or any other provision of 2479
Chapter 2967. or 5120. of the Revised Code. 2480

(iii) If an offender is convicted of or pleads guilty to 2481
two or more felonies that include, as an essential element, 2482
causing or attempting to cause the death or physical harm to 2483
another and also is convicted of or pleads guilty to a 2484
specification of the type described under division (B) (1) (f) of 2485
this section in connection with two or more of the felonies of 2486
which the offender is convicted or to which the offender pleads 2487
guilty, the sentencing court shall impose on the offender the 2488

prison term specified under division (B) (1) (f) of this section 2489
for each of two of the specifications of which the offender is 2490
convicted or to which the offender pleads guilty and, in its 2491
discretion, also may impose on the offender the prison term 2492
specified under that division for any or all of the remaining 2493
specifications. If a court imposes an additional prison term on 2494
an offender under division (B) (1) (f) of this section relative to 2495
an offense, the court shall not impose a prison term under 2496
division (B) (1) (a) or (c) of this section relative to the same 2497
offense. 2498

(g) If an offender is convicted of or pleads guilty to two 2499
or more felonies, if one or more of those felonies are 2500
aggravated murder, murder, attempted aggravated murder, 2501
attempted murder, aggravated robbery, felonious assault, or 2502
rape, and if the offender is convicted of or pleads guilty to a 2503
specification of the type described under division (B) (1) (a) of 2504
this section in connection with two or more of the felonies, the 2505
sentencing court shall impose on the offender the prison term 2506
specified under division (B) (1) (a) of this section for each of 2507
the two most serious specifications of which the offender is 2508
convicted or to which the offender pleads guilty and, in its 2509
discretion, also may impose on the offender the prison term 2510
specified under that division for any or all of the remaining 2511
specifications. 2512

(2) (a) If division (B) (2) (b) of this section does not 2513
apply, the court may impose on an offender, in addition to the 2514
longest prison term authorized or required for the offense or, 2515
for offenses for which division (A) (1) (a) or (2) (a) of this 2516
section applies, in addition to the longest minimum prison term 2517
authorized or required for the offense, an additional definite 2518
prison term of one, two, three, four, five, six, seven, eight, 2519

nine, or ten years if all of the following criteria are met: 2520

(i) The offender is convicted of or pleads guilty to a 2521
specification of the type described in section 2941.149 of the 2522
Revised Code that the offender is a repeat violent offender. 2523

(ii) The offense of which the offender currently is 2524
convicted or to which the offender currently pleads guilty is 2525
aggravated murder and the court does not impose a sentence of 2526
death or life imprisonment without parole, murder, terrorism and 2527
the court does not impose a sentence of life imprisonment 2528
without parole, any felony of the first degree that is an 2529
offense of violence and the court does not impose a sentence of 2530
life imprisonment without parole, or any felony of the second 2531
degree that is an offense of violence and the trier of fact 2532
finds that the offense involved an attempt to cause or a threat 2533
to cause serious physical harm to a person or resulted in 2534
serious physical harm to a person. 2535

(iii) The court imposes the longest prison term for the 2536
offense or the longest minimum prison term for the offense, 2537
whichever is applicable, that is not life imprisonment without 2538
parole. 2539

(iv) The court finds that the prison terms imposed 2540
pursuant to division (B)(2)(a)(iii) of this section and, if 2541
applicable, division (B)(1) or (3) of this section are 2542
inadequate to punish the offender and protect the public from 2543
future crime, because the applicable factors under section 2544
2929.12 of the Revised Code indicating a greater likelihood of 2545
recidivism outweigh the applicable factors under that section 2546
indicating a lesser likelihood of recidivism. 2547

(v) The court finds that the prison terms imposed pursuant 2548

to division (B) (2) (a) (iii) of this section and, if applicable, 2549
division (B) (1) or (3) of this section are demeaning to the 2550
seriousness of the offense, because one or more of the factors 2551
under section 2929.12 of the Revised Code indicating that the 2552
offender's conduct is more serious than conduct normally 2553
constituting the offense are present, and they outweigh the 2554
applicable factors under that section indicating that the 2555
offender's conduct is less serious than conduct normally 2556
constituting the offense. 2557

(b) The court shall impose on an offender the longest 2558
prison term authorized or required for the offense or, for 2559
offenses for which division (A) (1) (a) or (2) (a) of this section 2560
applies, the longest minimum prison term authorized or required 2561
for the offense, and shall impose on the offender an additional 2562
definite prison term of one, two, three, four, five, six, seven, 2563
eight, nine, or ten years if all of the following criteria are 2564
met: 2565

(i) The offender is convicted of or pleads guilty to a 2566
specification of the type described in section 2941.149 of the 2567
Revised Code that the offender is a repeat violent offender. 2568

(ii) The offender within the preceding twenty years has 2569
been convicted of or pleaded guilty to three or more offenses 2570
described in division (CC) (1) of section 2929.01 of the Revised 2571
Code, including all offenses described in that division of which 2572
the offender is convicted or to which the offender pleads guilty 2573
in the current prosecution and all offenses described in that 2574
division of which the offender previously has been convicted or 2575
to which the offender previously pleaded guilty, whether 2576
prosecuted together or separately. 2577

(iii) The offense or offenses of which the offender 2578

currently is convicted or to which the offender currently pleads 2579
guilty is aggravated murder and the court does not impose a 2580
sentence of death or life imprisonment without parole, murder, 2581
terrorism and the court does not impose a sentence of life 2582
imprisonment without parole, any felony of the first degree that 2583
is an offense of violence and the court does not impose a 2584
sentence of life imprisonment without parole, or any felony of 2585
the second degree that is an offense of violence and the trier 2586
of fact finds that the offense involved an attempt to cause or a 2587
threat to cause serious physical harm to a person or resulted in 2588
serious physical harm to a person. 2589

(c) For purposes of division (B)(2)(b) of this section, 2590
two or more offenses committed at the same time or as part of 2591
the same act or event shall be considered one offense, and that 2592
one offense shall be the offense with the greatest penalty. 2593

(d) A sentence imposed under division (B)(2)(a) or (b) of 2594
this section shall not be reduced pursuant to section 2929.20, 2595
division (A)(2) or (3) of section 2967.193 or 2967.194, or any 2596
other provision of Chapter 2967. or Chapter 5120. of the Revised 2597
Code. The offender shall serve an additional prison term imposed 2598
under division (B)(2)(a) or (b) of this section consecutively to 2599
and prior to the prison term imposed for the underlying offense. 2600

(e) When imposing a sentence pursuant to division (B)(2) 2601
(a) or (b) of this section, the court shall state its findings 2602
explaining the imposed sentence. 2603

(3) Except when an offender commits a violation of section 2604
2903.01 or 2907.02 of the Revised Code and the penalty imposed 2605
for the violation is life imprisonment or commits a violation of 2606
section 2903.02 of the Revised Code, if the offender commits a 2607
violation of section 2925.03 or 2925.11 of the Revised Code and 2608

that section classifies the offender as a major drug offender, 2609
if the offender commits a violation of section 2925.05 of the 2610
Revised Code and division (E)(1) of that section classifies the 2611
offender as a major drug offender, if the offender commits a 2612
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 2613
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 2614
division (C) or (D) of section 3719.172, division (E) of section 2615
4729.51, or division (J) of section 4729.54 of the Revised Code 2616
that includes the sale, offer to sell, or possession of a 2617
schedule I or II controlled substance, with the exception of 2618
marihuana, and the court imposing sentence upon the offender 2619
finds that the offender is guilty of a specification of the type 2620
described in division (A) of section 2941.1410 of the Revised 2621
Code charging that the offender is a major drug offender, if the 2622
court imposing sentence upon an offender for a felony finds that 2623
the offender is guilty of corrupt activity with the most serious 2624
offense in the pattern of corrupt activity being a felony of the 2625
first degree, or if the offender is guilty of an attempted 2626
violation of section 2907.02 of the Revised Code and, had the 2627
offender completed the violation of section 2907.02 of the 2628
Revised Code that was attempted, the offender would have been 2629
subject to a sentence of life imprisonment or life imprisonment 2630
without parole for the violation of section 2907.02 of the 2631
Revised Code, the court shall impose upon the offender for the 2632
felony violation a mandatory prison term determined as described 2633
in this division that cannot be reduced pursuant to section 2634
2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, 2635
or any other provision of Chapter 2967. or 5120. of the Revised 2636
Code. The mandatory prison term shall be the maximum definite 2637
prison term prescribed in division (A)(1)(b) of this section for 2638
a felony of the first degree, except that for offenses for which 2639
division (A)(1)(a) of this section applies, the mandatory prison 2640

term shall be the longest minimum prison term prescribed in that 2641
division for the offense. 2642

(4) If the offender is being sentenced for a third or 2643
fourth degree felony OVI offense under division (G) (2) of 2644
section 2929.13 of the Revised Code, the sentencing court shall 2645
impose upon the offender a mandatory prison term in accordance 2646
with that division. In addition to the mandatory prison term, if 2647
the offender is being sentenced for a fourth degree felony OVI 2648
offense, the court, notwithstanding division (A) (4) of this 2649
section, may sentence the offender to a definite prison term of 2650
not less than six months and not more than thirty months, and if 2651
the offender is being sentenced for a third degree felony OVI 2652
offense, the sentencing court may sentence the offender to an 2653
additional prison term of any duration specified in division (A) 2654
(3) of this section. In either case, the additional prison term 2655
imposed shall be reduced by the sixty or one hundred twenty days 2656
imposed upon the offender as the mandatory prison term. The 2657
total of the additional prison term imposed under division (B) 2658
(4) of this section plus the sixty or one hundred twenty days 2659
imposed as the mandatory prison term shall equal a definite term 2660
in the range of six months to thirty months for a fourth degree 2661
felony OVI offense and shall equal one of the authorized prison 2662
terms specified in division (A) (3) of this section for a third 2663
degree felony OVI offense. If the court imposes an additional 2664
prison term under division (B) (4) of this section, the offender 2665
shall serve the additional prison term after the offender has 2666
served the mandatory prison term required for the offense. In 2667
addition to the mandatory prison term or mandatory and 2668
additional prison term imposed as described in division (B) (4) 2669
of this section, the court also may sentence the offender to a 2670
community control sanction under section 2929.16 or 2929.17 of 2671

the Revised Code, but the offender shall serve all of the prison 2672
terms so imposed prior to serving the community control 2673
sanction. 2674

If the offender is being sentenced for a fourth degree 2675
felony OVI offense under division (G) (1) of section 2929.13 of 2676
the Revised Code and the court imposes a mandatory term of local 2677
incarceration, the court may impose a prison term as described 2678
in division (A) (1) of that section. 2679

(5) If an offender is convicted of or pleads guilty to a 2680
violation of division (A) (1) or (2) of section 2903.06 of the 2681
Revised Code and also is convicted of or pleads guilty to a 2682
specification of the type described in section 2941.1414 of the 2683
Revised Code that charges that the victim of the offense is a 2684
peace officer, as defined in section 2935.01 of the Revised 2685
Code, an investigator of the bureau of criminal identification 2686
and investigation, as defined in section 2903.11 of the Revised 2687
Code, or a firefighter or emergency medical worker, both as 2688
defined in section 2941.1414 of the Revised Code, the court 2689
shall impose on the offender a prison term of five years. If a 2690
court imposes a prison term on an offender under division (B) (5) 2691
of this section, the prison term shall not be reduced pursuant 2692
to section 2929.20, division (A) (2) or (3) of section 2967.193 2693
or 2967.194, or any other provision of Chapter 2967. or Chapter 2694
5120. of the Revised Code. A court shall not impose more than 2695
one prison term on an offender under division (B) (5) of this 2696
section for felonies committed as part of the same act. 2697

(6) If an offender is convicted of or pleads guilty to a 2698
violation of division (A) (1) or (2) of section 2903.06 of the 2699
Revised Code and also is convicted of or pleads guilty to a 2700
specification of the type described in section 2941.1415 of the 2701

Revised Code that charges that the offender previously has been 2702
convicted of or pleaded guilty to three or more violations of 2703
division (A) of section 4511.19 of the Revised Code or an 2704
equivalent offense, as defined in section 2941.1415 of the 2705
Revised Code, or three or more violations of any combination of 2706
those offenses, the court shall impose on the offender a prison 2707
term of three years. If a court imposes a prison term on an 2708
offender under division (B) (6) of this section, the prison term 2709
shall not be reduced pursuant to section 2929.20, division (A) 2710
(2) or (3) of section 2967.193 or 2967.194, or any other 2711
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 2712
A court shall not impose more than one prison term on an 2713
offender under division (B) (6) of this section for felonies 2714
committed as part of the same act. 2715

(7) (a) If an offender is convicted of or pleads guilty to 2716
a felony violation of section 2905.01, 2905.02, 2907.21, 2717
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 2718
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 2719
section 2919.22 of the Revised Code and also is convicted of or 2720
pleads guilty to a specification of the type described in 2721
section 2941.1422 of the Revised Code that charges that the 2722
offender knowingly committed the offense in furtherance of human 2723
trafficking, the court shall impose on the offender a mandatory 2724
prison term that is one of the following: 2725

(i) If the offense is a felony of the first degree, a 2726
definite prison term of not less than five years and not greater 2727
than eleven years, except that if the offense is a felony of the 2728
first degree committed on or after March 22, 2019, the court 2729
shall impose as the minimum prison term a mandatory term of not 2730
less than five years and not greater than eleven years; 2731

(ii) If the offense is a felony of the second or third degree, a definite prison term of not less than three years and not greater than the maximum prison term allowed for the offense by division (A) (2) (b) or (3) of this section, except that if the offense is a felony of the second degree committed on or after March 22, 2019, the court shall impose as the minimum prison term a mandatory term of not less than three years and not greater than eight years;

(iii) If the offense is a felony of the fourth or fifth degree, a definite prison term that is the maximum prison term allowed for the offense by division (A) of section 2929.14 of the Revised Code.

(b) The prison term imposed under division (B) (7) (a) of this section shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (7) (a) of this section for felonies committed as part of the same act, scheme, or plan.

(8) If an offender is convicted of or pleads guilty to a felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1423 of the Revised Code that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, notwithstanding the range prescribed in division (A) of this section as the definite prison term or minimum prison term for felonies of the same degree as the violation, the court shall impose on the offender a mandatory prison term that is either a definite prison term of six months or one of the prison

terms prescribed in division (A) of this section for felonies of 2762
the same degree as the violation, except that if the violation 2763
is a felony of the first or second degree committed on or after 2764
March 22, 2019, the court shall impose as the minimum prison 2765
term under division (A)(1)(a) or (2)(a) of this section a 2766
mandatory term that is one of the terms prescribed in that 2767
division, whichever is applicable, for the offense. 2768

(9)(a) If an offender is convicted of or pleads guilty to 2769
a violation of division (A)(1) or (2) of section 2903.11 of the 2770
Revised Code and also is convicted of or pleads guilty to a 2771
specification of the type described in section 2941.1425 of the 2772
Revised Code, the court shall impose on the offender a mandatory 2773
prison term of six years if either of the following applies: 2774

(i) The violation is a violation of division (A)(1) of 2775
section 2903.11 of the Revised Code and the specification 2776
charges that the offender used an accelerant in committing the 2777
violation and the serious physical harm to another or to 2778
another's unborn caused by the violation resulted in a 2779
permanent, serious disfigurement or permanent, substantial 2780
incapacity; 2781

(ii) The violation is a violation of division (A)(2) of 2782
section 2903.11 of the Revised Code and the specification 2783
charges that the offender used an accelerant in committing the 2784
violation, that the violation caused physical harm to another or 2785
to another's unborn, and that the physical harm resulted in a 2786
permanent, serious disfigurement or permanent, substantial 2787
incapacity. 2788

(b) If a court imposes a prison term on an offender under 2789
division (B)(9)(a) of this section, the prison term shall not be 2790
reduced pursuant to section 2929.20, division (A)(2) or (3) of 2791

section 2967.193 or 2967.194, or any other provision of Chapter 2792
2967. or Chapter 5120. of the Revised Code. A court shall not 2793
impose more than one prison term on an offender under division 2794
(B) (9) of this section for felonies committed as part of the 2795
same act. 2796

(c) The provisions of divisions (B) (9) and (C) (6) of this 2797
section and of division (D) (2) of section 2903.11, division (F) 2798
(20) of section 2929.13, and section 2941.1425 of the Revised 2799
Code shall be known as "Judy's Law." 2800

(10) If an offender is convicted of or pleads guilty to a 2801
violation of division (A) of section 2903.11 of the Revised Code 2802
and also is convicted of or pleads guilty to a specification of 2803
the type described in section 2941.1426 of the Revised Code that 2804
charges that the victim of the offense suffered permanent 2805
disabling harm as a result of the offense and that the victim 2806
was under ~~ten~~ eighteen years of age or over sixty-five years of 2807
age at the time of the offense, regardless of whether the 2808
offender knew the age of the victim, the court shall impose upon 2809
the offender an additional definite prison term of ~~six~~ ten 2810
years. A prison term imposed on an offender under division (B) 2811
(10) of this section shall not be reduced pursuant to section 2812
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 2813
or any other provision of Chapter 2967. or Chapter 5120. of the 2814
Revised Code. If a court imposes an additional prison term on an 2815
offender under this division relative to a violation of division 2816
(A) of section 2903.11 of the Revised Code, the court shall not 2817
impose any other additional prison term on the offender relative 2818
to the same offense. 2819

(11) If an offender is convicted of or pleads guilty to a 2820
felony violation of section 2925.03 or 2925.05 of the Revised 2821

Code or a felony violation of section 2925.11 of the Revised 2822
Code for which division (C) (11) of that section applies in 2823
determining the sentence for the violation, if the drug involved 2824
in the violation is a fentanyl-related compound or a compound, 2825
mixture, preparation, or substance containing a fentanyl-related 2826
compound, and if the offender also is convicted of or pleads 2827
guilty to a specification of the type described in division (B) 2828
of section 2941.1410 of the Revised Code that charges that the 2829
offender is a major drug offender, in addition to any other 2830
penalty imposed for the violation, the court shall impose on the 2831
offender a mandatory prison term of three, four, five, six, 2832
seven, or eight years. If a court imposes a prison term on an 2833
offender under division (B) (11) of this section, the prison term 2834
shall not be reduced pursuant to section 2929.20, division (A) 2835
(2) or (3) of section 2967.193 or 2967.194, or any other 2836
provision of Chapter 2967. or 5120. of the Revised Code. A court 2837
shall not impose more than one prison term on an offender under 2838
division (B) (11) of this section for felonies committed as part 2839
of the same act. 2840

(C) (1) (a) Subject to division (C) (1) (b) of this section, 2841
if a mandatory prison term is imposed upon an offender pursuant 2842
to division (B) (1) (a) of this section for having a firearm on or 2843
about the offender's person or under the offender's control 2844
while committing a felony, if a mandatory prison term is imposed 2845
upon an offender pursuant to division (B) (1) (c) of this section 2846
for committing a felony specified in that division by 2847
discharging a firearm from a motor vehicle, or if both types of 2848
mandatory prison terms are imposed, the offender shall serve any 2849
mandatory prison term imposed under either division 2850
consecutively to any other mandatory prison term imposed under 2851
either division or under division (B) (1) (d) of this section, 2852

consecutively to and prior to any prison term imposed for the 2853
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 2854
this section or any other section of the Revised Code, and 2855
consecutively to any other prison term or mandatory prison term 2856
previously or subsequently imposed upon the offender. 2857

(b) If a mandatory prison term is imposed upon an offender 2858
pursuant to division (B) (1) (d) of this section for wearing or 2859
carrying body armor while committing an offense of violence that 2860
is a felony, the offender shall serve the mandatory term so 2861
imposed consecutively to any other mandatory prison term imposed 2862
under that division or under division (B) (1) (a) or (c) of this 2863
section, consecutively to and prior to any prison term imposed 2864
for the underlying felony under division (A), (B) (2), or (B) (3) 2865
of this section or any other section of the Revised Code, and 2866
consecutively to any other prison term or mandatory prison term 2867
previously or subsequently imposed upon the offender. 2868

(c) If a mandatory prison term is imposed upon an offender 2869
pursuant to division (B) (1) (f) of this section, the offender 2870
shall serve the mandatory prison term so imposed consecutively 2871
to and prior to any prison term imposed for the underlying 2872
felony under division (A), (B) (2), or (B) (3) of this section or 2873
any other section of the Revised Code, and consecutively to any 2874
other prison term or mandatory prison term previously or 2875
subsequently imposed upon the offender. 2876

(d) If a mandatory prison term is imposed upon an offender 2877
pursuant to division (B) (7) or (8) of this section, the offender 2878
shall serve the mandatory prison term so imposed consecutively 2879
to any other mandatory prison term imposed under that division 2880
or under any other provision of law and consecutively to any 2881
other prison term or mandatory prison term previously or 2882

subsequently imposed upon the offender. 2883

(e) If a mandatory prison term is imposed upon an offender 2884
pursuant to division (B)(11) of this section, the offender shall 2885
serve the mandatory prison term consecutively to any other 2886
mandatory prison term imposed under that division, consecutively 2887
to and prior to any prison term imposed for the underlying 2888
felony, and consecutively to any other prison term or mandatory 2889
prison term previously or subsequently imposed upon the 2890
offender. 2891

(2) If an offender who is an inmate in a jail, prison, or 2892
other residential detention facility violates section 2917.02, 2893
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 2894
(2) of section 2921.34 of the Revised Code, if an offender who 2895
is under detention at a detention facility commits a felony 2896
violation of section 2923.131 of the Revised Code, or if an 2897
offender who is an inmate in a jail, prison, or other 2898
residential detention facility or is under detention at a 2899
detention facility commits another felony while the offender is 2900
an escapee in violation of division (A)(1) or (2) of section 2901
2921.34 of the Revised Code, any prison term imposed upon the 2902
offender for one of those violations shall be served by the 2903
offender consecutively to the prison term or term of 2904
imprisonment the offender was serving when the offender 2905
committed that offense and to any other prison term previously 2906
or subsequently imposed upon the offender. 2907

(3) If a prison term is imposed for a violation of 2908
division (B) of section 2911.01 of the Revised Code, a violation 2909
of division (A) of section 2913.02 of the Revised Code in which 2910
the stolen property is a firearm or dangerous ordnance, or a 2911
felony violation of division (B) of section 2921.331 of the 2912

Revised Code, the offender shall serve that prison term 2913
consecutively to any other prison term or mandatory prison term 2914
previously or subsequently imposed upon the offender. 2915

(4) If multiple prison terms are imposed on an offender 2916
for convictions of multiple offenses, the court may require the 2917
offender to serve the prison terms consecutively if the court 2918
finds that the consecutive service is necessary to protect the 2919
public from future crime or to punish the offender and that 2920
consecutive sentences are not disproportionate to the 2921
seriousness of the offender's conduct and to the danger the 2922
offender poses to the public, and if the court also finds any of 2923
the following: 2924

(a) The offender committed one or more of the multiple 2925
offenses while the offender was awaiting trial or sentencing, 2926
was under a sanction imposed pursuant to section 2929.16, 2927
2929.17, or 2929.18 of the Revised Code, or was under post- 2928
release control for a prior offense. 2929

(b) At least two of the multiple offenses were committed 2930
as part of one or more courses of conduct, and the harm caused 2931
by two or more of the multiple offenses so committed was so 2932
great or unusual that no single prison term for any of the 2933
offenses committed as part of any of the courses of conduct 2934
adequately reflects the seriousness of the offender's conduct. 2935

(c) The offender's history of criminal conduct 2936
demonstrates that consecutive sentences are necessary to protect 2937
the public from future crime by the offender. 2938

(5) If a mandatory prison term is imposed upon an offender 2939
pursuant to division (B) (5) or (6) of this section, the offender 2940
shall serve the mandatory prison term consecutively to and prior 2941

to any prison term imposed for the underlying violation of 2942
division (A) (1) or (2) of section 2903.06 of the Revised Code 2943
pursuant to division (A) of this section or section 2929.142 of 2944
the Revised Code. If a mandatory prison term is imposed upon an 2945
offender pursuant to division (B) (5) of this section, and if a 2946
mandatory prison term also is imposed upon the offender pursuant 2947
to division (B) (6) of this section in relation to the same 2948
violation, the offender shall serve the mandatory prison term 2949
imposed pursuant to division (B) (5) of this section 2950
consecutively to and prior to the mandatory prison term imposed 2951
pursuant to division (B) (6) of this section and consecutively to 2952
and prior to any prison term imposed for the underlying 2953
violation of division (A) (1) or (2) of section 2903.06 of the 2954
Revised Code pursuant to division (A) of this section or section 2955
2929.142 of the Revised Code. 2956

(6) If a mandatory prison term is imposed on an offender 2957
pursuant to division (B) (9) of this section, the offender shall 2958
serve the mandatory prison term consecutively to and prior to 2959
any prison term imposed for the underlying violation of division 2960
(A) (1) or (2) of section 2903.11 of the Revised Code and 2961
consecutively to and prior to any other prison term or mandatory 2962
prison term previously or subsequently imposed on the offender. 2963

(7) If a mandatory prison term is imposed on an offender 2964
pursuant to division (B) (10) of this section, the offender shall 2965
serve that mandatory prison term consecutively to and prior to 2966
any prison term imposed for the underlying felonious assault. 2967
Except as otherwise provided in division (C) of this section, 2968
any other prison term or mandatory prison term previously or 2969
subsequently imposed upon the offender may be served 2970
concurrently with, or consecutively to, the prison term imposed 2971
pursuant to division (B) (10) of this section. 2972

(8) Any prison term imposed for a violation of section 2973
2903.04 of the Revised Code that is based on a violation of 2974
section 2925.03 or 2925.11 of the Revised Code or on a violation 2975
of section 2925.05 of the Revised Code that is not funding of 2976
marihuana trafficking shall run consecutively to any prison term 2977
imposed for the violation of section 2925.03 or 2925.11 of the 2978
Revised Code or for the violation of section 2925.05 of the 2979
Revised Code that is not funding of marihuana trafficking. 2980

(9) When consecutive prison terms are imposed pursuant to 2981
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 2982
division (H)(1) or (2) of this section, subject to division (C) 2983
(10) of this section, the term to be served is the aggregate of 2984
all of the terms so imposed. 2985

(10) When a court sentences an offender to a non-life 2986
felony indefinite prison term, any definite prison term or 2987
mandatory definite prison term previously or subsequently 2988
imposed on the offender in addition to that indefinite sentence 2989
that is required to be served consecutively to that indefinite 2990
sentence shall be served prior to the indefinite sentence. 2991

(11) If a court is sentencing an offender for a felony of 2992
the first or second degree, if division (A)(1)(a) or (2)(a) of 2993
this section applies with respect to the sentencing for the 2994
offense, and if the court is required under the Revised Code 2995
section that sets forth the offense or any other Revised Code 2996
provision to impose a mandatory prison term for the offense, the 2997
court shall impose the required mandatory prison term as the 2998
minimum term imposed under division (A)(1)(a) or (2)(a) of this 2999
section, whichever is applicable. 3000

(D)(1) If a court imposes a prison term, other than a term 3001
of life imprisonment, for a felony of the first degree, for a 3002

felony of the second degree, for a felony sex offense, or for a 3003
felony of the third degree that is an offense of violence and 3004
that is not a felony sex offense, it shall include in the 3005
sentence a requirement that the offender be subject to a period 3006
of post-release control after the offender's release from 3007
imprisonment, in accordance with section 2967.28 of the Revised 3008
Code. If a court imposes a sentence including a prison term of a 3009
type described in this division on or after July 11, 2006, the 3010
failure of a court to include a post-release control requirement 3011
in the sentence pursuant to this division does not negate, 3012
limit, or otherwise affect the mandatory period of post-release 3013
control that is required for the offender under division (B) of 3014
section 2967.28 of the Revised Code. Section 2929.191 of the 3015
Revised Code applies if, prior to July 11, 2006, a court imposed 3016
a sentence including a prison term of a type described in this 3017
division and failed to include in the sentence pursuant to this 3018
division a statement regarding post-release control. 3019

(2) If a court imposes a prison term for a felony of the 3020
third, fourth, or fifth degree that is not subject to division 3021
(D)(1) of this section, it shall include in the sentence a 3022
requirement that the offender be subject to a period of post- 3023
release control after the offender's release from imprisonment, 3024
in accordance with that division, if the parole board determines 3025
that a period of post-release control is necessary. Section 3026
2929.191 of the Revised Code applies if, prior to July 11, 2006, 3027
a court imposed a sentence including a prison term of a type 3028
described in this division and failed to include in the sentence 3029
pursuant to this division a statement regarding post-release 3030
control. 3031

(E) The court shall impose sentence upon the offender in 3032
accordance with section 2971.03 of the Revised Code, and Chapter 3033

2971. of the Revised Code applies regarding the prison term or 3034
term of life imprisonment without parole imposed upon the 3035
offender and the service of that term of imprisonment if any of 3036
the following apply: 3037

(1) A person is convicted of or pleads guilty to a violent 3038
sex offense or a designated homicide, assault, or kidnapping 3039
offense, and, in relation to that offense, the offender is 3040
adjudicated a sexually violent predator. 3041

(2) A person is convicted of or pleads guilty to a 3042
violation of division (A) (1) (b) of section 2907.02 of the 3043
Revised Code committed on or after January 2, 2007, and either 3044
the court does not impose a sentence of life without parole when 3045
authorized pursuant to division (B) of section 2907.02 of the 3046
Revised Code, or division (B) of section 2907.02 of the Revised 3047
Code provides that the court shall not sentence the offender 3048
pursuant to section 2971.03 of the Revised Code. 3049

(3) A person is convicted of or pleads guilty to attempted 3050
rape committed on or after January 2, 2007, and a specification 3051
of the type described in section 2941.1418, 2941.1419, or 3052
2941.1420 of the Revised Code. 3053

(4) A person is convicted of or pleads guilty to a 3054
violation of section 2905.01 of the Revised Code committed on or 3055
after January 1, 2008, and that section requires the court to 3056
sentence the offender pursuant to section 2971.03 of the Revised 3057
Code. 3058

(5) A person is convicted of or pleads guilty to 3059
aggravated murder committed on or after January 1, 2008, and 3060
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 3061
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 3062

(a) (iv) of section 2929.03, or division (A) or (B) of section 3063
2929.06 of the Revised Code requires the court to sentence the 3064
offender pursuant to division (B) (3) of section 2971.03 of the 3065
Revised Code. 3066

(6) A person is convicted of or pleads guilty to murder 3067
committed on or after January 1, 2008, and division (B) (2) of 3068
section 2929.02 of the Revised Code requires the court to 3069
sentence the offender pursuant to section 2971.03 of the Revised 3070
Code. 3071

(F) If a person who has been convicted of or pleaded 3072
guilty to a felony is sentenced to a prison term or term of 3073
imprisonment under this section, sections 2929.02 to 2929.06 of 3074
the Revised Code, section 2929.142 of the Revised Code, section 3075
2971.03 of the Revised Code, or any other provision of law, 3076
section 5120.163 of the Revised Code applies regarding the 3077
person while the person is confined in a state correctional 3078
institution. 3079

(G) If an offender who is convicted of or pleads guilty to 3080
a felony that is an offense of violence also is convicted of or 3081
pleads guilty to a specification of the type described in 3082
section 2941.142 of the Revised Code that charges the offender 3083
with having committed the felony while participating in a 3084
criminal gang, the court shall impose upon the offender an 3085
additional prison term of one, two, or three years. 3086

(H) (1) If an offender who is convicted of or pleads guilty 3087
to aggravated murder, murder, or a felony of the first, second, 3088
or third degree that is an offense of violence also is convicted 3089
of or pleads guilty to a specification of the type described in 3090
section 2941.143 of the Revised Code that charges the offender 3091
with having committed the offense in a school safety zone or 3092

towards a person in a school safety zone, the court shall impose 3093
upon the offender an additional prison term of two years. The 3094
offender shall serve the additional two years consecutively to 3095
and prior to the prison term imposed for the underlying offense. 3096

(2) (a) If an offender is convicted of or pleads guilty to 3097
a felony violation of section 2907.22, 2907.24, 2907.241, or 3098
2907.25 of the Revised Code and to a specification of the type 3099
described in section 2941.1421 of the Revised Code and if the 3100
court imposes a prison term on the offender for the felony 3101
violation, the court may impose upon the offender an additional 3102
prison term as follows: 3103

(i) Subject to division (H) (2) (a) (ii) of this section, an 3104
additional prison term of one, two, three, four, five, or six 3105
months; 3106

(ii) If the offender previously has been convicted of or 3107
pleaded guilty to one or more felony or misdemeanor violations 3108
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 3109
the Revised Code and also was convicted of or pleaded guilty to 3110
a specification of the type described in section 2941.1421 of 3111
the Revised Code regarding one or more of those violations, an 3112
additional prison term of one, two, three, four, five, six, 3113
seven, eight, nine, ten, eleven, or twelve months. 3114

(b) In lieu of imposing an additional prison term under 3115
division (H) (2) (a) of this section, the court may directly 3116
impose on the offender a sanction that requires the offender to 3117
wear a real-time processing, continual tracking electronic 3118
monitoring device during the period of time specified by the 3119
court. The period of time specified by the court shall equal the 3120
duration of an additional prison term that the court could have 3121
imposed upon the offender under division (H) (2) (a) of this 3122

section. A sanction imposed under this division shall commence 3123
on the date specified by the court, provided that the sanction 3124
shall not commence until after the offender has served the 3125
prison term imposed for the felony violation of section 2907.22, 3126
2907.24, 2907.241, or 2907.25 of the Revised Code and any 3127
residential sanction imposed for the violation under section 3128
2929.16 of the Revised Code. A sanction imposed under this 3129
division shall be considered to be a community control sanction 3130
for purposes of section 2929.15 of the Revised Code, and all 3131
provisions of the Revised Code that pertain to community control 3132
sanctions shall apply to a sanction imposed under this division, 3133
except to the extent that they would by their nature be clearly 3134
inapplicable. The offender shall pay all costs associated with a 3135
sanction imposed under this division, including the cost of the 3136
use of the monitoring device. 3137

(I) At the time of sentencing, the court may recommend the 3138
offender for placement in a program of shock incarceration under 3139
section 5120.031 of the Revised Code or for placement in an 3140
intensive program prison under section 5120.032 of the Revised 3141
Code, disapprove placement of the offender in a program of shock 3142
incarceration or an intensive program prison of that nature, or 3143
make no recommendation on placement of the offender. In no case 3144
shall the department of rehabilitation and correction place the 3145
offender in a program or prison of that nature unless the 3146
department determines as specified in section 5120.031 or 3147
5120.032 of the Revised Code, whichever is applicable, that the 3148
offender is eligible for the placement. 3149

If the court disapproves placement of the offender in a 3150
program or prison of that nature, the department of 3151
rehabilitation and correction shall not place the offender in 3152
any program of shock incarceration or intensive program prison. 3153

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement.

(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (c) or

(d) of that section applies, the person shall be sentenced 3184
pursuant to section 2929.142 of the Revised Code. 3185

(K) (1) The court shall impose an additional mandatory 3186
prison term of two, three, four, five, six, seven, eight, nine, 3187
ten, or eleven years on an offender who is convicted of or 3188
pleads guilty to a violent felony offense if the offender also 3189
is convicted of or pleads guilty to a specification of the type 3190
described in section 2941.1424 of the Revised Code that charges 3191
that the offender is a violent career criminal and had a firearm 3192
on or about the offender's person or under the offender's 3193
control while committing the presently charged violent felony 3194
offense and displayed or brandished the firearm, indicated that 3195
the offender possessed a firearm, or used the firearm to 3196
facilitate the offense. The offender shall serve the prison term 3197
imposed under this division consecutively to and prior to the 3198
prison term imposed for the underlying offense. The prison term 3199
shall not be reduced pursuant to section 2929.20, division (A) 3200
(2) or (3) of section 2967.193 or 2967.194, or any other 3201
provision of Chapter 2967. or 5120. of the Revised Code. A court 3202
may not impose more than one sentence under division (B) (2) (a) 3203
of this section and this division for acts committed as part of 3204
the same act or transaction. 3205

(2) As used in division (K) (1) of this section, "violent 3206
career criminal" and "violent felony offense" have the same 3207
meanings as in section 2923.132 of the Revised Code. 3208

(L) If an offender receives or received a sentence of life 3209
imprisonment without parole, a sentence of life imprisonment, a 3210
definite sentence, or a sentence to an indefinite prison term 3211
under this chapter for a felony offense that was committed when 3212
the offender was under eighteen years of age, the offender's 3213

parole eligibility shall be determined under section 2967.132 of
the Revised Code.

Sec. 2941.1426. (A) Imposition of a mandatory prison term
of ~~six-ten~~ years upon an offender under division (B)(10) of
section 2929.14 of the Revised Code is precluded unless the
offender is convicted of or pleads guilty to a violation of
division (A) of section 2903.11 of the Revised Code and unless
the indictment, count, or information charging the offense
specifies that the victim of the offense suffered permanent
disabling harm as a result of the offense and that the victim
was under ~~ten~~-eighteen years of age or over sixty-five years of
age at the time of the offense, regardless of whether the
offender knew the age of the victim. The specification shall be
stated at the end of the body of the indictment, count, or
information and shall be stated in substantially the following
form:

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The
Grand Jurors (or insert the person's or the prosecuting
attorney's name when appropriate) further find and specify that
(set forth that the victim of the offense suffered permanent
disabling harm as a result of the offense and that the victim
was under ~~ten~~-eighteen years of age or over sixty-five years of
age at the time of the offense, regardless of whether the
offender knew the age of the victim)."

(B) Imposition of a mandatory prison term of ~~six-ten~~ years
upon an offender under division (B)(10) of section 2929.14 of
the Revised Code is precluded if a court imposes any other
additional prison term on the offender relative to the same
offense.

(C) As used in this section, "permanent disabling harm"

has the same meaning as in section 2929.01 of the Revised Code. 3244

Sec. 5153.122. Each PCSA caseworker hired after January 1, 3245
2007, shall complete in-service training during the first year 3246
of the caseworker's continuous employment as a PCSA caseworker, 3247
except that the executive director of the public children 3248
services agency may waive the training requirement for a school 3249
of social work graduate who participated in the university 3250
partnership program described in division (E) of section 5180.42 3251
of the Revised Code and as provided in section 5153.124 of the 3252
Revised Code. The training shall consist of courses in all of 3253
the following: 3254

(A) Recognizing, accepting reports of, and preventing 3255
child abuse, neglect, and dependency; 3256

(B) Assessing child safety; 3257

(C) Assessing risks; 3258

(D) Disability assessment; 3259

(E) Interviewing persons and analytical skills to improve 3260
interviewing skills; 3261

~~(E)~~ (F) Investigating cases; 3262

~~(F)~~ (G) Intervening; 3263

~~(G)~~ (H) Providing services to children and their families; 3264

~~(H)~~ (I) The importance of and need for accurate data; 3265

~~(I)~~ (J) Preparation for court; 3266

~~(J)~~ (K) Maintenance of case record information; 3267

~~(K)~~ (L) The legal duties of PCSA caseworkers to protect the 3268
constitutional and statutory rights of children and families 3269

from the initial time of contact during investigation through 3270
treatment, including instruction regarding parents' rights and 3271
the limitations that the Fourth Amendment to the United States 3272
Constitution places upon caseworkers and their investigations; 3273

~~(I)~~ (M) Content on other topics relevant to child abuse, 3274
neglect, and dependency, including permanency strategies, 3275
concurrent planning, and adoption as an option for unintended 3276
pregnancies. 3277

After a PCSA caseworker's first year of continuous 3278
employment as a PCSA caseworker, the caseworker annually shall 3279
complete thirty-six hours of training in areas relevant to the 3280
caseworker's assigned duties. 3281

During the first two years of continuous employment as a 3282
PCSA caseworker, each PCSA caseworker shall complete training in 3283
recognizing the signs of domestic violence and its relationship 3284
to child abuse as established in rules the director of children 3285
and youth shall adopt pursuant to Chapter 119. of the Revised 3286
Code. 3287

Sec. 5153.16. (A) Except as provided in section 2151.422 3288
of the Revised Code, in accordance with rules adopted under 3289
section 5153.166 of the Revised Code, and on behalf of children 3290
in the county whom the public children services agency considers 3291
to be in need of public care or protective services, the public 3292
children services agency shall do all of the following: 3293

(1) Make an investigation concerning any child alleged to 3294
be an abused, neglected, or dependent child; 3295

(2) Enter into agreements with the parent, guardian, or 3296
other person having legal custody of any child, or with the 3297
department of children and youth, department of ~~mental~~ 3298

~~behavioral health and addiction services~~, department of 3299
developmental disabilities, other department, any certified 3300
organization within or outside the county, or any agency or 3301
institution outside the state, having legal custody of any 3302
child, with respect to the custody, care, or placement of any 3303
child, or with respect to any matter, in the interests of the 3304
child, provided the permanent custody of a child shall not be 3305
transferred by a parent to the public children services agency 3306
without the consent of the juvenile court; 3307

(3) Enter into a contract with an agency providing 3308
prevention services in an effort to prevent neglect or abuse, to 3309
enhance a child's welfare, and to preserve the family unit 3310
intact when referring a family for prevention services under 3311
division (J) of section 2151.421 of the Revised Code. 3312

(4) Accept custody of children committed to the public 3313
children services agency by a court exercising juvenile 3314
jurisdiction; 3315

(5) Provide such care as the public children services 3316
agency considers to be in the best interests of any child 3317
adjudicated to be an abused, neglected, or dependent child the 3318
agency finds to be in need of public care or service; 3319

(6) Provide social services to any unmarried girl 3320
adjudicated to be an abused, neglected, or dependent child who 3321
is pregnant with or has been delivered of a child; 3322

(7) Make available to the children with medical handicaps 3323
program of the department of health at its request any 3324
information concerning a child with a disability found to be in 3325
need of treatment under sections 3701.021 to 3701.028 of the 3326
Revised Code who is receiving services from the public children 3327

services agency; 3328

(8) Provide temporary emergency care for any child 3329
considered by the public children services agency to be in need 3330
of such care, without agreement or commitment; 3331

(9) Find certified foster homes, within or outside the 3332
county, for the care of children, including children with 3333
disabilities from other counties attending special schools in 3334
the county; 3335

(10) Subject to the approval of the board of county 3336
commissioners and the department of children and youth, 3337
establish and operate a training school or enter into an 3338
agreement with any municipal corporation or other political 3339
subdivision of the county respecting the operation, acquisition, 3340
or maintenance of any children's home, training school, or other 3341
institution for the care of children maintained by such 3342
municipal corporation or political subdivision; 3343

(11) Acquire and operate a county children's home, 3344
establish, maintain, and operate a receiving home for the 3345
temporary care of children, or procure certified foster homes 3346
for this purpose; 3347

(12) Enter into an agreement with the trustees of any 3348
district children's home, respecting the operation of the 3349
district children's home in cooperation with the other county 3350
boards in the district; 3351

(13) Cooperate with, make its services available to, and 3352
act as the agent of persons, courts, the department of children 3353
and youth, the department of health, and other organizations 3354
within and outside the state, in matters relating to the welfare 3355
of children, except that the public children services agency 3356

shall not be required to provide supervision of or other 3357
services related to the exercise of parenting time rights 3358
granted pursuant to section 3109.051 or 3109.12 of the Revised 3359
Code or companionship or visitation rights granted pursuant to 3360
section 3109.051, 3109.11, or 3109.12 of the Revised Code unless 3361
a juvenile court, pursuant to Chapter 2151. of the Revised Code, 3362
or a common pleas court, pursuant to division (E)(6) of section 3363
3113.31 of the Revised Code, requires the provision of 3364
supervision or other services related to the exercise of the 3365
parenting time rights or companionship or visitation rights; 3366

(14) Make investigations at the request of any 3367
superintendent of schools in the county or the principal of any 3368
school concerning the application of any child adjudicated to be 3369
an abused, neglected, or dependent child for release from 3370
school, where such service is not provided through a school 3371
attendance department; 3372

(15) Administer funds provided under Title IV-E of the 3373
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 3374
amended, in accordance with rules adopted under section 5180.42 3375
of the Revised Code; 3376

(16) In addition to administering Title IV-E adoption 3377
assistance funds, enter into agreements to make adoption 3378
assistance payments under section 5153.163 of the Revised Code; 3379

(17) Implement a system of safety and risk assessment, in 3380
accordance with rules adopted by the director of children and 3381
youth, to assist the public children services agency in 3382
determining the risk of abuse or neglect to a child; 3383

(18) Enter into a plan of cooperation with the board of 3384
county commissioners under section 307.983 of the Revised Code 3385

and comply with each fiscal agreement the board enters into 3386
under section 307.98 of the Revised Code that include family 3387
services duties of public children services agencies and 3388
contracts the board enters into under sections 307.981 and 3389
307.982 of the Revised Code that affect the public children 3390
services agency; 3391

(19) Make reasonable efforts to prevent the removal of an 3392
alleged or adjudicated abused, neglected, or dependent child 3393
from the child's home, eliminate the continued removal of the 3394
child from the child's home, or make it possible for the child 3395
to return home safely, except that reasonable efforts of that 3396
nature are not required when a court has made a determination 3397
under division (A) (2) of section 2151.419 of the Revised Code; 3398

(20) Make reasonable efforts to place the child in a 3399
timely manner in accordance with the permanency plan approved 3400
under division (E) of section 2151.417 of the Revised Code and 3401
to complete whatever steps are necessary to finalize the 3402
permanent placement of the child; 3403

(21) Administer a Title IV-A program identified under 3404
division (A) (4) (c) or (h) of section 5101.80 of the Revised Code 3405
that the department of children and youth provides for the 3406
public children services agency to administer under the 3407
department's supervision pursuant to section 5101.801 of the 3408
Revised Code; 3409

(22) Administer the kinship permanency incentive program 3410
created under section 5180.52 of the Revised Code under the 3411
supervision of the director of children and youth; 3412

(23) Provide independent living services pursuant to 3413
sections 2151.81 to 2151.84 of the Revised Code; 3414

(24) File a missing child report with a local law enforcement agency upon becoming aware that a child in the custody of the public children services agency is or may be missing.

(25) Conduct weekly in-person visits with a child who is in the custody of the public children services agency if the child is under the age of five years old or is a child with a developmental disability, as defined in section 5123.01 of the Revised Code, to determine the well-being of the child.

(B) The public children services agency shall use the system implemented pursuant to division (A) (17) of this section in connection with an investigation undertaken pursuant to division (G) (1) of section 2151.421 of the Revised Code to assess both of the following:

(1) The ongoing safety of the child;

(2) The appropriateness of the intensity and duration of the services provided to meet child and family needs throughout the duration of a case.

(C) Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the director of children and youth, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following:

(1) Provide or find, with other child serving systems, specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code;

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of 3444
this section, contract with the following for the purpose of 3445
assisting the agency with its duties: 3446

(i) County departments of job and family services; 3447

(ii) Boards of alcohol, drug addiction, and mental health 3448
services; 3449

(iii) County boards of developmental disabilities; 3450

(iv) Regional councils of political subdivisions 3451
established under Chapter 167. of the Revised Code; 3452

(v) Private and government providers of services; 3453

(vi) Managed care organizations and prepaid health plans. 3454

(b) A public children services agency contract under 3455
division (C) (2) (a) of this section regarding the agency's duties 3456
under section 2151.421 of the Revised Code may not provide for 3457
the entity under contract with the agency to perform any service 3458
not authorized by the department's rules. 3459

(c) Only a county children services board appointed under 3460
section 5153.03 of the Revised Code that is a public children 3461
services agency may contract under division (C) (2) (a) of this 3462
section. If an entity specified in division (B) or (C) of 3463
section 5153.02 of the Revised Code is the public children 3464
services agency for a county, the board of county commissioners 3465
may enter into contracts pursuant to section 307.982 of the 3466
Revised Code regarding the agency's duties. 3467

Sec. 5180.09. (A) The department of children and youth 3468
shall develop a public electronic dashboard to publish, by 3469
county, on a monthly basis the following data reported to the 3470
department: 3471

<u>(1) The number of children residing in the county;</u>	3472
<u>(2) The number of children in the custody of a public</u>	3473
<u>children services agency or private child placing agency;</u>	3474
<u>(3) The number of children in each placement type;</u>	3475
<u>(4) The average length of stay for a child in each</u>	3476
<u>placement type.</u>	3477
<u>(B) The department shall post the data publicly and submit</u>	3478
<u>a copy of the data to each board of county commissioners</u>	3479
<u>monthly.</u>	3480
Section 2. That existing sections 2151.412, 2151.421,	3481
2151.423, 2151.429, 2151.467, 2151.468, 2903.01, 2903.11,	3482
2919.22, 2929.13, 2929.14, 2941.1426, 5153.122, and 5153.16 of	3483
the Revised Code are hereby repealed.	3484
Section 3. This act shall be known as the Child Protection	3485
Reform Act.	3486
Section 4. The General Assembly, applying the principle	3487
stated in division (B) of section 1.52 of the Revised Code that	3488
amendments are to be harmonized if reasonably capable of	3489
simultaneous operation, finds that the following sections,	3490
presented in this act as composites of the sections as amended	3491
by the acts indicated, are the resulting versions of the	3492
sections in effect prior to the effective date of the sections	3493
as presented in this act:	3494
Section 2903.11 of the Revised Code as amended by both	3495
S.B. 20 and S.B. 201 of the 132nd General Assembly.	3496
Section 2929.14 of the Revised Code as amended by H.B. 37,	3497
H.B. 56, H.B. 111, and S.B. 106, all of the 135th General	3498
Assembly.	3499