

As Reported by the House Children and Human Services Committee

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Sub. 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 protective supervision;	21 22
(4) The child is in a planned permanent living arrangement.	23 24
Except as provided by division (A) (2) of section 5103.153 of the Revised Code, a private child placing agency providing services to a child who is the subject of a voluntary permanent custody surrender agreement entered into under division (B) (4) of section 5103.15 of the Revised Code is not required to prepare and maintain a case plan for that child.	25 26 27 28 29 30
(B) Each public children services agency shall prepare and maintain a case plan for any child for whom the agency is providing in-home services pursuant to an alternative response.	31 32 33
(C) (1) The director of children and youth shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the content and format of case plans required by division (A) of this section and establishing procedures for developing, implementing, and changing the case plans. The rules shall at a minimum comply with the requirements of Title IV-E of the "Social Security Act," 42 U.S.C. 670, et seq. (1980).	34 35 36 37 38 39 40
(2) The director of children and youth shall adopt rules pursuant to Chapter 119. of the Revised Code requiring public children services agencies and private child placing agencies to maintain case plans for children and their families who are receiving services in their homes from the agencies and for whom case plans are not required by division (A) of this section. The rules for public children services agencies shall include the requirements for case plans maintained for children and their	41 42 43 44 45 46 47 48

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

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

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

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) <u>(I)(2)</u> 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) <u>(J)</u> 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) (1) <u>(K)</u> (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) <u>(K)</u> of this section.	253
(K) (1) <u>(L)</u> (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 services in a hospital, children's advocacy center, or emergency medical facility to a child about whom a report has been made under division (A) of this section, the health care professional may take any steps that are reasonably necessary for the release or discharge of the child to an appropriate environment. Before the child's release or discharge, the health care professional may obtain information, or consider information obtained, from other entities or individuals that have knowledge about the child. Nothing in division (D) (3) of this section shall be construed to alter the responsibilities of any person under sections 2151.27 and 2151.31 of the Revised Code.

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

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

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

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, the agency that receives the report shall 601
immediately respond to and investigate the report and notify the 602
agency served by the other county in which the child resides not 603
later than twenty-four hours after receipt of the report. 604

(3) If the child who is the subject of the report resides 605
in a county other than the county served by the agency that 606
receives the report or has a residence or legal settlement in 607
both the county served by the agency that receives the report 608
and another county, the agencies shall jointly determine which 609
agency shall serve as the lead agency. The agencies shall make 610
this determination within one business day. 611

(4) (a) Not later than four calendar days after receipt of 612
the report, all of the following entities shall provide relevant 613
information to a public children services agency or peace 614
officer concerning a report of child abuse or neglect without a 615
subpoena upon the request of a public children services agency 616
or peace officer or when disclosure is necessary to ensure a 617
child's safety: 618

<u>(i) Another public children services agency;</u>	619
<u>(ii) Another peace officer or law enforcement agency;</u>	620
<u>(iii) A health care professional or health care facility;</u>	621
<u>(iv) Notwithstanding section 3319.321 of the Revised Code</u>	622
<u>and to the extent permissible under the federal "Family</u>	623
<u>Educational Rights and Privacy Act of 1974," 20 U.S.C. 1232g, a</u>	624
<u>school district.</u>	625
<u>(b) The disclosure of protected health information by a</u>	626
<u>covered entity pursuant to division (E) (4) (a) of this section is</u>	627
<u>deemed permissible under the HIPAA Privacy Rule and Chapter</u>	628
<u>3798. of the Revised Code, as each of those terms are defined in</u>	629
<u>section 3798.01 of the Revised Code.</u>	630
(F) No peace officer shall remove a child about whom a	631
report is made pursuant to this section from the child's	632
parents, stepparents, or guardian or any other persons having	633
custody of the child without consultation with the public	634
children services agency, unless, in the judgment of the	635
officer, and, if the report was made by a physician or advanced	636
practice registered nurse, the physician or nurse, immediate	637
removal is considered essential to protect the child from	638
further abuse or neglect. The agency that must be consulted	639
shall be the agency conducting the investigation of the report	640
as determined pursuant to section 2151.422 of the Revised Code.	641
(G) (1) Except as provided in section 2151.422 of the	642
Revised Code or in an interagency agreement entered into under	643
section 2151.428 of the Revised Code that applies to the	644
particular report, the public children services agency shall	645
investigate, within twenty-four hours, each report of child	646
abuse or child neglect that is known or reasonably suspected or	647

believed to have occurred and of a threat of child abuse or 648
child neglect that is known or reasonably suspected or believed 649
to exist that is referred to it under this section to determine 650
the circumstances surrounding the injuries, abuse, or neglect or 651
the threat of injury, abuse, or neglect, the cause of the 652
injuries, abuse, neglect, or threat, and the person or persons 653
responsible. The investigation shall be made in cooperation with 654
the law enforcement agency and in accordance with the memorandum 655
of understanding prepared under sections 2151.4220 to 2151.4234 656
of the Revised Code. A representative of the public children 657
services agency shall, at the time of initial contact with the 658
person subject to the investigation, inform the person of the 659
specific complaints or allegations made against the person. The 660
information shall be given in a manner that is consistent with 661
division (I)(1) of this section and protects the rights of the 662
person making the report under this section. 663

A failure to make the investigation in accordance with the 664
memorandum is not grounds for, and shall not result in, the 665
dismissal of any charges or complaint arising from the report or 666
the suppression of any evidence obtained as a result of the 667
report and does not give, and shall not be construed as giving, 668
any rights or any grounds for appeal or post-conviction relief 669
to any person. The public children services agency shall report 670
each case to the uniform statewide automated child welfare 671
information system that the department of children and youth 672
shall maintain in accordance with section 5180.40 of the Revised 673
Code. The public children services agency shall submit a report 674
of its investigation, in writing, to the law enforcement agency. 675

(2) If the child who is the subject of a report resides in 676
a county other than the county served by the agency that 677
receives the report or has a residence or legal settlement in 678

both the county served by the agency that receives the report 679
and another county, the agencies shall jointly investigate the 680
report until the agencies jointly determine which agency shall 681
serve as the lead agency in accordance with division (E) (3) of 682
this section. 683

(3) The public children services agency shall make any 684
recommendations to the county prosecuting attorney or city 685
director of law that it considers necessary to protect any 686
children that are brought to its attention. 687

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 688
(I) (3) of this section, any person, health care professional, 689
hospital, institution, school, health department, or agency 690
shall be immune from any civil or criminal liability for injury, 691
death, or loss to person or property that otherwise might be 692
incurred or imposed as a result of any of the following: 693

(i) Participating in the making of reports pursuant to 694
division (A) of this section or in the making of reports in good 695
faith, pursuant to division (B) of this section; 696

(ii) Participating in medical examinations, tests, or 697
procedures under division (D) of this section; 698

(iii) Providing information used in a report made pursuant 699
to division (A) of this section or providing information in good 700
faith used in a report made pursuant to division (B) of this 701
section; 702

(iv) Participating in a judicial proceeding resulting from 703
a report made pursuant to division (A) of this section or 704
participating in good faith in a proceeding resulting from a 705
report made pursuant to division (B) of this section. 706

(b) Immunity under division (H) (1) (a) (ii) of this section 707

shall not apply when a health care provider has deviated from 708
the standard of care applicable to the provider's profession. 709

(c) Notwithstanding section 4731.22 of the Revised Code, 710
the physician-patient privilege shall not be a ground for 711
excluding evidence regarding a child's injuries, abuse, or 712
neglect, or the cause of the injuries, abuse, or neglect in any 713
judicial proceeding resulting from a report submitted pursuant 714
to this section. 715

(2) In any civil or criminal action or proceeding in which 716
it is alleged and proved that participation in the making of a 717
report under this section was not in good faith or participation 718
in a judicial proceeding resulting from a report made under this 719
section was not in good faith, the court shall award the 720
prevailing party reasonable attorney's fees and costs and, if a 721
civil action or proceeding is voluntarily dismissed, may award 722
reasonable attorney's fees and costs to the party against whom 723
the civil action or proceeding is brought. 724

(I) (1) Except as provided in divisions (I) (4) and (N) of 725
this section and sections 2151.423 and 2151.4210 of the Revised 726
Code, a report made under this section is confidential. The 727
information provided in a report made pursuant to this section 728
and the name of the person who made the report shall not be 729
released for use, and shall not be used, as evidence in any 730
civil action or proceeding brought against the person who made 731
the report. Nothing in this division shall preclude the use of 732
reports of other incidents of known or suspected abuse or 733
neglect in a civil action or proceeding brought pursuant to 734
division (M) of this section against a person who is alleged to 735
have violated division (A) (1) of this section, provided that any 736
information in a report that would identify the child who is the 737

subject of the report or the maker of the report, if the maker 738
of the report is not the defendant or an agent or employee of 739
the defendant, has been redacted. In a criminal proceeding, the 740
report is admissible in evidence in accordance with the Rules of 741
Evidence and is subject to discovery in accordance with the 742
Rules of Criminal Procedure. 743

(2) (a) Except as provided in division (I) (2) (b) of this 744
section, no person shall permit or encourage the unauthorized 745
dissemination of the contents of any report made under this 746
section. 747

(b) A health care professional that obtains the same 748
information contained in a report made under this section from a 749
source other than the report may disseminate the information, if 750
its dissemination is otherwise permitted by law. 751

(3) A person who knowingly makes or causes another person 752
to make a false report under division (B) of this section that 753
alleges that any person has committed an act or omission that 754
resulted in a child being an abused child or a neglected child 755
is guilty of a violation of section 2921.14 of the Revised Code. 756

(4) If a report is made pursuant to division (A) or (B) of 757
this section and the child who is the subject of the report dies 758
for any reason at any time after the report is made, but before 759
the child attains eighteen years of age, the public children 760
services agency or peace officer to which the report was made or 761
referred, on the request of the child fatality review board, the 762
suicide fatality review committee, or the director of health 763
pursuant to guidelines established under section 3701.70 of the 764
Revised Code, shall submit a summary sheet of information 765
providing a summary of the report to the review board or review 766
committee of the county in which the deceased child resided at 767

the time of death or to the director. On the request of the 768
review board, review committee, or director, the agency or peace 769
officer may, at its discretion, make the report available to the 770
review board, review committee, or director. If the county 771
served by the public children services agency is also served by 772
a children's advocacy center and the report of alleged sexual 773
abuse of a child or another type of abuse of a child is 774
specified in the memorandum of understanding that creates the 775
center as being within the center's jurisdiction, the agency or 776
center shall perform the duties and functions specified in this 777
division in accordance with the interagency agreement entered 778
into under section 2151.428 of the Revised Code relative to that 779
advocacy center. 780

(5) Not later than five business days after the 781
determination of a disposition, a public children services 782
agency shall advise a person alleged to have inflicted abuse or 783
neglect on a child who is the subject of a report made pursuant 784
to this section, including a report alleging sexual abuse of a 785
child or another type of abuse of a child referred to a 786
children's advocacy center pursuant to an interagency agreement 787
entered into under section 2151.428 of the Revised Code, in 788
writing of the disposition of the investigation. The agency 789
shall not provide to the person any information that identifies 790
the person who made the report, statements of witnesses, or 791
police or other investigative reports. The written notice of 792
disposition shall be made in a form designated by the department 793
of children and youth and shall inform the person of the right 794
to appeal the disposition. 795

(J) Any report that is required by this section, other 796
than a report that is made to the state highway patrol as 797
described in section 5120.173 of the Revised Code, shall result 798

in protective services and emergency supportive services being 799
made available by the public children services agency on behalf 800
of the children about whom the report is made. The agency 801
required to provide the services shall be the agency conducting 802
the investigation of the report pursuant to section 2151.422 of 803
the Revised Code. If a family is determined to benefit from 804
prevention services, the agency also may make efforts to prevent 805
neglect or abuse, to enhance a child's welfare, and to preserve 806
the family unit intact by referring a report for assessment and 807
provision of services to an agency providing prevention 808
services, if appropriate prevention services are available from 809
a local provider or other reasonable source. 810

(K) (1) Except as provided in division (K) (4) or (5) of 811
this section, a person who is required to make a report under 812
division (A) of this section may make a reasonable number of 813
requests of the public children services agency that receives or 814
is referred the report, or of the children's advocacy center 815
that is referred the report if the report is referred to a 816
children's advocacy center pursuant to an interagency agreement 817
entered into under section 2151.428 of the Revised Code, to be 818
provided with the following information: 819

(a) Whether the agency or center has initiated an 820
investigation of the report; 821

(b) Whether the agency or center is continuing to 822
investigate the report; 823

(c) Whether the agency or center is otherwise involved 824
with the child who is the subject of the report; 825

(d) The general status of the health and safety of the 826
child who is the subject of the report; 827

(e) Whether the report has resulted in the filing of a 828
complaint in juvenile court or of criminal charges in another 829
court. 830

(2) (a) A person may request the information specified in 831
division (K) (1) of this section only if, at the time the report 832
is made, the person's name, address, and telephone number are 833
provided to the person who receives the report. 834

(b) When a peace officer or employee of a public children 835
services agency receives a report pursuant to division (A) or 836
(B) of this section the recipient of the report shall inform the 837
person of the right to request the information described in 838
division (K) (1) of this section. The recipient of the report 839
shall include in the initial child abuse or child neglect report 840
that the person making the report was so informed and, if 841
provided at the time of the making of the report, shall include 842
the person's name, address, and telephone number in the report. 843

(c) If the person making the report provides the person's 844
name and contact information on making the report, the public 845
children services agency that received or was referred the 846
report shall send a written notice via United States mail or 847
electronic mail, in accordance with the person's preference, to 848
the person not later than seven calendar days after receipt of 849
the report. The notice shall provide the status of the agency's 850
investigation into the report made, who the person may contact 851
at the agency for further information, and a description of the 852
person's rights under division (K) (1) of this section. 853

(d) Each request is subject to verification of the 854
identity of the person making the report. If that person's 855
identity is verified, the agency shall provide the person with 856
the information described in division (K) (1) of this section a 857

reasonable number of times, except that the agency shall not 858
disclose any confidential information regarding the child who is 859
the subject of the report other than the information described 860
in those divisions. 861

(3) A request made pursuant to division (K) (1) of this 862
section is not a substitute for any report required to be made 863
pursuant to division (A) of this section. 864

(4) If an agency other than the agency that received or 865
was referred the report is conducting the investigation of the 866
report pursuant to section 2151.422 of the Revised Code, the 867
agency conducting the investigation shall comply with the 868
requirements of division (K) of this section. 869

(5) A health care professional who made a report under 870
division (A) of this section, or on whose behalf such a report 871
was made as provided in division (A) (1) (c) of this section, may 872
authorize a person to obtain the information described in 873
division (K) (1) of this section if the person requesting the 874
information is associated with or acting on behalf of the health 875
care professional who provided health care services to the child 876
about whom the report was made. 877

(6) If the person making the report provides the person's 878
name and contact information on making the report, the public 879
children services agency that received or was referred the 880
report shall send a written notice via United States mail or 881
electronic mail, in accordance with the person's preference, to 882
the person not later than seven calendar days after the agency 883
closes the investigation into the case reported by the person. 884
The notice shall notify the person that the agency has closed 885
the investigation. 886

(L) (1) The director of children and youth shall adopt 887
rules in accordance with Chapter 119. of the Revised Code to 888
implement this section. The department of children and youth may 889
enter into a plan of cooperation with any other governmental 890
entity to aid in ensuring that children are protected from abuse 891
and neglect. The department shall make recommendations to the 892
attorney general that the department determines are necessary to 893
protect children from child abuse and child neglect. 894

(2) The director of children and youth shall adopt rules 895
in accordance with Chapter 119. of the Revised Code to identify 896
the types of neglect of a child that a public children services 897
agency shall be required to notify law enforcement of pursuant 898
to division (E) (2) (c) (ii) of this section. 899

(M) Whoever violates division (A) of this section is 900
liable for compensatory and exemplary damages to the child who 901
would have been the subject of the report that was not made. A 902
person who brings a civil action or proceeding pursuant to this 903
division against a person who is alleged to have violated 904
division (A) (1) of this section may use in the action or 905
proceeding reports of other incidents of known or suspected 906
abuse or neglect, provided that any information in a report that 907
would identify the child who is the subject of the report or the 908
maker of the report, if the maker is not the defendant or an 909
agent or employee of the defendant, has been redacted. 910

(N) (1) As used in this division: 911

(a) "Out-of-home care" includes a nonchartered nonpublic 912
school if the alleged child abuse or child neglect, or alleged 913
threat of child abuse or child neglect, described in a report 914
received by a public children services agency allegedly occurred 915
in or involved the nonchartered nonpublic school and the alleged 916

perpetrator named in the report holds a certificate, permit, or 917
license issued by the state board of education under section 918
3301.071 or Chapter 3319. of the Revised Code. 919

(b) "Administrator, director, or other chief 920
administrative officer" means the superintendent of the school 921
district if the out-of-home care entity subject to a report made 922
pursuant to this section is a school operated by the district. 923

(2) No later than the end of the day following the day on 924
which a public children services agency receives a report of 925
alleged child abuse or child neglect, or a report of an alleged 926
threat of child abuse or child neglect, that allegedly occurred 927
in or involved an out-of-home care entity, the agency shall 928
provide written notice of the allegations contained in and the 929
person named as the alleged perpetrator in the report to the 930
administrator, director, or other chief administrative officer 931
of the out-of-home care entity that is the subject of the report 932
unless the administrator, director, or other chief 933
administrative officer is named as an alleged perpetrator in the 934
report. If the administrator, director, or other chief 935
administrative officer of an out-of-home care entity is named as 936
an alleged perpetrator in a report of alleged child abuse or 937
child neglect, or a report of an alleged threat of child abuse 938
or child neglect, that allegedly occurred in or involved the 939
out-of-home care entity, the agency shall provide the written 940
notice to the owner or governing board of the out-of-home care 941
entity that is the subject of the report. The agency shall not 942
provide witness statements or police or other investigative 943
reports. 944

(3) No later than three days after the day on which a 945
public children services agency that conducted the investigation 946

as determined pursuant to section 2151.422 of the Revised Code 947
makes a disposition of an investigation involving a report of 948
alleged child abuse or child neglect, or a report of an alleged 949
threat of child abuse or child neglect, that allegedly occurred 950
in or involved an out-of-home care entity, the agency shall send 951
written notice of the disposition of the investigation to the 952
administrator, director, or other chief administrative officer 953
and the owner or governing board of the out-of-home care entity. 954
The agency shall not provide witness statements or police or 955
other investigative reports. 956

(0) As used in this section: 957

(1) "Children's advocacy center" and "sexual abuse of a 958
child" have the same meanings as in section 2151.425 of the 959
Revised Code. 960

(2) "Health care professional" means an individual who 961
provides health-related services. "Health care professional" 962
includes all of the following: a physician, including a hospital 963
intern or resident; a dentist; a podiatrist; a registered nurse, 964
including such a nurse who is an advanced practice registered 965
nurse; a licensed practical nurse; a home care nurse; a licensed 966
psychologist; a speech-language pathologist; an audiologist; a 967
person engaged in social work or the practice of professional 968
counseling; and an employee of a home health agency. "Health 969
care professional" does not include a practitioner of a limited 970
branch of medicine as specified in section 4731.15 of the 971
Revised Code, licensed school psychologist, independent marriage 972
and family therapist or marriage and family therapist, or 973
coroner. 974

(3) "Investigation" means the public children services 975
agency's response to an accepted report of child abuse or 976

neglect through either an alternative response or a traditional response. 977
978

(4) "Peace officer" means a sheriff, deputy sheriff, 979
constable, police officer of a township or joint police 980
district, marshal, deputy marshal, municipal police officer, or 981
a state highway patrol trooper. 982

Sec. 2151.423. A public children services agency shall 983
disclose confidential information discovered during an 984
investigation conducted pursuant to section 2151.421 or 2151.422 985
of the Revised Code to any federal, state, or local government 986
entity, including any appropriate military authority ~~or~~, any 987
prevention services provider to the family, or another public 988
children services agency, that needs the information to carry 989
out its responsibilities to protect children from abuse or 990
neglect. 991

Information disclosed pursuant to this section is 992
confidential and is not subject to disclosure pursuant to 993
section 149.43 or 1347.08 of the Revised Code by the agency to 994
whom the information was disclosed. The agency receiving the 995
information shall maintain the confidentiality of information 996
disclosed pursuant to this section. 997

Sec. 2151.429. (A) The differential response approach, as 998
defined in section 2151.011 of the Revised Code, pursued by a 999
public children services agency shall include two response 1000
pathways, the traditional response pathway and the alternative 1001
response pathway. The director of children and youth shall adopt 1002
rules pursuant to Chapter 119. of the Revised Code setting forth 1003
the procedures and criteria for public children services 1004
agencies to assign and reassign response pathways. 1005

(B) The agency shall use the traditional response for the following types of accepted reports:	1006 1007
(1) Physical abuse resulting in serious injury or that creates a serious and immediate risk to a child's health and safety.	1008 1009 1010
(2) Sexual abuse.	1011
(3) Child fatality.	1012
(4) Reports requiring a specialized assessment as identified by rule adopted by the department.	1013 1014
(5) Reports requiring a third party investigative procedure as identified by rule adopted by the department.	1015 1016
(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.	1017 1018 1019 1020
<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>	1021 1022 1023 1024 1025 1026 1027 1028
<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</u>	1029 1030 1031 1032 1033

plan, to the other agency and share all information that is 1034
necessary to serve the well-being of the child. 1035

(C) Nothing in Chapter 2151. of the Revised Code prevents 1036
a public children services agency from cooperating or sharing 1037
case management duties or other responsibilities with another 1038
public children services agency as necessary. 1039

Sec. 2151.4235. (A) A law enforcement agency shall submit 1040
to the public children services agency all alleged incidents of 1041
the offense of domestic violence when law enforcement has reason 1042
to believe that a child resides in the home, and the address 1043
where the alleged offense occurred that the law enforcement 1044
agency responded to in the preceding week. 1045

(B) A public children services agency shall enter in the 1046
uniform statewide automated child welfare information system 1047
established under section 5180.40 of the Revised Code all 1048
incidents reported under division (A) of this section. 1049

(C) A public children services agency that is 1050
investigating a report of child abuse or neglect under section 1051
2151.421 of the Revised Code or has filed a complaint pursuant 1052
to section 2151.27 of the Revised Code shall make an examination 1053
of the statewide automated child welfare information system to 1054
determine if any alleged offense documented in division (A) of 1055
this section involves the child who is the subject of an 1056
investigation or complaint. 1057

Sec. 2151.467. ~~(A)~~ (A) (1) A public children services agency 1058
or private child placing agency with custody of a child who is 1059
under the care and supervision of a residential facility shall 1060
conduct a ~~monthly in-person visit~~ visits to the residential 1061
facility to determine the well-being of the child as follows: 1062

- (a) One face-to-face visit with the child during the first 1063
week of placement, not including the first day of placement; 1064
- (b) One face-to-face visit with the child twice monthly, 1065
not within the same week; 1066
- (c) One visit with the child via videoconferencing or any 1067
similar form of technology a minimum of once a week during the 1068
weeks when a face-to-face visit is not required under division 1069
(A) (1) (b) of this section, except the agency shall arrange a 1070
visit between the child and a service provider involved in the 1071
child's case plan via telephone, videoconferencing, or any 1072
similar form of technology when a caseworker is unable to visit 1073
under this division. 1074
- (2) A caseworker employed by the agency that has full 1075
responsibility for case planning and case management of the 1076
child's case shall conduct at least one of the monthly visits 1077
required under division (A) (1) (b) of this section. Any other 1078
visits may be conducted by a caseworker employed by another 1079
agency contracted by the agency that has full responsibility for 1080
case planning and case management of the child's case to provide 1081
services for the case. 1082
- (3) The agency shall maintain documentation of each visit 1083
and report each visit as well as concerns about the child to the 1084
department of children and youth in accordance with rules 1085
adopted under division ~~(B)~~(C) of this section. 1086
- ~~(B)~~(B) (1) The department shall monitor whether an agency 1087
is in compliance with division (A) of this section. With regard 1088
to each residential facility in this state, the department shall 1089
submit on a quarterly basis a compliance report to the county 1090
commissioners of the county in which the residential facility is 1091

located. 1092

(2) If an agency is in compliance with division (A) of this section, the county in which the agency is located shall receive access to funding that is appropriated from the general revenue fund to incentivize best practices. If an agency is not in compliance with division (A) of this section, the county in which the agency is located shall not receive access to such funding. 1093
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~~(C) Not later than ninety days after the effective date of this section, the~~ The director of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code to establish both of the following: 1100
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1103

(1) Criteria for determining whether an agency shall report a concern to the department; 1104
1105

(2) Criteria for determining whether an agency shall conduct a mandatory review of the placement of the child pursuant to section 2151.468 of the Revised Code. 1106
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1108

Sec. 2151.468. (A) A public children services agency or private child placing agency with custody of a child who is under the care and supervision of a residential facility shall review the placement of the child if any of the following occur: 1109
1110
1111
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(1) The child presents to an emergency department or is admitted to a hospital for an injury or mental health crisis. 1113
1114

(2) A police report is generated with regard to the child. 1115

(3) During a ~~monthly~~ visit, the agency has determined that a review is necessary pursuant to rules adopted under section 2151.467 of the Revised Code. 1116
1117
1118

(B) A review of the placement of a child under division 1119

(A) of this section shall include a determination of whether the residential facility is an appropriate setting and is providing a satisfactory level of care for the child.

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

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

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

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

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

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

<u>doing any of the following:</u>	1149
<u>(a) Removing or suspending the person from employment;</u>	1150
<u>(b) Withholding from the person salary increases or</u> <u>employee benefits to which the person is otherwise entitled;</u>	1151 1152
<u>(c) Transferring or reassigning the person;</u>	1153
<u>(d) Denying the person a promotion that the person</u> <u>otherwise would have received;</u>	1154 1155
<u>(e) Reducing the person in pay or position.</u>	1156
<u>(2) If an employer takes any disciplinary or retaliatory</u> <u>action against a person who shares information as described in</u> <u>division (B)(1) of this section, the person may bring a civil</u> <u>action for appropriate injunctive relief in a court of common</u> <u>pleas in accordance with the Rules of Civil Procedure. The</u> <u>court, in rendering a judgment for the person in an action</u> <u>brought pursuant to this division, may order, as it determines</u> <u>appropriate, reinstatement of the person to the same position</u> <u>that the person held at the time of the disciplinary or</u> <u>retaliatory action, the payment of back wages, full</u> <u>reinstatement of fringe benefits and seniority rights, or any</u> <u>combination of these remedies. The court also may award the</u> <u>prevailing party all or a portion of the costs of litigation. If</u> <u>the person who brought the action prevails in the action, the</u> <u>court may award the prevailing person reasonable attorney's</u> <u>fees, witness fees, and fees for experts who testify at trial,</u> <u>in an amount the court determines appropriate.</u>	1157 1158 1159 1160 1161 1162 1163 1164 1165 1166 1167 1168 1169 1170 1171 1172 1173
Sec. 2903.01. (A) No person shall purposely, and with prior calculation and design, cause the death of another or the unlawful termination of another's pregnancy.	1174 1175 1176

(B) No person shall purposely cause the death of another 1177
or the unlawful termination of another's pregnancy while 1178
committing or attempting to commit, or while fleeing immediately 1179
after committing or attempting to commit, kidnapping, rape, 1180
aggravated arson, arson, aggravated robbery, robbery, aggravated 1181
burglary, burglary, trespass in a habitation when a person is 1182
present or likely to be present, terrorism, or escape. 1183

(C) No person shall purposely cause the death of another 1184
who is under ~~thirteen~~eighteen years of age at the time of the 1185
commission of the offense. 1186

(D) No person who is under detention as a result of having 1187
been found guilty of or having pleaded guilty to a felony or who 1188
breaks that detention shall purposely cause the death of 1189
another. 1190

(E) No person shall purposely cause the death of a law 1191
enforcement officer whom the offender knows or has reasonable 1192
cause to know is a law enforcement officer when either of the 1193
following applies: 1194

(1) The victim, at the time of the commission of the 1195
offense, is engaged in the victim's duties. 1196

(2) It is the offender's specific purpose to kill a law 1197
enforcement officer. 1198

(F) No person shall purposely cause the death of a first 1199
responder or military member whom the offender knows or has 1200
reasonable cause to know is a first responder or military member 1201
when it is the offender's specific purpose to kill a first 1202
responder or military member. 1203

(G) Whoever violates this section is guilty of aggravated 1204
murder, and shall be punished as provided in section 2929.02 of 1205

the Revised Code. 1206

(H) As used in this section: 1207

(1) "Detention" has the same meaning as in section 2921.01 1208
of the Revised Code. 1209

(2) "Law enforcement officer" has the same meaning as in 1210
section 2911.01 of the Revised Code and also includes any 1211
federal law enforcement officer as defined in section 2921.51 of 1212
the Revised Code and anyone who has previously served as a law 1213
enforcement officer or federal law enforcement officer. 1214

(3) "First responder" means an emergency medical service 1215
provider, a firefighter, or any other emergency response 1216
personnel, or anyone who has previously served as a first 1217
responder. 1218

(4) "Military member" means a member of the armed forces 1219
of the United States, reserves, or Ohio national guard, a 1220
participant in ROTC, JROTC, or any similar military training 1221
program, or anyone who has previously served in the military. 1222

Sec. 2903.11. (A) No person shall knowingly do either of 1223
the following: 1224

(1) Cause serious physical harm to another or to another's 1225
unborn; 1226

(2) Cause or attempt to cause physical harm to another or 1227
to another's unborn by means of a deadly weapon or dangerous 1228
ordnance. 1229

(B) No person, with knowledge that the person has tested 1230
positive as a carrier of a virus that causes acquired 1231
immunodeficiency syndrome, shall knowingly do any of the 1232
following: 1233

(1) Engage in sexual conduct with another person without 1234
disclosing that knowledge to the other person prior to engaging 1235
in the sexual conduct; 1236

(2) Engage in sexual conduct with a person whom the 1237
offender knows or has reasonable cause to believe lacks the 1238
mental capacity to appreciate the significance of the knowledge 1239
that the offender has tested positive as a carrier of a virus 1240
that causes acquired immunodeficiency syndrome; 1241

(3) Engage in sexual conduct with a person under eighteen 1242
years of age who is not the spouse of the offender. 1243

(C) The prosecution of a person under this section does 1244
not preclude prosecution of that person under section 2907.02 of 1245
the Revised Code. 1246

(D) (1) (a) Whoever violates this section is guilty of 1247
felonious assault. Except as otherwise provided in this division 1248
or division (D) (1) (b) of this section, felonious assault is a 1249
felony of the second degree. If the victim of a violation of 1250
division (A) of this section is a peace officer or an 1251
investigator of the bureau of criminal identification and 1252
investigation, felonious assault is a felony of the first 1253
degree. 1254

(b) Regardless of whether the felonious assault is a 1255
felony of the first or second degree under division (D) (1) (a) of 1256
this section, if the offender also is convicted of or pleads 1257
guilty to a specification as described in section 2941.1423 of 1258
the Revised Code that was included in the indictment, count in 1259
the indictment, or information charging the offense, except as 1260
otherwise provided in this division or unless a longer prison 1261
term is required under any other provision of law, the court 1262

shall sentence the offender to a mandatory prison term as 1263
provided in division (B) (8) of section 2929.14 of the Revised 1264
Code. If the victim of the offense is a peace officer or an 1265
investigator of the bureau of criminal identification and 1266
investigation, and if the victim suffered serious physical harm 1267
as a result of the commission of the offense, felonious assault 1268
is a felony of the first degree, and the court, pursuant to 1269
division (F) of section 2929.13 of the Revised Code, shall 1270
impose as a mandatory prison term one of the definite prison 1271
terms prescribed for a felony of the first degree in division 1272
(A) (1) (b) of section 2929.14 of the Revised Code, except that if 1273
the violation is committed on or after ~~the effective date of~~ 1274
~~this amendment~~ March 22, 2019, the court shall impose as the 1275
minimum prison term for the offense a mandatory prison term that 1276
is one of the minimum terms prescribed for a felony of the first 1277
degree in division (A) (1) (a) of section 2929.14 of the Revised 1278
Code. 1279

(2) In addition to any other sanctions imposed pursuant to 1280
division (D) (1) of this section for felonious assault committed 1281
in violation of division (A) (1) or (2) of this section, if the 1282
offender also is convicted of or pleads guilty to a 1283
specification of the type described in section 2941.1425 of the 1284
Revised Code that was included in the indictment, count in the 1285
indictment, or information charging the offense, the court shall 1286
sentence the offender to a mandatory prison term under division 1287
(B) (9) of section 2929.14 of the Revised Code. 1288

(3) If the victim of a felonious assault committed in 1289
violation of division (A) of this section is a child under ~~ten~~ 1290
eighteen years of age or is a person over sixty-five years of 1291
age, and if the offender also is convicted of or pleads guilty 1292
to a specification of the type described in section 2941.1426 of 1293

the Revised Code that was included in the indictment, count in 1294
the indictment, or information charging the offense, in addition 1295
to any other sanctions imposed pursuant to division (D) (1) of 1296
this section, the court shall sentence the offender to a 1297
mandatory prison term pursuant to division (B) (10) of section 1298
2929.14 of the Revised Code. 1299

(4) In addition to any other sanctions imposed pursuant to 1300
division (D) (1) of this section for felonious assault committed 1301
in violation of division (A) (2) of this section, if the deadly 1302
weapon used in the commission of the violation is a motor 1303
vehicle, the court shall impose upon the offender a class two 1304
suspension of the offender's driver's license, commercial 1305
driver's license, temporary instruction permit, probationary 1306
license, or nonresident operating privilege as specified in 1307
division (A) (2) of section 4510.02 of the Revised Code. 1308

(E) As used in this section: 1309

(1) "Deadly weapon" and "dangerous ordnance" have the same 1310
meanings as in section 2923.11 of the Revised Code. 1311

(2) "Motor vehicle" has the same meaning as in section 1312
4501.01 of the Revised Code. 1313

(3) "Peace officer" has the same meaning as in section 1314
2935.01 of the Revised Code. 1315

(4) "Sexual conduct" has the same meaning as in section 1316
2907.01 of the Revised Code, except that, as used in this 1317
section, it does not include the insertion of an instrument, 1318
apparatus, or other object that is not a part of the body into 1319
the vaginal or anal opening of another, unless the offender knew 1320
at the time of the insertion that the instrument, apparatus, or 1321
other object carried the offender's bodily fluid. 1322

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

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

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

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

(2) No person who has been granted temporary care or supervision of a child by the child's parent, guardian, or custodian shall, without the express consent of the child's parent, guardian, or custodian, negligently leave the child in the care, custody, or control of another individual who has

<u>previously been convicted of or pleaded guilty to a violation of</u>	1353
<u>this section.</u>	1354
(B) No person shall do any of the following to a child	1355
under eighteen years of age or a child with a mental or physical	1356
disability under twenty-one years of age:	1357
(1) Abuse the child;	1358
(2) Torture or cruelly abuse the child;	1359
(3) Administer corporal punishment or other physical	1360
disciplinary measure, or physically restrain the child in a	1361
cruel manner or for a prolonged period, which punishment,	1362
discipline, or restraint is excessive under the circumstances	1363
and creates a substantial risk of serious physical harm to the	1364
child;	1365
(4) Repeatedly administer unwarranted disciplinary	1366
measures to the child, when there is a substantial risk that	1367
such conduct, if continued, will seriously impair or retard the	1368
child's mental health or development;	1369
(5) Entice, coerce, permit, encourage, compel, hire,	1370
employ, use, or allow the child to act, model, or in any other	1371
way participate in, or be photographed for, the production,	1372
presentation, dissemination, or advertisement of any material or	1373
performance that the offender knows or reasonably should know is	1374
obscene, is sexually oriented matter, or is nudity-oriented	1375
matter;	1376
(6) Allow the child to be on the same parcel of real	1377
property and within one hundred feet of, or, in the case of more	1378
than one housing unit on the same parcel of real property, in	1379
the same housing unit and within one hundred feet of, any act in	1380
violation of section 2925.04 or 2925.041 of the Revised Code	1381

when the person knows that the act is occurring, whether or not 1382
any person is prosecuted for or convicted of the violation of 1383
section 2925.04 or 2925.041 of the Revised Code that is the 1384
basis of the violation of this division. 1385

(C) (1) No person shall operate a vehicle, streetcar, or 1386
trackless trolley within this state in violation of division (A) 1387
of section 4511.19 of the Revised Code when one or more children 1388
under eighteen years of age are in the vehicle, streetcar, or 1389
trackless trolley. Notwithstanding any other provision of law, a 1390
person may be convicted at the same trial or proceeding of a 1391
violation of this division and a violation of division (A) of 1392
section 4511.19 of the Revised Code that constitutes the basis 1393
of the charge of the violation of this division. For purposes of 1394
sections 4511.191 to 4511.197 of the Revised Code and all 1395
related provisions of law, a person arrested for a violation of 1396
this division shall be considered to be under arrest for 1397
operating a vehicle while under the influence of alcohol, a drug 1398
of abuse, or a combination of them or for operating a vehicle 1399
with a prohibited concentration of alcohol, a controlled 1400
substance, or a metabolite of a controlled substance in the 1401
whole blood, blood serum or plasma, breath, or urine. 1402

(2) As used in division (C) (1) of this section: 1403

(a) "Controlled substance" has the same meaning as in 1404
section 3719.01 of the Revised Code. 1405

(b) "Vehicle," "streetcar," and "trackless trolley" have 1406
the same meanings as in section 4511.01 of the Revised Code. 1407

(D) (1) Division (B) (5) of this section does not apply to 1408
any material or performance that is produced, presented, or 1409
disseminated for a bona fide medical, scientific, educational, 1410

religious, governmental, judicial, or other proper purpose, by 1411
or to a physician, psychologist, sociologist, scientist, 1412
teacher, person pursuing bona fide studies or research, 1413
librarian, member of the clergy, prosecutor, judge, or other 1414
person having a proper interest in the material or performance. 1415

(2) Mistake of age is not a defense to a charge under 1416
division (B) (5) of this section. 1417

(3) In a prosecution under division (B) (5) of this 1418
section, the trier of fact may infer that an actor, model, or 1419
participant in the material or performance involved is a 1420
juvenile if the material or performance, through its title, 1421
text, visual representation, or otherwise, represents or depicts 1422
the actor, model, or participant as a juvenile. 1423

(4) As used in this division and division (B) (5) of this 1424
section: 1425

(a) "Material," "performance," "obscene," and "sexual 1426
activity" have the same meanings as in section 2907.01 of the 1427
Revised Code. 1428

(b) "Nudity-oriented matter" means any material or 1429
performance that shows a minor in a state of nudity and that, 1430
taken as a whole by the average person applying contemporary 1431
community standards, appeals to prurient interest. 1432

(c) "Sexually oriented matter" means any material or 1433
performance that shows a minor participating or engaging in 1434
sexual activity, masturbation, or bestiality. 1435

(E) (1) Whoever violates this section is guilty of 1436
endangering children. 1437

(2) If the offender violates division ~~(A)~~ (A) (1) or (B) (1) 1438

of this section, endangering children is one of the following, 1439
and, in the circumstances described in division (E) (2) (e) of 1440
this section, that division applies: 1441

(a) Except as otherwise provided in division (E) (2) (b), 1442
(c), or (d) of this section, a misdemeanor of the first degree; 1443

(b) 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, except as otherwise provided in division (E) 1447
(2) (c) or (d) of this section, a felony of the fourth degree; 1448

(c) If the violation is a violation of division ~~(A)~~ (A) (1) 1449
of this section and results in serious physical harm to the 1450
child involved, a felony of the third degree; 1451

(d) If the violation is a violation of division (B) (1) of 1452
this section and results in serious physical harm to the child 1453
involved, a felony of the second degree. 1454

(e) If the violation is a felony violation of division (B) 1455
(1) of this section and the offender also is convicted of or 1456
pleads guilty to a specification as described in section 1457
2941.1422 of the Revised Code that was included in the 1458
indictment, count in the indictment, or information charging the 1459
offense, the court shall sentence the offender to a mandatory 1460
prison term as provided in division (B) (7) of section 2929.14 of 1461
the Revised Code and shall order the offender to make 1462
restitution as provided in division (B) (8) of section 2929.18 of 1463
the Revised Code. 1464

(3) If the offender violates division (A) (2) of this 1465
section, endangering children is a misdemeanor of the first 1466
degree. 1467

(4) If the offender violates division (B) (2), (3), (4), or 1468
(6) of this section, except as otherwise provided in this 1469
division, endangering children is a felony of the third degree. 1470
If the violation results in serious physical harm to the child 1471
involved, or if the offender previously has been convicted of an 1472
offense under this section or of any offense involving neglect, 1473
abandonment, contributing to the delinquency of, or physical 1474
abuse of a child, endangering children is a felony of the second 1475
degree. If the offender violates division (B) (2), (3), or (4) of 1476
this section and the offender also is convicted of or pleads 1477
guilty to a specification as described in section 2941.1422 of 1478
the Revised Code that was included in the indictment, count in 1479
the indictment, or information charging the offense, the court 1480
shall sentence the offender to a mandatory prison term as 1481
provided in division (B) (7) of section 2929.14 of the Revised 1482
Code and shall order the offender to make restitution as 1483
provided in division (B) (8) of section 2929.18 of the Revised 1484
Code. If the offender violates division (B) (6) of this section 1485
and the drug involved is methamphetamine, the court shall impose 1486
a mandatory prison term on the offender as follows: 1487

(a) If the violation is a violation of division (B) (6) of 1488
this section that is a felony of the third degree under division 1489
~~(E) (3)~~ (E) (4) of this section and the drug involved is 1490
methamphetamine, except as otherwise provided in this division, 1491
the court shall impose as a mandatory prison term one of the 1492
prison terms prescribed for a felony of the third degree that is 1493
not less than two years. If the violation is a violation of 1494
division (B) (6) of this section that is a felony of the third 1495
degree under division ~~(E) (3)~~ (E) (4) of this section, if the drug 1496
involved is methamphetamine, and if the offender previously has 1497
been convicted of or pleaded guilty to a violation of division 1498

(B) (6) of this section, a violation of division (A) of section 1499
2925.04 of the Revised Code, or a violation of division (A) of 1500
section 2925.041 of the Revised Code, the court shall impose as 1501
a mandatory prison term one of the prison terms prescribed for a 1502
felony of the third degree that is not less than five years. 1503

(b) If the violation is a violation of division (B) (6) of 1504
this section that is a felony of the second degree under 1505
division ~~(E) (3)~~ (E) (4) of this section and the drug involved is 1506
methamphetamine, except as otherwise provided in this division, 1507
the court shall impose as a mandatory prison term one of the 1508
definite prison terms prescribed for a felony of the second 1509
degree in division (A) (2) (b) of section 2929.14 of the Revised 1510
Code that is not less than three years, except that if the 1511
violation is committed on or after ~~the effective date of this~~ 1512
~~amendment~~ March 22, 2019, the court shall impose as the minimum 1513
prison term for the offense a mandatory prison term that is one 1514
of the minimum terms prescribed for a felony of the second 1515
degree in division (A) (2) (a) of that section that is not less 1516
than three years. If the violation is a violation of division 1517
(B) (6) of this section that is a felony of the second degree 1518
under division ~~(E) (3)~~ (E) (4) of this section, if the drug 1519
involved is methamphetamine, and if the offender previously has 1520
been convicted of or pleaded guilty to a violation of division 1521
(B) (6) of this section, a violation of division (A) of section 1522
2925.04 of the Revised Code, or a violation of division (A) of 1523
section 2925.041 of the Revised Code, the court shall impose as 1524
a mandatory prison term one of the definite prison terms 1525
prescribed for a felony of the second degree in division (A) (2) 1526
(b) of section 2929.14 of the Revised Code that is not less than 1527
five years, except that if the violation is committed on or 1528
after March 22, 2019, the court shall impose as the minimum 1529

prison term for the offense a mandatory prison term that is one 1530
of the terms prescribed for a felony of the second degree in 1531
division (A) (2) (a) of that section that is not less than five 1532
years. 1533

~~(4)~~(5) If the offender violates division (B) (5) of this 1534
section, endangering children is a felony of the second degree. 1535
If the offender also is convicted of or pleads guilty to a 1536
specification as described in section 2941.1422 of the Revised 1537
Code that was included in the indictment, count in the 1538
indictment, or information charging the offense, the court shall 1539
sentence the offender to a mandatory prison term as provided in 1540
division (B) (7) of section 2929.14 of the Revised Code and shall 1541
order the offender to make restitution as provided in division 1542
(B) (8) of section 2929.18 of the Revised Code. 1543

~~(5)~~(6) If the offender violates division (C) of this 1544
section, the offender shall be punished as follows: 1545

(a) Except as otherwise provided in division ~~(E) (5) (b)~~(E) 1546
(6) (b) or (c) of this section, endangering children in violation 1547
of division (C) of this section is a misdemeanor of the first 1548
degree. 1549

(b) If the violation results in serious physical harm to 1550
the child involved or the offender previously has been convicted 1551
of an offense under this section or any offense involving 1552
neglect, abandonment, contributing to the delinquency of, or 1553
physical abuse of a child, except as otherwise provided in 1554
division ~~(E) (5) (c)~~(E) (6) (c) of this section, endangering 1555
children in violation of division (C) of this section is a 1556
felony of the fifth degree. 1557

(c) If the violation results in serious physical harm to 1558

the child involved and if the offender previously has been 1559
convicted of a violation of division (C) of this section, 1560
section 2903.06 or 2903.08 of the Revised Code, section 2903.07 1561
of the Revised Code as it existed prior to March 23, 2000, or 1562
section 2903.04 of the Revised Code in a case in which the 1563
offender was subject to the sanctions described in division (D) 1564
of that section, endangering children in violation of division 1565
(C) of this section is a felony of the fourth degree. 1566

(d) In addition to any term of imprisonment, fine, or 1567
other sentence, penalty, or sanction it imposes upon the 1568
offender pursuant to division ~~(E) (5) (a)~~ (E) (6) (a), (b), or (c) of 1569
this section or pursuant to any other provision of law and in 1570
addition to any suspension of the offender's driver's or 1571
commercial driver's license or permit or nonresident operating 1572
privilege under Chapter 4506., 4509., 4510., or 4511. of the 1573
Revised Code or under any other provision of law, the court also 1574
may impose upon the offender a class seven suspension of the 1575
offender's driver's or commercial driver's license or permit or 1576
nonresident operating privilege from the range specified in 1577
division (A) (7) of section 4510.02 of the Revised Code. 1578

(e) In addition to any term of imprisonment, fine, or 1579
other sentence, penalty, or sanction imposed upon the offender 1580
pursuant to division ~~(E) (5) (a)~~ (E) (6) (a), (b), (c), or (d) of 1581
this section or pursuant to any other provision of law for the 1582
violation of division (C) of this section, if as part of the 1583
same trial or proceeding the offender also is convicted of or 1584
pleads guilty to a separate charge charging the violation of 1585
division (A) of section 4511.19 of the Revised Code that was the 1586
basis of the charge of the violation of division (C) of this 1587
section, the offender also shall be sentenced in accordance with 1588
section 4511.19 of the Revised Code for that violation of 1589

division (A) of section 4511.19 of the Revised Code. 1590

(F) (1) (a) A court may require an offender to perform not 1591
more than two hundred hours of supervised community service work 1592
under the authority of an agency, subdivision, or charitable 1593
organization. The requirement shall be part of the community 1594
control sanction or sentence of the offender, and the court 1595
shall impose the community service in accordance with and 1596
subject to divisions (F) (1) (a) and (b) of this section. The 1597
court may require an offender whom it requires to perform 1598
supervised community service work as part of the offender's 1599
community control sanction or sentence to pay the court a 1600
reasonable fee to cover the costs of the offender's 1601
participation in the work, including, but not limited to, the 1602
costs of procuring a policy or policies of liability insurance 1603
to cover the period during which the offender will perform the 1604
work. If the court requires the offender to perform supervised 1605
community service work as part of the offender's community 1606
control sanction or sentence, the court shall do so in 1607
accordance with the following limitations and criteria: 1608

(i) The court shall require that the community service 1609
work be performed after completion of the term of imprisonment 1610
or jail term imposed upon the offender for the violation of 1611
division (C) of this section, if applicable. 1612

(ii) The supervised community service work shall be 1613
subject to the limitations set forth in divisions (B) (1), (2), 1614
and (3) of section 2951.02 of the Revised Code. 1615

(iii) The community service work shall be supervised in 1616
the manner described in division (B) (4) of section 2951.02 of 1617
the Revised Code by an official or person with the 1618
qualifications described in that division. The official or 1619

person periodically shall report in writing to the court 1620
concerning the conduct of the offender in performing the work. 1621

(iv) The court shall inform the offender in writing that 1622
if the offender does not adequately perform, as determined by 1623
the court, all of the required community service work, the court 1624
may order that the offender be committed to a jail or workhouse 1625
for a period of time that does not exceed the term of 1626
imprisonment that the court could have imposed upon the offender 1627
for the violation of division (C) of this section, reduced by 1628
the total amount of time that the offender actually was 1629
imprisoned under the sentence or term that was imposed upon the 1630
offender for that violation and by the total amount of time that 1631
the offender was confined for any reason arising out of the 1632
offense for which the offender was convicted and sentenced as 1633
described in sections 2949.08 and 2967.191 of the Revised Code, 1634
and that, if the court orders that the offender be so committed, 1635
the court is authorized, but not required, to grant the offender 1636
credit upon the period of the commitment for the community 1637
service work that the offender adequately performed. 1638

(b) If a court, pursuant to division (F)(1)(a) of this 1639
section, orders an offender to perform community service work as 1640
part of the offender's community control sanction or sentence 1641
and if the offender does not adequately perform all of the 1642
required community service work, as determined by the court, the 1643
court may order that the offender be committed to a jail or 1644
workhouse for a period of time that does not exceed the term of 1645
imprisonment that the court could have imposed upon the offender 1646
for the violation of division (C) of this section, reduced by 1647
the total amount of time that the offender actually was 1648
imprisoned under the sentence or term that was imposed upon the 1649
offender for that violation and by the total amount of time that 1650

the offender was confined for any reason arising out of the 1651
offense for which the offender was convicted and sentenced as 1652
described in sections 2949.08 and 2967.191 of the Revised Code. 1653
The court may order that a person committed pursuant to this 1654
division shall receive hour-for-hour credit upon the period of 1655
the commitment for the community service work that the offender 1656
adequately performed. No commitment pursuant to this division 1657
shall exceed the period of the term of imprisonment that the 1658
sentencing court could have imposed upon the offender for the 1659
violation of division (C) of this section, reduced by the total 1660
amount of time that the offender actually was imprisoned under 1661
that sentence or term and by the total amount of time that the 1662
offender was confined for any reason arising out of the offense 1663
for which the offender was convicted and sentenced as described 1664
in sections 2949.08 and 2967.191 of the Revised Code. 1665

(2) Division (F) (1) of this section does not limit or 1666
affect the authority of the court to suspend the sentence 1667
imposed upon a misdemeanor offender and place the offender under 1668
a community control sanction pursuant to section 2929.25 of the 1669
Revised Code, to require a misdemeanor or felony offender to 1670
perform supervised community service work in accordance with 1671
division (B) of section 2951.02 of the Revised Code, or to place 1672
a felony offender under a community control sanction. 1673

(G) (1) If a court suspends an offender's driver's or 1674
commercial driver's license or permit or nonresident operating 1675
privilege under division ~~(E) (5) (d)~~ (E) (6) (d) of this section, the 1676
period of the suspension shall be consecutive to, and commence 1677
after, the period of suspension of the offender's driver's or 1678
commercial driver's license or permit or nonresident operating 1679
privilege that is imposed under Chapter 4506., 4509., 4510., or 1680
4511. of the Revised Code or under any other provision of law in 1681

relation to the violation of division (C) of this section that 1682
is the basis of the suspension under division ~~(E) (5) (d)~~ (E) (6) (d) 1683
of this section or in relation to the violation of division (A) 1684
of section 4511.19 of the Revised Code that is the basis for 1685
that violation of division (C) of this section. 1686

(2) An offender is not entitled to request, and the court 1687
shall not grant to the offender, limited driving privileges if 1688
the offender's license, permit, or privilege has been suspended 1689
under division ~~(E) (5) (d)~~ (E) (6) (d) of this section and the 1690
offender, within the preceding six years, has been convicted of 1691
or pleaded guilty to three or more violations of one or more of 1692
the following: 1693

(a) Division (C) of this section; 1694

(b) Any equivalent offense, as defined in section 4511.181 1695
of the Revised Code. 1696

(H) (1) If a person violates division (C) of this section 1697
and if, at the time of the violation, there were two or more 1698
children under eighteen years of age in the motor vehicle 1699
involved in the violation, the offender may be convicted of a 1700
violation of division (C) of this section for each of the 1701
children, but the court may sentence the offender for only one 1702
of the violations. 1703

(2) (a) If a person is convicted of or pleads guilty to a 1704
violation of division (C) of this section but the person is not 1705
also convicted of and does not also plead guilty to a separate 1706
charge charging the violation of division (A) of section 4511.19 1707
of the Revised Code that was the basis of the charge of the 1708
violation of division (C) of this section, both of the following 1709
apply: 1710

(i) For purposes of the provisions of section 4511.19 of 1711
the Revised Code that set forth the penalties and sanctions for 1712
a violation of division (A) of section 4511.19 of the Revised 1713
Code, the conviction of or plea of guilty to the violation of 1714
division (C) of this section shall not constitute a violation of 1715
division (A) of section 4511.19 of the Revised Code; 1716

(ii) For purposes of any provision of law that refers to a 1717
conviction of or plea of guilty to a violation of division (A) 1718
of section 4511.19 of the Revised Code and that is not described 1719
in division (H) (2) (a) (i) of this section, the conviction of or 1720
plea of guilty to the violation of division (C) of this section 1721
shall constitute a conviction of or plea of guilty to a 1722
violation of division (A) of section 4511.19 of the Revised 1723
Code. 1724

(b) If a person is convicted of or pleads guilty to a 1725
violation of division (C) of this section and the person also is 1726
convicted of or pleads guilty to a separate charge charging the 1727
violation of division (A) of section 4511.19 of the Revised Code 1728
that was the basis of the charge of the violation of division 1729
(C) of this section, the conviction of or plea of guilty to the 1730
violation of division (C) of this section shall not constitute, 1731
for purposes of any provision of law that refers to a conviction 1732
of or plea of guilty to a violation of division (A) of section 1733
4511.19 of the Revised Code, a conviction of or plea of guilty 1734
to a violation of division (A) of section 4511.19 of the Revised 1735
Code. 1736

(I) As used in this section: 1737

(1) "Community control sanction" has the same meaning as 1738
in section 2929.01 of the Revised Code; 1739

(2) "Limited driving privileges" has the same meaning as 1740
in section 4501.01 of the Revised Code; 1741

(3) "Methamphetamine" has the same meaning as in section 1742
2925.01 of the Revised Code. 1743

Sec. 2929.13. (A) Except as provided in division (E), (F), 1744
or (G) of this section and unless a specific sanction is 1745
required to be imposed or is precluded from being imposed 1746
pursuant to law, a court that imposes a sentence upon an 1747
offender for a felony may impose any sanction or combination of 1748
sanctions on the offender that are provided in sections 2929.14 1749
to 2929.18 of the Revised Code. 1750

If the offender is eligible to be sentenced to community 1751
control sanctions, the court shall consider the appropriateness 1752
of imposing a financial sanction pursuant to section 2929.18 of 1753
the Revised Code or a sanction of community service pursuant to 1754
section 2929.17 of the Revised Code as the sole sanction for the 1755
offense. Except as otherwise provided in this division, if the 1756
court is required to impose a mandatory prison term for the 1757
offense for which sentence is being imposed, the court also 1758
shall impose any financial sanction pursuant to section 2929.18 1759
of the Revised Code that is required for the offense and may 1760
impose any other financial sanction pursuant to that section but 1761
may not impose any additional sanction or combination of 1762
sanctions under section 2929.16 or 2929.17 of the Revised Code. 1763

If the offender is being sentenced for a fourth degree 1764
felony OVI offense or for a third degree felony OVI offense, in 1765
addition to the mandatory term of local incarceration or the 1766
mandatory prison term required for the offense by division (G) 1767
(1) or (2) of this section, the court shall impose upon the 1768
offender a mandatory fine in accordance with division (B) (3) of 1769

section 2929.18 of the Revised Code and may impose whichever of 1770
the following is applicable: 1771

(1) For a fourth degree felony OVI offense for which 1772
sentence is imposed under division (G) (1) of this section, an 1773
additional community control sanction or combination of 1774
community control sanctions under section 2929.16 or 2929.17 of 1775
the Revised Code. If the court imposes upon the offender a 1776
community control sanction and the offender violates any 1777
condition of the community control sanction, the court may take 1778
any action prescribed in division (B) of section 2929.15 of the 1779
Revised Code relative to the offender, including imposing a 1780
prison term on the offender pursuant to that division. 1781

(2) For a third or fourth degree felony OVI offense for 1782
which sentence is imposed under division (G) (2) of this section, 1783
an additional prison term as described in division (B) (4) of 1784
section 2929.14 of the Revised Code or a community control 1785
sanction as described in division (G) (2) of this section. 1786

(B) (1) (a) Except as provided in division (B) (1) (b) of this 1787
section, if an offender is convicted of or pleads guilty to a 1788
felony of the fourth or fifth degree that is not an offense of 1789
violence or that is a qualifying assault offense, the court 1790
shall sentence the offender to a community control sanction or 1791
combination of community control sanctions if all of the 1792
following apply: 1793

(i) The offender previously has not been convicted of or 1794
pleaded guilty to a felony offense. 1795

(ii) The most serious charge against the offender at the 1796
time of sentencing is a felony of the fourth or fifth degree. 1797

(iii) The offender previously has not been convicted of or 1798

pleaded guilty to a misdemeanor offense of violence that the 1799
offender committed within two years prior to the offense for 1800
which sentence is being imposed. 1801

(b) The court has discretion to impose a prison term upon 1802
an offender who is convicted of or pleads guilty to a felony of 1803
the fourth or fifth degree that is not an offense of violence or 1804
that is a qualifying assault offense if any of the following 1805
apply: 1806

(i) The offender committed the offense while having a 1807
firearm on or about the offender's person or under the 1808
offender's control. 1809

(ii) If the offense is a qualifying assault offense, the 1810
offender caused serious physical harm to another person while 1811
committing the offense, and, if the offense is not a qualifying 1812
assault offense, the offender caused physical harm to another 1813
person while committing the offense. 1814

(iii) The offender violated a term of the conditions of 1815
bond as set by the court. 1816

(iv) The offense is a sex offense that is a fourth or 1817
fifth degree felony violation of any provision of Chapter 2907. 1818
of the Revised Code. 1819

(v) In committing the offense, the offender attempted to 1820
cause or made an actual threat of physical harm to a person with 1821
a deadly weapon. 1822

(vi) In committing the offense, the offender attempted to 1823
cause or made an actual threat of physical harm to a person, and 1824
the offender previously was convicted of an offense that caused 1825
physical harm to a person. 1826

(vii) The offender held a public office or position of trust, and the offense related to that office or position; the offender's position obliged the offender to prevent the offense or to bring those committing it to justice; or the offender's professional reputation or position facilitated the offense or was likely to influence the future conduct of others.

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

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

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

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

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

(C) Except as provided in division (D), (E), (F), or (G) of this section, in determining whether to impose a prison term

as a sanction for a felony of the third degree or a felony drug 1856
offense that is a violation of a provision of Chapter 2925. of 1857
the Revised Code and that is specified as being subject to this 1858
division for purposes of sentencing, the sentencing court shall 1859
comply with the purposes and principles of sentencing under 1860
section 2929.11 of the Revised Code and with section 2929.12 of 1861
the Revised Code. 1862

(D) (1) Except as provided in division (E) or (F) of this 1863
section, for a felony of the first or second degree, for a 1864
felony drug offense that is a violation of any provision of 1865
Chapter 2925., 3719., or 4729. of the Revised Code for which a 1866
presumption in favor of a prison term is specified as being 1867
applicable, and for a violation of division (A) (4) or (B) of 1868
section 2907.05 of the Revised Code for which a presumption in 1869
favor of a prison term is specified as being applicable, it is 1870
presumed that a prison term is necessary in order to comply with 1871
the purposes and principles of sentencing under section 2929.11 1872
of the Revised Code. Division (D) (2) of this section does not 1873
apply to a presumption established under this division for a 1874
violation of division (A) (4) of section 2907.05 of the Revised 1875
Code. 1876

(2) Notwithstanding the presumption established under 1877
division (D) (1) of this section for the offenses listed in that 1878
division other than a violation of division (A) (4) or (B) of 1879
section 2907.05 of the Revised Code, the sentencing court may 1880
impose a community control sanction or a combination of 1881
community control sanctions instead of a prison term on an 1882
offender for a felony of the first or second degree or for a 1883
felony drug offense that is a violation of any provision of 1884
Chapter 2925., 3719., or 4729. of the Revised Code for which a 1885
presumption in favor of a prison term is specified as being 1886

applicable if it makes both of the following findings: 1887

(a) A community control sanction or a combination of 1888
community control sanctions would adequately punish the offender 1889
and protect the public from future crime, because the applicable 1890
factors under section 2929.12 of the Revised Code indicating a 1891
lesser likelihood of recidivism outweigh the applicable factors 1892
under that section indicating a greater likelihood of 1893
recidivism. 1894

(b) A community control sanction or a combination of 1895
community control sanctions would not demean the seriousness of 1896
the offense, because one or more factors under section 2929.12 1897
of the Revised Code that indicate that the offender's conduct 1898
was less serious than conduct normally constituting the offense 1899
are applicable, and they outweigh the applicable factors under 1900
that section that indicate that the offender's conduct was more 1901
serious than conduct normally constituting the offense. 1902

(E) (1) Except as provided in division (F) of this section, 1903
for any drug offense that is a violation of any provision of 1904
Chapter 2925. of the Revised Code and that is a felony of the 1905
third, fourth, or fifth degree, the applicability of a 1906
presumption under division (D) of this section in favor of a 1907
prison term or of division (B) or (C) of this section in 1908
determining whether to impose a prison term for the offense 1909
shall be determined as specified in section 2925.02, 2925.03, 1910
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 1911
2925.36, or 2925.37 of the Revised Code, whichever is applicable 1912
regarding the violation. 1913

(2) If an offender who was convicted of or pleaded guilty 1914
to a felony violates the conditions of a community control 1915
sanction imposed for the offense solely by reason of producing 1916

positive results on a drug test, the court, as punishment for 1917
the violation of the sanction, shall not order that the offender 1918
be imprisoned unless the court determines on the record either 1919
of the following: 1920

(a) The offender had been ordered as a sanction for the 1921
felony to participate in a drug treatment program, in a drug 1922
education program, or in narcotics anonymous or a similar 1923
program, and the offender continued to use illegal drugs after a 1924
reasonable period of participation in the program. 1925

(b) The imprisonment of the offender for the violation is 1926
consistent with the purposes and principles of sentencing set 1927
forth in section 2929.11 of the Revised Code. 1928

(3) A court that sentences an offender for a drug abuse 1929
offense that is a felony of the third, fourth, or fifth degree 1930
may require that the offender be assessed by a properly 1931
credentialed professional within a specified period of time. The 1932
court shall require the professional to file a written 1933
assessment of the offender with the court. If the offender is 1934
eligible for a community control sanction and after considering 1935
the written assessment, the court may impose a community control 1936
sanction that includes addiction services and recovery supports 1937
included in a community-based continuum of care established 1938
under section 340.032 of the Revised Code. If the court imposes 1939
addiction services and recovery supports as a community control 1940
sanction, the court shall direct the level and type of addiction 1941
services and recovery supports after considering the assessment 1942
and recommendation of community addiction services providers. 1943

(F) Notwithstanding divisions (A) to (E) of this section, 1944
the court shall impose a prison term or terms under sections 1945
2929.02 to 2929.06, section 2929.14, section 2929.142, or 1946

section 2971.03 of the Revised Code and except as specifically 1947
provided in section 2929.20, or section 2967.191 of the Revised 1948
Code or when parole is authorized for the offense under section 1949
2967.13 of the Revised Code shall not reduce the term or terms 1950
pursuant to section 2929.20, division (A)(2) or (3) of section 1951
2967.193 or 2967.194, or any other provision of Chapter 2967. or 1952
Chapter 5120. of the Revised Code for any of the following 1953
offenses: 1954

(1) Aggravated murder when death is not imposed or murder; 1955

(2) Any rape, regardless of whether force was involved and 1956
regardless of the age of the victim, or an attempt to commit 1957
rape if, had the offender completed the rape that was attempted, 1958
the offender would have been guilty of a violation of division 1959
(A)(1)(b) of section 2907.02 of the Revised Code and would be 1960
sentenced under section 2971.03 of the Revised Code; 1961

(3) Gross sexual imposition or sexual battery, if the 1962
victim is less than thirteen years of age and if any of the 1963
following applies: 1964

(a) Regarding gross sexual imposition, the offender 1965
previously was convicted of or pleaded guilty to rape, the 1966
former offense of felonious sexual penetration, gross sexual 1967
imposition, or sexual battery, and the victim of the previous 1968
offense was less than thirteen years of age; 1969

(b) Regarding gross sexual imposition, the offense was 1970
committed on or after August 3, 2006, and evidence other than 1971
the testimony of the victim was admitted in the case 1972
corroborating the violation. 1973

(c) Regarding sexual battery, either of the following 1974
applies: 1975

(i) The offense was committed prior to August 3, 2006, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of age.

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

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

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

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

(7) Any offense that is a third degree felony and either is a violation of section 2903.04 of the Revised Code or an attempt to commit a felony of the second degree that is an offense of violence and involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person if the offender previously was convicted of or

pleaded guilty to any of the following offenses:	2005
(a) Aggravated murder, murder, involuntary manslaughter,	2006
rape, felonious sexual penetration as it existed under section	2007
2907.12 of the Revised Code prior to September 3, 1996, a felony	2008
of the first or second degree that resulted in the death of a	2009
person or in physical harm to a person, or complicity in or an	2010
attempt to commit any of those offenses;	2011
(b) An offense under an existing or former law of this	2012
state, another state, or the United States that is or was	2013
substantially equivalent to an offense listed in division (F) (7)	2014
(a) of this section that resulted in the death of a person or in	2015
physical harm to a person.	2016
(8) Any offense, other than a violation of section 2923.12	2017
of the Revised Code, that is a felony, if the offender had a	2018
firearm on or about the offender's person or under the	2019
offender's control while committing the felony, with respect to	2020
a portion of the sentence imposed pursuant to division (B) (1) (a)	2021
of section 2929.14 of the Revised Code for having the firearm;	2022
(9) Any offense of violence that is a felony, if the	2023
offender wore or carried body armor while committing the felony	2024
offense of violence, with respect to the portion of the sentence	2025
imposed pursuant to division (B) (1) (d) of section 2929.14 of the	2026
Revised Code for wearing or carrying the body armor;	2027
(10) Corrupt activity in violation of section 2923.32 of	2028
the Revised Code when the most serious offense in the pattern of	2029
corrupt activity that is the basis of the offense is a felony of	2030
the first degree;	2031
(11) Any violent sex offense or designated homicide,	2032
assault, or kidnapping offense if, in relation to that offense,	2033

the offender is adjudicated a sexually violent predator; 2034

(12) A violation of division (A) (1) or (2) of section 2035
2921.36 of the Revised Code, or a violation of division (C) of 2036
that section involving an item listed in division (A) (1) or (2) 2037
of that section, if the offender is an officer or employee of 2038
the department of rehabilitation and correction; 2039

(13) A violation of division (A) (1) or (2) of section 2040
2903.06 of the Revised Code if the victim of the offense is a 2041
peace officer, as defined in section 2935.01 of the Revised 2042
Code, or an investigator of the bureau of criminal 2043
identification and investigation, as defined in section 2903.11 2044
of the Revised Code, with respect to the portion of the sentence 2045
imposed pursuant to division (B) (5) of section 2929.14 of the 2046
Revised Code; 2047

(14) A violation of division (A) (1) or (2) of section 2048
2903.06 of the Revised Code if the offender has been convicted 2049
of or pleaded guilty to three or more violations of division (A) 2050
of section 4511.19 of the Revised Code or an equivalent offense, 2051
as defined in section 2941.1415 of the Revised Code, or three or 2052
more violations of any combination of those offenses, with 2053
respect to the portion of the sentence imposed pursuant to 2054
division (B) (6) of section 2929.14 of the Revised Code; 2055

(15) Kidnapping, in the circumstances specified in section 2056
2971.03 of the Revised Code and when no other provision of 2057
division (F) of this section applies; 2058

(16) Kidnapping, abduction, compelling prostitution, 2059
promoting prostitution, engaging in a pattern of corrupt 2060
activity, a violation of division (A) (1) or (2) of section 2061
2907.323 of the Revised Code that involves a minor, or 2062

endangering children in violation of division (B) (1), (2), (3), 2063
(4), or (5) of section 2919.22 of the Revised Code, if the 2064
offender is convicted of or pleads guilty to a specification as 2065
described in section 2941.1422 of the Revised Code that was 2066
included in the indictment, count in the indictment, or 2067
information charging the offense; 2068

(17) A felony violation of division (A) or (B) of section 2069
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 2070
that section, and division (D) (6) of that section, require the 2071
imposition of a prison term; 2072

(18) A felony violation of section 2903.11, 2903.12, or 2073
2903.13 of the Revised Code, if the victim of the offense was a 2074
woman that the offender knew was pregnant at the time of the 2075
violation, with respect to a portion of the sentence imposed 2076
pursuant to division (B) (8) of section 2929.14 of the Revised 2077
Code; 2078

(19) (a) Any violent felony offense if the offender is a 2079
violent career criminal and had a firearm on or about the 2080
offender's person or under the offender's control during the 2081
commission of the violent felony offense and displayed or 2082
brandished the firearm, indicated that the offender possessed a 2083
firearm, or used the firearm to facilitate the offense, with 2084
respect to the portion of the sentence imposed under division 2085
(K) of section 2929.14 of the Revised Code. 2086

(b) As used in division (F) (19) (a) of this section, 2087
"violent career criminal" and "violent felony offense" have the 2088
same meanings as in section 2923.132 of the Revised Code. 2089

(20) Any violation of division (A) (1) of section 2903.11 2090
of the Revised Code if the offender used an accelerant in 2091

committing the violation and the serious physical harm to 2092
another or another's unborn caused by the violation resulted in 2093
a permanent, serious disfigurement or permanent, substantial 2094
incapacity or any violation of division (A) (2) of that section 2095
if the offender used an accelerant in committing the violation, 2096
the violation caused physical harm to another or another's 2097
unborn, and the physical harm resulted in a permanent, serious 2098
disfigurement or permanent, substantial incapacity, with respect 2099
to a portion of the sentence imposed pursuant to division (B) (9) 2100
of section 2929.14 of the Revised Code. The provisions of this 2101
division and of division (D) (2) of section 2903.11, divisions 2102
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 2103
the Revised Code shall be known as "Judy's Law." 2104

(21) Any violation of division (A) of section 2903.11 of 2105
the Revised Code if the victim of the offense suffered permanent 2106
disabling harm as a result of the offense and the victim was 2107
under ~~ten~~ eighteen years of age or over sixty-five years of age 2108
at the time of the offense, with respect to a portion of the 2109
sentence imposed pursuant to division (B) (10) of section 2929.14 2110
of the Revised Code. 2111

(22) A felony violation of section 2925.03, 2925.05, or 2112
2925.11 of the Revised Code, if the drug involved in the 2113
violation is a fentanyl-related compound or a compound, mixture, 2114
preparation, or substance containing a fentanyl-related compound 2115
and the offender is convicted of or pleads guilty to a 2116
specification of the type described in division (B) of section 2117
2941.1410 of the Revised Code that was included in the 2118
indictment, count in the indictment, or information charging the 2119
offense, with respect to the portion of the sentence imposed 2120
under division (B) (11) of section 2929.14 of the Revised Code. 2121

(G) Notwithstanding divisions (A) to (E) of this section, 2122
if an offender is being sentenced for a fourth degree felony OVI 2123
offense or for a third degree felony OVI offense, the court 2124
shall impose upon the offender a mandatory term of local 2125
incarceration or a mandatory prison term in accordance with the 2126
following: 2127

(1) If the offender is being sentenced for a fourth degree 2128
felony OVI offense and if the offender has not been convicted of 2129
and has not pleaded guilty to a specification of the type 2130
described in section 2941.1413 of the Revised Code, the court 2131
may impose upon the offender a mandatory term of local 2132
incarceration of sixty days or one hundred twenty days as 2133
specified in division (G)(1)(d) of section 4511.19 of the 2134
Revised Code. The court shall not reduce the term pursuant to 2135
section 2929.20, division (A)(2) or (3) of section 2967.193 or 2136
2967.194, or any other provision of the Revised Code. The court 2137
that imposes a mandatory term of local incarceration under this 2138
division shall specify whether the term is to be served in a 2139
jail, a community-based correctional facility, a halfway house, 2140
or an alternative residential facility, and the offender shall 2141
serve the term in the type of facility specified by the court. A 2142
mandatory term of local incarceration imposed under division (G) 2143
(1) of this section is not subject to any other Revised Code 2144
provision that pertains to a prison term except as provided in 2145
division (A)(1) of this section. 2146

(2) If the offender is being sentenced for a third degree 2147
felony OVI offense, or if the offender is being sentenced for a 2148
fourth degree felony OVI offense and the court does not impose a 2149
mandatory term of local incarceration under division (G)(1) of 2150
this section, the court shall impose upon the offender a 2151
mandatory prison term of one, two, three, four, or five years if 2152

the offender also is convicted of or also pleads guilty to a 2153
specification of the type described in section 2941.1413 of the 2154
Revised Code or shall impose upon the offender a mandatory 2155
prison term of sixty days or one hundred twenty days as 2156
specified in division (G)(1)(d) or (e) of section 4511.19 of the 2157
Revised Code if the offender has not been convicted of and has 2158
not pleaded guilty to a specification of that type. The court 2159
shall not reduce the term pursuant to section 2929.20, division 2160
(A)(2) or (3) of section 2967.193 or 2967.194, or any other 2161
provision of the Revised Code. The offender shall serve the 2162
one-, two-, three-, four-, or five-year mandatory prison term 2163
consecutively to and prior to the prison term imposed for the 2164
underlying offense and consecutively to any other mandatory 2165
prison term imposed in relation to the offense. In no case shall 2166
an offender who once has been sentenced to a mandatory term of 2167
local incarceration pursuant to division (G)(1) of this section 2168
for a fourth degree felony OVI offense be sentenced to another 2169
mandatory term of local incarceration under that division for 2170
any violation of division (A) of section 4511.19 of the Revised 2171
Code. In addition to the mandatory prison term described in 2172
division (G)(2) of this section, the court may sentence the 2173
offender to a community control sanction under section 2929.16 2174
or 2929.17 of the Revised Code, but the offender shall serve the 2175
prison term prior to serving the community control sanction. The 2176
department of rehabilitation and correction may place an 2177
offender sentenced to a mandatory prison term under this 2178
division in an intensive program prison established pursuant to 2179
section 5120.033 of the Revised Code if the department gave the 2180
sentencing judge prior notice of its intent to place the 2181
offender in an intensive program prison established under that 2182
section and if the judge did not notify the department that the 2183
judge disapproved the placement. Upon the establishment of the 2184

initial intensive program prison pursuant to section 5120.033 of 2185
the Revised Code that is privately operated and managed by a 2186
contractor pursuant to a contract entered into under section 2187
9.06 of the Revised Code, both of the following apply: 2188

(a) The department of rehabilitation and correction shall 2189
make a reasonable effort to ensure that a sufficient number of 2190
offenders sentenced to a mandatory prison term under this 2191
division are placed in the privately operated and managed prison 2192
so that the privately operated and managed prison has full 2193
occupancy. 2194

(b) Unless the privately operated and managed prison has 2195
full occupancy, the department of rehabilitation and correction 2196
shall not place any offender sentenced to a mandatory prison 2197
term under this division in any intensive program prison 2198
established pursuant to section 5120.033 of the Revised Code 2199
other than the privately operated and managed prison. 2200

(H) If an offender is being sentenced for a sexually 2201
oriented offense or child-victim oriented offense that is a 2202
felony committed on or after January 1, 1997, the judge shall 2203
require the offender to submit to a DNA specimen collection 2204
procedure pursuant to section 2901.07 of the Revised Code. 2205

(I) If an offender is being sentenced for a sexually 2206
oriented offense or a child-victim oriented offense committed on 2207
or after January 1, 1997, the judge shall include in the 2208
sentence a summary of the offender's duties imposed under 2209
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 2210
Code and the duration of the duties. The judge shall inform the 2211
offender, at the time of sentencing, of those duties and of 2212
their duration. If required under division (A)(2) of section 2213
2950.03 of the Revised Code, the judge shall perform the duties 2214

specified in that section, or, if required under division (A) (6) 2215
of section 2950.03 of the Revised Code, the judge shall perform 2216
the duties specified in that division. 2217

(J) (1) Except as provided in division (J) (2) of this 2218
section, when considering sentencing factors under this section 2219
in relation to an offender who is convicted of or pleads guilty 2220
to an attempt to commit an offense in violation of section 2221
2923.02 of the Revised Code, the sentencing court shall consider 2222
the factors applicable to the felony category of the violation 2223
of section 2923.02 of the Revised Code instead of the factors 2224
applicable to the felony category of the offense attempted. 2225

(2) When considering sentencing factors under this section 2226
in relation to an offender who is convicted of or pleads guilty 2227
to an attempt to commit a drug abuse offense for which the 2228
penalty is determined by the amount or number of unit doses of 2229
the controlled substance involved in the drug abuse offense, the 2230
sentencing court shall consider the factors applicable to the 2231
felony category that the drug abuse offense attempted would be 2232
if that drug abuse offense had been committed and had involved 2233
an amount or number of unit doses of the controlled substance 2234
that is within the next lower range of controlled substance 2235
amounts than was involved in the attempt. 2236

(K) As used in this section: 2237

(1) "Community addiction services provider" has the same 2238
meaning as in section 5119.01 of the Revised Code. 2239

(2) "Drug abuse offense" has the same meaning as in 2240
section 2925.01 of the Revised Code. 2241

(3) "Minor drug possession offense" has the same meaning 2242
as in section 2925.11 of the Revised Code. 2243

(4) "Qualifying assault offense" means a violation of 2244
section 2903.13 of the Revised Code for which the penalty 2245
provision in division (C) (8) (b) or (C) (9) (b) of that section 2246
applies. 2247

(L) At the time of sentencing an offender for any sexually 2248
oriented offense, if the offender is a tier III sex 2249
offender/child-victim offender relative to that offense and the 2250
offender does not serve a prison term or jail term, the court 2251
may require that the offender be monitored by means of a global 2252
positioning device. If the court requires such monitoring, the 2253
cost of monitoring shall be borne by the offender. If the 2254
offender is indigent, the cost of compliance shall be paid by 2255
the crime victims reparations fund. 2256

Sec. 2929.14. (A) Except as provided in division (B) (1), 2257
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 2258
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 2259
in division (D) (6) of section 2919.25 of the Revised Code and 2260
except in relation to an offense for which a sentence of death 2261
or life imprisonment is to be imposed, if the court imposing a 2262
sentence upon an offender for a felony elects or is required to 2263
impose a prison term on the offender pursuant to this chapter, 2264
the court shall impose a prison term that shall be one of the 2265
following: 2266

(1) (a) For a felony of the first degree committed on or 2267
after March 22, 2019, the prison term shall be an indefinite 2268
prison term with a stated minimum term selected by the court of 2269
three, four, five, six, seven, eight, nine, ten, or eleven years 2270
and a maximum term that is determined pursuant to section 2271
2929.144 of the Revised Code, except that if the section that 2272
criminalizes the conduct constituting the felony specifies a 2273

different minimum term or penalty for the offense, the specific 2274
language of that section shall control in determining the 2275
minimum term or otherwise sentencing the offender but the 2276
minimum term or sentence imposed under that specific language 2277
shall be considered for purposes of the Revised Code as if it 2278
had been imposed under this division. 2279

(b) For a felony of the first degree committed prior to 2280
March 22, 2019, the prison term shall be a definite prison term 2281
of three, four, five, six, seven, eight, nine, ten, or eleven 2282
years. 2283

(2) (a) For a felony of the second degree committed on or 2284
after March 22, 2019, the prison term shall be an indefinite 2285
prison term with a stated minimum term selected by the court of 2286
two, three, four, five, six, seven, or eight years and a maximum 2287
term that is determined pursuant to section 2929.144 of the 2288
Revised Code, except that if the section that criminalizes the 2289
conduct constituting the felony specifies a different minimum 2290
term or penalty for the offense, the specific language of that 2291
section shall control in determining the minimum term or 2292
otherwise sentencing the offender but the minimum term or 2293
sentence imposed under that specific language shall be 2294
considered for purposes of the Revised Code as if it had been 2295
imposed under this division. 2296

(b) For a felony of the second degree committed prior to 2297
March 22, 2019, the prison term shall be a definite term of two, 2298
three, four, five, six, seven, or eight years. 2299

(3) (a) For a felony of the third degree that is a 2300
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 2301
2907.05, 2907.321, 2907.322, 2907.323, 2919.25, or 3795.04 of 2302
the Revised Code, that is a violation of division (A) of section 2303

4511.19 of the Revised Code if the offender previously has been 2304
convicted of or pleaded guilty to a violation of division (A) of 2305
that section that was a felony, that is a violation of section 2306
2911.02 or 2911.12 of the Revised Code if the offender 2307
previously has been convicted of or pleaded guilty in two or 2308
more separate proceedings to two or more violations of section 2309
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, or 2310
that is a violation of division (B) of section 2921.331 of the 2311
Revised Code if division (C) (5) of that section applies, the 2312
prison term shall be a definite term of twelve, eighteen, 2313
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 2314
four, or sixty months. 2315

(b) For a felony of the third degree that is not an 2316
offense for which division (A) (3) (a) of this section applies, 2317
the prison term shall be a definite term of nine, twelve, 2318
eighteen, twenty-four, thirty, or thirty-six months. 2319

(4) For a felony of the fourth degree, the prison term 2320
shall be a definite term of six, seven, eight, nine, ten, 2321
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 2322
or eighteen months. 2323

(5) For a felony of the fifth degree, the prison term 2324
shall be a definite term of six, seven, eight, nine, ten, 2325
eleven, or twelve months. 2326

(B) (1) (a) Except as provided in division (B) (1) (e) of this 2327
section, if an offender who is convicted of or pleads guilty to 2328
a felony also is convicted of or pleads guilty to a 2329
specification of the type described in section 2941.141, 2330
2941.144, or 2941.145 of the Revised Code, the court shall 2331
impose on the offender one of the following prison terms: 2332

(i) A prison term of six years if the specification is of 2333
the type described in division (A) of section 2941.144 of the 2334
Revised Code that charges the offender with having a firearm 2335
that is an automatic firearm or that was equipped with a firearm 2336
muffler or suppressor on or about the offender's person or under 2337
the offender's control while committing the offense; 2338

(ii) A prison term of three years if the specification is 2339
of the type described in division (A) of section 2941.145 of the 2340
Revised Code that charges the offender with having a firearm on 2341
or about the offender's person or under the offender's control 2342
while committing the offense and displaying the firearm, 2343
brandishing the firearm, indicating that the offender possessed 2344
the firearm, or using it to facilitate the offense; 2345

(iii) A prison term of one year if the specification is of 2346
the type described in division (A) of section 2941.141 of the 2347
Revised Code that charges the offender with having a firearm on 2348
or about the offender's person or under the offender's control 2349
while committing the offense; 2350

(iv) A prison term of nine years if the specification is 2351
of the type described in division (D) of section 2941.144 of the 2352
Revised Code that charges the offender with having a firearm 2353
that is an automatic firearm or that was equipped with a firearm 2354
muffler or suppressor on or about the offender's person or under 2355
the offender's control while committing the offense and 2356
specifies that the offender previously has been convicted of or 2357
pleaded guilty to a specification of the type described in 2358
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 2359
the Revised Code; 2360

(v) A prison term of fifty-four months if the 2361
specification is of the type described in division (D) of 2362

section 2941.145 of the Revised Code that charges the offender 2363
with having a firearm on or about the offender's person or under 2364
the offender's control while committing the offense and 2365
displaying the firearm, brandishing the firearm, indicating that 2366
the offender possessed the firearm, or using the firearm to 2367
facilitate the offense and that the offender previously has been 2368
convicted of or pleaded guilty to a specification of the type 2369
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2370
2941.1412 of the Revised Code; 2371

(vi) A prison term of eighteen months if the specification 2372
is of the type described in division (D) of section 2941.141 of 2373
the Revised Code that charges the offender with having a firearm 2374
on or about the offender's person or under the offender's 2375
control while committing the offense and that the offender 2376
previously has been convicted of or pleaded guilty to a 2377
specification of the type described in section 2941.141, 2378
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 2379

(b) If a court imposes a prison term on an offender under 2380
division (B) (1) (a) of this section, the prison term shall not be 2381
reduced pursuant to section 2929.20, division (A) (2) or (3) of 2382
section 2967.193 or 2967.194, or any other provision of Chapter 2383
2967. or Chapter 5120. of the Revised Code. Except as provided 2384
in division (B) (1) (g) of this section, a court shall not impose 2385
more than one prison term on an offender under division (B) (1) 2386
(a) of this section for felonies committed as part of the same 2387
act or transaction. 2388

(c) (i) Except as provided in division (B) (1) (e) of this 2389
section, if an offender who is convicted of or pleads guilty to 2390
a violation of section 2923.161 of the Revised Code or to a 2391
felony that includes, as an essential element, purposely or 2392

knowingly causing or attempting to cause the death of or 2393
physical harm to another, also is convicted of or pleads guilty 2394
to a specification of the type described in division (A) of 2395
section 2941.146 of the Revised Code that charges the offender 2396
with committing the offense by discharging a firearm from a 2397
motor vehicle other than a manufactured home, the court, after 2398
imposing a prison term on the offender for the violation of 2399
section 2923.161 of the Revised Code or for the other felony 2400
offense under division (A), (B) (2), or (B) (3) of this section, 2401
shall impose an additional prison term of five years upon the 2402
offender that shall not be reduced pursuant to section 2929.20, 2403
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 2404
other provision of Chapter 2967. or Chapter 5120. of the Revised 2405
Code. 2406

(ii) Except as provided in division (B) (1) (e) of this 2407
section, if an offender who is convicted of or pleads guilty to 2408
a violation of section 2923.161 of the Revised Code or to a 2409
felony that includes, as an essential element, purposely or 2410
knowingly causing or attempting to cause the death of or 2411
physical harm to another, also is convicted of or pleads guilty 2412
to a specification of the type described in division (C) of 2413
section 2941.146 of the Revised Code that charges the offender 2414
with committing the offense by discharging a firearm from a 2415
motor vehicle other than a manufactured home and that the 2416
offender previously has been convicted of or pleaded guilty to a 2417
specification of the type described in section 2941.141, 2418
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 2419
the court, after imposing a prison term on the offender for the 2420
violation of section 2923.161 of the Revised Code or for the 2421
other felony offense under division (A), (B) (2), or (3) of this 2422
section, shall impose an additional prison term of ninety months 2423

upon the offender that shall not be reduced pursuant to section 2424
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 2425
or any other provision of Chapter 2967. or Chapter 5120. of the 2426
Revised Code. 2427

(iii) A court shall not impose more than one additional 2428
prison term on an offender under division (B) (1) (c) of this 2429
section for felonies committed as part of the same act or 2430
transaction. If a court imposes an additional prison term on an 2431
offender under division (B) (1) (c) of this section relative to an 2432
offense, the court also shall impose a prison term under 2433
division (B) (1) (a) of this section relative to the same offense, 2434
provided the criteria specified in that division for imposing an 2435
additional prison term are satisfied relative to the offender 2436
and the offense. 2437

(d) If an offender who is convicted of or pleads guilty to 2438
an offense of violence that is a felony also is convicted of or 2439
pleads guilty to a specification of the type described in 2440
section 2941.1411 of the Revised Code that charges the offender 2441
with wearing or carrying body armor while committing the felony 2442
offense of violence, the court shall impose on the offender an 2443
additional prison term of two years. The prison term so imposed 2444
shall not be reduced pursuant to section 2929.20, division (A) 2445
(2) or (3) of section 2967.193 or 2967.194, or any other 2446
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 2447
A court shall not impose more than one prison term on an 2448
offender under division (B) (1) (d) of this section for felonies 2449
committed as part of the same act or transaction. If a court 2450
imposes an additional prison term under division (B) (1) (a) or 2451
(c) of this section, the court is not precluded from imposing an 2452
additional prison term under division (B) (1) (d) of this section. 2453

(e) The court shall not impose any of the prison terms 2454
described in division (B) (1) (a) of this section or any of the 2455
additional prison terms described in division (B) (1) (c) of this 2456
section upon an offender for a violation of section 2923.12 or 2457
2923.123 of the Revised Code. The court shall not impose any of 2458
the prison terms described in division (B) (1) (a) or (b) of this 2459
section upon an offender for a violation of section 2923.122 2460
that involves a deadly weapon that is a firearm other than a 2461
dangerous ordnance, section 2923.16, or section 2923.121 of the 2462
Revised Code. The court shall not impose any of the prison terms 2463
described in division (B) (1) (a) of this section or any of the 2464
additional prison terms described in division (B) (1) (c) of this 2465
section upon an offender for a violation of section 2923.13 of 2466
the Revised Code unless all of the following apply: 2467

(i) The offender previously has been convicted of 2468
aggravated murder, murder, or any felony of the first or second 2469
degree. 2470

(ii) Less than five years have passed since the offender 2471
was released from prison or post-release control, whichever is 2472
later, for the prior offense. 2473

(f) (i) If an offender is convicted of or pleads guilty to 2474
a felony that includes, as an essential element, causing or 2475
attempting to cause the death of or physical harm to another and 2476
also is convicted of or pleads guilty to a specification of the 2477
type described in division (A) of section 2941.1412 of the 2478
Revised Code that charges the offender with committing the 2479
offense by discharging a firearm at a peace officer as defined 2480
in section 2935.01 of the Revised Code or a corrections officer, 2481
as defined in section 2941.1412 of the Revised Code, the court, 2482
after imposing a prison term on the offender for the felony 2483

offense under division (A), (B) (2), or (B) (3) of this section, 2484
shall impose an additional prison term of seven years upon the 2485
offender that shall not be reduced pursuant to section 2929.20, 2486
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 2487
other provision of Chapter 2967. or Chapter 5120. of the Revised 2488
Code. 2489

(ii) If an offender is convicted of or pleads guilty to a 2490
felony that includes, as an essential element, causing or 2491
attempting to cause the death of or physical harm to another and 2492
also is convicted of or pleads guilty to a specification of the 2493
type described in division (B) of section 2941.1412 of the 2494
Revised Code that charges the offender with committing the 2495
offense by discharging a firearm at a peace officer, as defined 2496
in section 2935.01 of the Revised Code, or a corrections 2497
officer, as defined in section 2941.1412 of the Revised Code, 2498
and that the offender previously has been convicted of or 2499
pleaded guilty to a specification of the type described in 2500
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 2501
the Revised Code, the court, after imposing a prison term on the 2502
offender for the felony offense under division (A), (B) (2), or 2503
(3) of this section, shall impose an additional prison term of 2504
one hundred twenty-six months upon the offender that shall not 2505
be reduced pursuant to section 2929.20, division (A) (2) or (3) 2506
of section 2967.193 or 2967.194, or any other provision of 2507
Chapter 2967. or 5120. of the Revised Code. 2508

(iii) If an offender is convicted of or pleads guilty to 2509
two or more felonies that include, as an essential element, 2510
causing or attempting to cause the death or physical harm to 2511
another and also is convicted of or pleads guilty to a 2512
specification of the type described under division (B) (1) (f) of 2513
this section in connection with two or more of the felonies of 2514

which the offender is convicted or to which the offender pleads 2515
guilty, the sentencing court shall impose on the offender the 2516
prison term specified under division (B) (1) (f) of this section 2517
for each of two of the specifications of which the offender is 2518
convicted or to which the offender pleads guilty and, in its 2519
discretion, also may impose on the offender the prison term 2520
specified under that division for any or all of the remaining 2521
specifications. If a court imposes an additional prison term on 2522
an offender under division (B) (1) (f) of this section relative to 2523
an offense, the court shall not impose a prison term under 2524
division (B) (1) (a) or (c) of this section relative to the same 2525
offense. 2526

(g) If an offender is convicted of or pleads guilty to two 2527
or more felonies, if one or more of those felonies are 2528
aggravated murder, murder, attempted aggravated murder, 2529
attempted murder, aggravated robbery, felonious assault, or 2530
rape, and if the offender is convicted of or pleads guilty to a 2531
specification of the type described under division (B) (1) (a) of 2532
this section in connection with two or more of the felonies, the 2533
sentencing court shall impose on the offender the prison term 2534
specified under division (B) (1) (a) of this section for each of 2535
the two most serious specifications of which the offender is 2536
convicted or to which the offender pleads guilty and, in its 2537
discretion, also may impose on the offender the prison term 2538
specified under that division for any or all of the remaining 2539
specifications. 2540

(2) (a) If division (B) (2) (b) of this section does not 2541
apply, the court may impose on an offender, in addition to the 2542
longest prison term authorized or required for the offense or, 2543
for offenses for which division (A) (1) (a) or (2) (a) of this 2544
section applies, in addition to the longest minimum prison term 2545

authorized or required for the offense, an additional definite 2546
prison term of one, two, three, four, five, six, seven, eight, 2547
nine, or ten years if all of the following criteria are met: 2548

(i) The offender is convicted of or pleads guilty to a 2549
specification of the type described in section 2941.149 of the 2550
Revised Code that the offender is a repeat violent offender. 2551

(ii) The offense of which the offender currently is 2552
convicted or to which the offender currently pleads guilty is 2553
aggravated murder and the court does not impose a sentence of 2554
death or life imprisonment without parole, murder, terrorism and 2555
the court does not impose a sentence of life imprisonment 2556
without parole, any felony of the first degree that is an 2557
offense of violence and the court does not impose a sentence of 2558
life imprisonment without parole, or any felony of the second 2559
degree that is an offense of violence and the trier of fact 2560
finds that the offense involved an attempt to cause or a threat 2561
to cause serious physical harm to a person or resulted in 2562
serious physical harm to a person. 2563

(iii) The court imposes the longest prison term for the 2564
offense or the longest minimum prison term for the offense, 2565
whichever is applicable, that is not life imprisonment without 2566
parole. 2567

(iv) The court finds that the prison terms imposed 2568
pursuant to division (B) (2) (a) (iii) of this section and, if 2569
applicable, division (B) (1) or (3) of this section are 2570
inadequate to punish the offender and protect the public from 2571
future crime, because the applicable factors under section 2572
2929.12 of the Revised Code indicating a greater likelihood of 2573
recidivism outweigh the applicable factors under that section 2574
indicating a lesser likelihood of recidivism. 2575

(v) The court finds that the prison terms imposed pursuant 2576
to division (B) (2) (a) (iii) of this section and, if applicable, 2577
division (B) (1) or (3) of this section are demeaning to the 2578
seriousness of the offense, because one or more of the factors 2579
under section 2929.12 of the Revised Code indicating that the 2580
offender's conduct is more serious than conduct normally 2581
constituting the offense are present, and they outweigh the 2582
applicable factors under that section indicating that the 2583
offender's conduct is less serious than conduct normally 2584
constituting the offense. 2585

(b) The court shall impose on an offender the longest 2586
prison term authorized or required for the offense or, for 2587
offenses for which division (A) (1) (a) or (2) (a) of this section 2588
applies, the longest minimum prison term authorized or required 2589
for the offense, and shall impose on the offender an additional 2590
definite prison term of one, two, three, four, five, six, seven, 2591
eight, nine, or ten years if all of the following criteria are 2592
met: 2593

(i) The offender is convicted of or pleads guilty to a 2594
specification of the type described in section 2941.149 of the 2595
Revised Code that the offender is a repeat violent offender. 2596

(ii) The offender within the preceding twenty years has 2597
been convicted of or pleaded guilty to three or more offenses 2598
described in division (CC) (1) of section 2929.01 of the Revised 2599
Code, including all offenses described in that division of which 2600
the offender is convicted or to which the offender pleads guilty 2601
in the current prosecution and all offenses described in that 2602
division of which the offender previously has been convicted or 2603
to which the offender previously pleaded guilty, whether 2604
prosecuted together or separately. 2605

(iii) The offense or offenses of which the offender 2606
currently is convicted or to which the offender currently pleads 2607
guilty is aggravated murder and the court does not impose a 2608
sentence of death or life imprisonment without parole, murder, 2609
terrorism and the court does not impose a sentence of life 2610
imprisonment without parole, any felony of the first degree that 2611
is an offense of violence and the court does not impose a 2612
sentence of life imprisonment without parole, or any felony of 2613
the second degree that is an offense of violence and the trier 2614
of fact finds that the offense involved an attempt to cause or a 2615
threat to cause serious physical harm to a person or resulted in 2616
serious physical harm to a person. 2617

(c) For purposes of division (B) (2) (b) of this section, 2618
two or more offenses committed at the same time or as part of 2619
the same act or event shall be considered one offense, and that 2620
one offense shall be the offense with the greatest penalty. 2621

(d) A sentence imposed under division (B) (2) (a) or (b) of 2622
this section shall not be reduced pursuant to section 2929.20, 2623
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 2624
other provision of Chapter 2967. or Chapter 5120. of the Revised 2625
Code. The offender shall serve an additional prison term imposed 2626
under division (B) (2) (a) or (b) of this section consecutively to 2627
and prior to the prison term imposed for the underlying offense. 2628

(e) When imposing a sentence pursuant to division (B) (2) 2629
(a) or (b) of this section, the court shall state its findings 2630
explaining the imposed sentence. 2631

(3) Except when an offender commits a violation of section 2632
2903.01 or 2907.02 of the Revised Code and the penalty imposed 2633
for the violation is life imprisonment or commits a violation of 2634
section 2903.02 of the Revised Code, if the offender commits a 2635

violation of section 2925.03 or 2925.11 of the Revised Code and 2636
that section classifies the offender as a major drug offender, 2637
if the offender commits a violation of section 2925.05 of the 2638
Revised Code and division (E)(1) of that section classifies the 2639
offender as a major drug offender, if the offender commits a 2640
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 2641
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 2642
division (C) or (D) of section 3719.172, division (E) of section 2643
4729.51, or division (J) of section 4729.54 of the Revised Code 2644
that includes the sale, offer to sell, or possession of a 2645
schedule I or II controlled substance, with the exception of 2646
marihuana, and the court imposing sentence upon the offender 2647
finds that the offender is guilty of a specification of the type 2648
described in division (A) of section 2941.1410 of the Revised 2649
Code charging that the offender is a major drug offender, if the 2650
court imposing sentence upon an offender for a felony finds that 2651
the offender is guilty of corrupt activity with the most serious 2652
offense in the pattern of corrupt activity being a felony of the 2653
first degree, or if the offender is guilty of an attempted 2654
violation of section 2907.02 of the Revised Code and, had the 2655
offender completed the violation of section 2907.02 of the 2656
Revised Code that was attempted, the offender would have been 2657
subject to a sentence of life imprisonment or life imprisonment 2658
without parole for the violation of section 2907.02 of the 2659
Revised Code, the court shall impose upon the offender for the 2660
felony violation a mandatory prison term determined as described 2661
in this division that cannot be reduced pursuant to section 2662
2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, 2663
or any other provision of Chapter 2967. or 5120. of the Revised 2664
Code. The mandatory prison term shall be the maximum definite 2665
prison term prescribed in division (A)(1)(b) of this section for 2666
a felony of the first degree, except that for offenses for which 2667

division (A)(1)(a) of this section applies, the mandatory prison 2668
term shall be the longest minimum prison term prescribed in that 2669
division for the offense. 2670

(4) If the offender is being sentenced for a third or 2671
fourth degree felony OVI offense under division (G)(2) of 2672
section 2929.13 of the Revised Code, the sentencing court shall 2673
impose upon the offender a mandatory prison term in accordance 2674
with that division. In addition to the mandatory prison term, if 2675
the offender is being sentenced for a fourth degree felony OVI 2676
offense, the court, notwithstanding division (A)(4) of this 2677
section, may sentence the offender to a definite prison term of 2678
not less than six months and not more than thirty months, and if 2679
the offender is being sentenced for a third degree felony OVI 2680
offense, the sentencing court may sentence the offender to an 2681
additional prison term of any duration specified in division (A) 2682
(3) of this section. In either case, the additional prison term 2683
imposed shall be reduced by the sixty or one hundred twenty days 2684
imposed upon the offender as the mandatory prison term. The 2685
total of the additional prison term imposed under division (B) 2686
(4) of this section plus the sixty or one hundred twenty days 2687
imposed as the mandatory prison term shall equal a definite term 2688
in the range of six months to thirty months for a fourth degree 2689
felony OVI offense and shall equal one of the authorized prison 2690
terms specified in division (A)(3) of this section for a third 2691
degree felony OVI offense. If the court imposes an additional 2692
prison term under division (B)(4) of this section, the offender 2693
shall serve the additional prison term after the offender has 2694
served the mandatory prison term required for the offense. In 2695
addition to the mandatory prison term or mandatory and 2696
additional prison term imposed as described in division (B)(4) 2697
of this section, the court also may sentence the offender to a 2698

community control sanction under section 2929.16 or 2929.17 of 2699
the Revised Code, but the offender shall serve all of the prison 2700
terms so imposed prior to serving the community control 2701
sanction. 2702

If the offender is being sentenced for a fourth degree 2703
felony OVI offense under division (G) (1) of section 2929.13 of 2704
the Revised Code and the court imposes a mandatory term of local 2705
incarceration, the court may impose a prison term as described 2706
in division (A) (1) of that section. 2707

(5) If an offender is convicted of or pleads guilty to a 2708
violation of division (A) (1) or (2) of section 2903.06 of the 2709
Revised Code and also is convicted of or pleads guilty to a 2710
specification of the type described in section 2941.1414 of the 2711
Revised Code that charges that the victim of the offense is a 2712
peace officer, as defined in section 2935.01 of the Revised 2713
Code, an investigator of the bureau of criminal identification 2714
and investigation, as defined in section 2903.11 of the Revised 2715
Code, or a firefighter or emergency medical worker, both as 2716
defined in section 2941.1414 of the Revised Code, the court 2717
shall impose on the offender a prison term of five years. If a 2718
court imposes a prison term on an offender under division (B) (5) 2719
of this section, the prison term shall not be reduced pursuant 2720
to section 2929.20, division (A) (2) or (3) of section 2967.193 2721
or 2967.194, or any other provision of Chapter 2967. or Chapter 2722
5120. of the Revised Code. A court shall not impose more than 2723
one prison term on an offender under division (B) (5) of this 2724
section for felonies committed as part of the same act. 2725

(6) If an offender is convicted of or pleads guilty to a 2726
violation of division (A) (1) or (2) of section 2903.06 of the 2727
Revised Code and also is convicted of or pleads guilty to a 2728

specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B) (6) of this section, the prison term 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. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (6) of this section for felonies committed as part of the same act.

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

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

(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 2790
the same degree as the violation, except that if the violation 2791
is a felony of the first or second degree committed on or after 2792
March 22, 2019, the court shall impose as the minimum prison 2793
term under division (A)(1)(a) or (2)(a) of this section a 2794
mandatory term that is one of the terms prescribed in that 2795
division, whichever is applicable, for the offense. 2796

(9) (a) If an offender is convicted of or pleads guilty to 2797
a violation of division (A)(1) or (2) of section 2903.11 of the 2798
Revised Code and also is convicted of or pleads guilty to a 2799
specification of the type described in section 2941.1425 of the 2800
Revised Code, the court shall impose on the offender a mandatory 2801
prison term of six years if either of the following applies: 2802

(i) The violation is a violation of division (A)(1) of 2803
section 2903.11 of the Revised Code and the specification 2804
charges that the offender used an accelerant in committing the 2805
violation and the serious physical harm to another or to 2806
another's unborn caused by the violation resulted in a 2807
permanent, serious disfigurement or permanent, substantial 2808
incapacity; 2809

(ii) The violation is a violation of division (A)(2) of 2810
section 2903.11 of the Revised Code and the specification 2811
charges that the offender used an accelerant in committing the 2812
violation, that the violation caused physical harm to another or 2813
to another's unborn, and that the physical harm resulted in a 2814
permanent, serious disfigurement or permanent, substantial 2815
incapacity. 2816

(b) If a court imposes a prison term on an offender under 2817
division (B)(9)(a) of this section, the prison term shall not be 2818
reduced pursuant to section 2929.20, division (A)(2) or (3) of 2819

section 2967.193 or 2967.194, or any other provision of Chapter 2820
2967. or Chapter 5120. of the Revised Code. A court shall not 2821
impose more than one prison term on an offender under division 2822
(B) (9) of this section for felonies committed as part of the 2823
same act. 2824

(c) The provisions of divisions (B) (9) and (C) (6) of this 2825
section and of division (D) (2) of section 2903.11, division (F) 2826
(20) of section 2929.13, and section 2941.1425 of the Revised 2827
Code shall be known as "Judy's Law." 2828

(10) If an offender is convicted of or pleads guilty to a 2829
violation of division (A) of section 2903.11 of the Revised Code 2830
and also is convicted of or pleads guilty to a specification of 2831
the type described in section 2941.1426 of the Revised Code that 2832
charges that the victim of the offense suffered permanent 2833
disabling harm as a result of the offense and that the victim 2834
was under ~~ten~~ eighteen years of age or over sixty-five years of 2835
age at the time of the offense, regardless of whether the 2836
offender knew the age of the victim, the court shall impose upon 2837
the offender an additional definite prison term of ~~six~~ ten 2838
years. A prison term imposed on an offender under division (B) 2839
(10) of this section shall not be reduced pursuant to section 2840
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 2841
or any other provision of Chapter 2967. or Chapter 5120. of the 2842
Revised Code. If a court imposes an additional prison term on an 2843
offender under this division relative to a violation of division 2844
(A) of section 2903.11 of the Revised Code, the court shall not 2845
impose any other additional prison term on the offender relative 2846
to the same offense. 2847

(11) If an offender is convicted of or pleads guilty to a 2848
felony violation of section 2925.03 or 2925.05 of the Revised 2849

Code or a felony violation of section 2925.11 of the Revised 2850
Code for which division (C) (11) of that section applies in 2851
determining the sentence for the violation, if the drug involved 2852
in the violation is a fentanyl-related compound or a compound, 2853
mixture, preparation, or substance containing a fentanyl-related 2854
compound, and if the offender also is convicted of or pleads 2855
guilty to a specification of the type described in division (B) 2856
of section 2941.1410 of the Revised Code that charges that the 2857
offender is a major drug offender, in addition to any other 2858
penalty imposed for the violation, the court shall impose on the 2859
offender a mandatory prison term of three, four, five, six, 2860
seven, or eight years. If a court imposes a prison term on an 2861
offender under division (B) (11) of this section, the prison term 2862
shall not be reduced pursuant to section 2929.20, division (A) 2863
(2) or (3) of section 2967.193 or 2967.194, or any other 2864
provision of Chapter 2967. or 5120. of the Revised Code. A court 2865
shall not impose more than one prison term on an offender under 2866
division (B) (11) of this section for felonies committed as part 2867
of the same act. 2868

(C) (1) (a) Subject to division (C) (1) (b) of this section, 2869
if a mandatory prison term is imposed upon an offender pursuant 2870
to division (B) (1) (a) of this section for having a firearm on or 2871
about the offender's person or under the offender's control 2872
while committing a felony, if a mandatory prison term is imposed 2873
upon an offender pursuant to division (B) (1) (c) of this section 2874
for committing a felony specified in that division by 2875
discharging a firearm from a motor vehicle, or if both types of 2876
mandatory prison terms are imposed, the offender shall serve any 2877
mandatory prison term imposed under either division 2878
consecutively to any other mandatory prison term imposed under 2879
either division or under division (B) (1) (d) of this section, 2880

consecutively to and prior to any prison term imposed for the 2881
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 2882
this section or any other section of the Revised Code, and 2883
consecutively to any other prison term or mandatory prison term 2884
previously or subsequently imposed upon the offender. 2885

(b) If a mandatory prison term is imposed upon an offender 2886
pursuant to division (B) (1) (d) of this section for wearing or 2887
carrying body armor while committing an offense of violence that 2888
is a felony, the offender shall serve the mandatory term so 2889
imposed consecutively to any other mandatory prison term imposed 2890
under that division or under division (B) (1) (a) or (c) of this 2891
section, consecutively to and prior to any prison term imposed 2892
for the underlying felony under division (A), (B) (2), or (B) (3) 2893
of this section or any other section of the Revised Code, and 2894
consecutively to any other prison term or mandatory prison term 2895
previously or subsequently imposed upon the offender. 2896

(c) If a mandatory prison term is imposed upon an offender 2897
pursuant to division (B) (1) (f) of this section, the offender 2898
shall serve the mandatory prison term so imposed consecutively 2899
to and prior to any prison term imposed for the underlying 2900
felony under division (A), (B) (2), or (B) (3) of this section or 2901
any other section of the Revised Code, and consecutively to any 2902
other prison term or mandatory prison term previously or 2903
subsequently imposed upon the offender. 2904

(d) If a mandatory prison term is imposed upon an offender 2905
pursuant to division (B) (7) or (8) of this section, the offender 2906
shall serve the mandatory prison term so imposed consecutively 2907
to any other mandatory prison term imposed under that division 2908
or under any other provision of law and consecutively to any 2909
other prison term or mandatory prison term previously or 2910

subsequently imposed upon the offender. 2911

(e) If a mandatory prison term is imposed upon an offender 2912
pursuant to division (B)(11) of this section, the offender shall 2913
serve the mandatory prison term consecutively to any other 2914
mandatory prison term imposed under that division, consecutively 2915
to and prior to any prison term imposed for the underlying 2916
felony, and consecutively to any other prison term or mandatory 2917
prison term previously or subsequently imposed upon the 2918
offender. 2919

(2) If an offender who is an inmate in a jail, prison, or 2920
other residential detention facility violates section 2917.02, 2921
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 2922
(2) of section 2921.34 of the Revised Code, if an offender who 2923
is under detention at a detention facility commits a felony 2924
violation of section 2923.131 of the Revised Code, or if an 2925
offender who is an inmate in a jail, prison, or other 2926
residential detention facility or is under detention at a 2927
detention facility commits another felony while the offender is 2928
an escapee in violation of division (A)(1) or (2) of section 2929
2921.34 of the Revised Code, any prison term imposed upon the 2930
offender for one of those violations shall be served by the 2931
offender consecutively to the prison term or term of 2932
imprisonment the offender was serving when the offender 2933
committed that offense and to any other prison term previously 2934
or subsequently imposed upon the offender. 2935

(3) If a prison term is imposed for a violation of 2936
division (B) of section 2911.01 of the Revised Code, a violation 2937
of division (A) of section 2913.02 of the Revised Code in which 2938
the stolen property is a firearm or dangerous ordnance, or a 2939
felony violation of division (B) of section 2921.331 of the 2940

Revised Code, the offender shall serve that prison term 2941
consecutively to any other prison term or mandatory prison term 2942
previously or subsequently imposed upon the offender. 2943

(4) If multiple prison terms are imposed on an offender 2944
for convictions of multiple offenses, the court may require the 2945
offender to serve the prison terms consecutively if the court 2946
finds that the consecutive service is necessary to protect the 2947
public from future crime or to punish the offender and that 2948
consecutive sentences are not disproportionate to the 2949
seriousness of the offender's conduct and to the danger the 2950
offender poses to the public, and if the court also finds any of 2951
the following: 2952

(a) The offender committed one or more of the multiple 2953
offenses while the offender was awaiting trial or sentencing, 2954
was under a sanction imposed pursuant to section 2929.16, 2955
2929.17, or 2929.18 of the Revised Code, or was under post- 2956
release control for a prior offense. 2957

(b) At least two of the multiple offenses were committed 2958
as part of one or more courses of conduct, and the harm caused 2959
by two or more of the multiple offenses so committed was so 2960
great or unusual that no single prison term for any of the 2961
offenses committed as part of any of the courses of conduct 2962
adequately reflects the seriousness of the offender's conduct. 2963

(c) The offender's history of criminal conduct 2964
demonstrates that consecutive sentences are necessary to protect 2965
the public from future crime by the offender. 2966

(5) If a mandatory prison term is imposed upon an offender 2967
pursuant to division (B) (5) or (6) of this section, the offender 2968
shall serve the mandatory prison term consecutively to and prior 2969

to any prison term imposed for the underlying violation of 2970
division (A) (1) or (2) of section 2903.06 of the Revised Code 2971
pursuant to division (A) of this section or section 2929.142 of 2972
the Revised Code. If a mandatory prison term is imposed upon an 2973
offender pursuant to division (B) (5) of this section, and if a 2974
mandatory prison term also is imposed upon the offender pursuant 2975
to division (B) (6) of this section in relation to the same 2976
violation, the offender shall serve the mandatory prison term 2977
imposed pursuant to division (B) (5) of this section 2978
consecutively to and prior to the mandatory prison term imposed 2979
pursuant to division (B) (6) of this section and consecutively to 2980
and prior to any prison term imposed for the underlying 2981
violation of division (A) (1) or (2) of section 2903.06 of the 2982
Revised Code pursuant to division (A) of this section or section 2983
2929.142 of the Revised Code. 2984

(6) If a mandatory prison term is imposed on an offender 2985
pursuant to division (B) (9) of this section, the offender shall 2986
serve the mandatory prison term consecutively to and prior to 2987
any prison term imposed for the underlying violation of division 2988
(A) (1) or (2) of section 2903.11 of the Revised Code and 2989
consecutively to and prior to any other prison term or mandatory 2990
prison term previously or subsequently imposed on the offender. 2991

(7) If a mandatory prison term is imposed on an offender 2992
pursuant to division (B) (10) of this section, the offender shall 2993
serve that mandatory prison term consecutively to and prior to 2994
any prison term imposed for the underlying felonious assault. 2995
Except as otherwise provided in division (C) of this section, 2996
any other prison term or mandatory prison term previously or 2997
subsequently imposed upon the offender may be served 2998
concurrently with, or consecutively to, the prison term imposed 2999
pursuant to division (B) (10) of this section. 3000

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

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

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

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

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

felony of the second degree, for a felony sex offense, or for a 3031
felony of the third degree that is an offense of violence and 3032
that is not a felony sex offense, it shall include in the 3033
sentence a requirement that the offender be subject to a period 3034
of post-release control after the offender's release from 3035
imprisonment, in accordance with section 2967.28 of the Revised 3036
Code. If a court imposes a sentence including a prison term of a 3037
type described in this division on or after July 11, 2006, the 3038
failure of a court to include a post-release control requirement 3039
in the sentence pursuant to this division does not negate, 3040
limit, or otherwise affect the mandatory period of post-release 3041
control that is required for the offender under division (B) of 3042
section 2967.28 of the Revised Code. Section 2929.191 of the 3043
Revised Code applies if, prior to July 11, 2006, a court imposed 3044
a sentence including a prison term of a type described in this 3045
division and failed to include in the sentence pursuant to this 3046
division a statement regarding post-release control. 3047

(2) If a court imposes a prison term for a felony of the 3048
third, fourth, or fifth degree that is not subject to division 3049
(D)(1) of this section, it shall include in the sentence a 3050
requirement that the offender be subject to a period of post- 3051
release control after the offender's release from imprisonment, 3052
in accordance with that division, if the parole board determines 3053
that a period of post-release control is necessary. Section 3054
2929.191 of the Revised Code applies if, prior to July 11, 2006, 3055
a court imposed a sentence including a prison term of a type 3056
described in this division and failed to include in the sentence 3057
pursuant to this division a statement regarding post-release 3058
control. 3059

(E) The court shall impose sentence upon the offender in 3060
accordance with section 2971.03 of the Revised Code, and Chapter 3061

2971. of the Revised Code applies regarding the prison term or 3062
term of life imprisonment without parole imposed upon the 3063
offender and the service of that term of imprisonment if any of 3064
the following apply: 3065

(1) A person is convicted of or pleads guilty to a violent 3066
sex offense or a designated homicide, assault, or kidnapping 3067
offense, and, in relation to that offense, the offender is 3068
adjudicated a sexually violent predator. 3069

(2) A person is convicted of or pleads guilty to a 3070
violation of division (A) (1) (b) of section 2907.02 of the 3071
Revised Code committed on or after January 2, 2007, and either 3072
the court does not impose a sentence of life without parole when 3073
authorized pursuant to division (B) of section 2907.02 of the 3074
Revised Code, or division (B) of section 2907.02 of the Revised 3075
Code provides that the court shall not sentence the offender 3076
pursuant to section 2971.03 of the Revised Code. 3077

(3) A person is convicted of or pleads guilty to attempted 3078
rape committed on or after January 2, 2007, and a specification 3079
of the type described in section 2941.1418, 2941.1419, or 3080
2941.1420 of the Revised Code. 3081

(4) A person is convicted of or pleads guilty to a 3082
violation of section 2905.01 of the Revised Code committed on or 3083
after January 1, 2008, and that section requires the court to 3084
sentence the offender pursuant to section 2971.03 of the Revised 3085
Code. 3086

(5) A person is convicted of or pleads guilty to 3087
aggravated murder committed on or after January 1, 2008, and 3088
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 3089
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 3090

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

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

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

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

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

towards a person in a school safety zone, the court shall impose 3121
upon the offender an additional prison term of two years. The 3122
offender shall serve the additional two years consecutively to 3123
and prior to the prison term imposed for the underlying offense. 3124

(2) (a) If an offender is convicted of or pleads guilty to 3125
a felony violation of section 2907.22, 2907.24, 2907.241, or 3126
2907.25 of the Revised Code and to a specification of the type 3127
described in section 2941.1421 of the Revised Code and if the 3128
court imposes a prison term on the offender for the felony 3129
violation, the court may impose upon the offender an additional 3130
prison term as follows: 3131

(i) Subject to division (H) (2) (a) (ii) of this section, an 3132
additional prison term of one, two, three, four, five, or six 3133
months; 3134

(ii) If the offender previously has been convicted of or 3135
pleaded guilty to one or more felony or misdemeanor violations 3136
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 3137
the Revised Code and also was convicted of or pleaded guilty to 3138
a specification of the type described in section 2941.1421 of 3139
the Revised Code regarding one or more of those violations, an 3140
additional prison term of one, two, three, four, five, six, 3141
seven, eight, nine, ten, eleven, or twelve months. 3142

(b) In lieu of imposing an additional prison term under 3143
division (H) (2) (a) of this section, the court may directly 3144
impose on the offender a sanction that requires the offender to 3145
wear a real-time processing, continual tracking electronic 3146
monitoring device during the period of time specified by the 3147
court. The period of time specified by the court shall equal the 3148
duration of an additional prison term that the court could have 3149
imposed upon the offender under division (H) (2) (a) of this 3150

section. A sanction imposed under this division shall commence 3151
on the date specified by the court, provided that the sanction 3152
shall not commence until after the offender has served the 3153
prison term imposed for the felony violation of section 2907.22, 3154
2907.24, 2907.241, or 2907.25 of the Revised Code and any 3155
residential sanction imposed for the violation under section 3156
2929.16 of the Revised Code. A sanction imposed under this 3157
division shall be considered to be a community control sanction 3158
for purposes of section 2929.15 of the Revised Code, and all 3159
provisions of the Revised Code that pertain to community control 3160
sanctions shall apply to a sanction imposed under this division, 3161
except to the extent that they would by their nature be clearly 3162
inapplicable. The offender shall pay all costs associated with a 3163
sanction imposed under this division, including the cost of the 3164
use of the monitoring device. 3165

(I) At the time of sentencing, the court may recommend the 3166
offender for placement in a program of shock incarceration under 3167
section 5120.031 of the Revised Code or for placement in an 3168
intensive program prison under section 5120.032 of the Revised 3169
Code, disapprove placement of the offender in a program of shock 3170
incarceration or an intensive program prison of that nature, or 3171
make no recommendation on placement of the offender. In no case 3172
shall the department of rehabilitation and correction place the 3173
offender in a program or prison of that nature unless the 3174
department determines as specified in section 5120.031 or 3175
5120.032 of the Revised Code, whichever is applicable, that the 3176
offender is eligible for the placement. 3177

If the court disapproves placement of the offender in a 3178
program or prison of that nature, the department of 3179
rehabilitation and correction shall not place the offender in 3180
any program of shock incarceration or intensive program prison. 3181

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 3212
pursuant to section 2929.142 of the Revised Code. 3213

(K)(1) The court shall impose an additional mandatory 3214
prison term of two, three, four, five, six, seven, eight, nine, 3215
ten, or eleven years on an offender who is convicted of or 3216
pleads guilty to a violent felony offense if the offender also 3217
is convicted of or pleads guilty to a specification of the type 3218
described in section 2941.1424 of the Revised Code that charges 3219
that the offender is a violent career criminal and had a firearm 3220
on or about the offender's person or under the offender's 3221
control while committing the presently charged violent felony 3222
offense and displayed or brandished the firearm, indicated that 3223
the offender possessed a firearm, or used the firearm to 3224
facilitate the offense. The offender shall serve the prison term 3225
imposed under this division consecutively to and prior to the 3226
prison term imposed for the underlying offense. The prison term 3227
shall not be reduced pursuant to section 2929.20, division (A) 3228
(2) or (3) of section 2967.193 or 2967.194, or any other 3229
provision of Chapter 2967. or 5120. of the Revised Code. A court 3230
may not impose more than one sentence under division (B)(2)(a) 3231
of this section and this division for acts committed as part of 3232
the same act or transaction. 3233

(2) As used in division (K)(1) of this section, "violent 3234
career criminal" and "violent felony offense" have the same 3235
meanings as in section 2923.132 of the Revised Code. 3236

(L) If an offender receives or received a sentence of life 3237
imprisonment without parole, a sentence of life imprisonment, a 3238
definite sentence, or a sentence to an indefinite prison term 3239
under this chapter for a felony offense that was committed when 3240
the offender was under eighteen years of age, the offender's 3241

parole eligibility shall be determined under section 2967.132 of 3242
the Revised Code. 3243

Sec. 2941.1426. (A) Imposition of a mandatory prison term 3244
of ~~six-ten~~ years upon an offender under division (B)(10) of 3245
section 2929.14 of the Revised Code is precluded unless the 3246
offender is convicted of or pleads guilty to a violation of 3247
division (A) of section 2903.11 of the Revised Code and unless 3248
the indictment, count, or information charging the offense 3249
specifies that the victim of the offense suffered permanent 3250
disabling harm as a result of the offense and that the victim 3251
was under ~~ten-eighteen~~ years of age or over sixty-five years of 3252
age at the time of the offense, regardless of whether the 3253
offender knew the age of the victim. The specification shall be 3254
stated at the end of the body of the indictment, count, or 3255
information and shall be stated in substantially the following 3256
form: 3257

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 3258
Grand Jurors (or insert the person's or the prosecuting 3259
attorney's name when appropriate) further find and specify that 3260
(set forth that the victim of the offense suffered permanent 3261
disabling harm as a result of the offense and that the victim 3262
was under ~~ten-eighteen~~ years of age or over sixty-five years of 3263
age at the time of the offense, regardless of whether the 3264
offender knew the age of the victim)." 3265

(B) Imposition of a mandatory prison term of ~~six-ten~~ years 3266
upon an offender under division (B)(10) of section 2929.14 of 3267
the Revised Code is precluded if a court imposes any other 3268
additional prison term on the offender relative to the same 3269
offense. 3270

(C) As used in this section, "permanent disabling harm" 3271

has the same meaning as in section 2929.01 of the Revised Code. 3272

Sec. 5153.122. Each PCSA caseworker hired after January 1, 3273
2007, shall complete in-service training during the first year 3274
of the caseworker's continuous employment as a PCSA caseworker, 3275
except that the executive director of the public children 3276
services agency may waive the training requirement for a school 3277
of social work graduate who participated in the university 3278
partnership program described in division (E) of section 5180.42 3279
of the Revised Code and as provided in section 5153.124 of the 3280
Revised Code. The training shall consist of courses in all of 3281
the following: 3282

(A) Recognizing, accepting reports of, and preventing 3283
child abuse, neglect, and dependency; 3284

(B) Assessing child safety; 3285

(C) Assessing risks; 3286

(D) Safety and risk assessments for youth with 3287
disabilities; 3288

(E) Interviewing persons, including individuals with 3289
developmental, communication, and other disabilities; 3290
interviewing techniques using telephone, videoconferencing or 3291
any similar form technology; and analytical skills to improve 3292
interviewing skills; 3293

~~(E)~~ (F) Investigating cases; 3294

~~(F)~~ (G) Intervening; 3295

~~(G)~~ (H) Providing services to children and their families; 3296

~~(H)~~ (I) The importance of and need for accurate data; 3297

~~(I)~~ (J) Preparation for court; 3298

(J) <u>(K)</u> Maintenance of case record information;	3299
(K) <u>(L)</u> The legal duties of PCSA caseworkers to protect the constitutional and statutory rights of children and families from the initial time of contact during investigation through treatment, including instruction regarding parents' rights and the limitations that the Fourth Amendment to the United States Constitution places upon caseworkers and their investigations;	3300 3301 3302 3303 3304 3305
(L) <u>(M)</u> Content on other topics relevant to child abuse, neglect, and dependency, including permanency strategies, concurrent planning, and adoption as an option for unintended pregnancies.	3306 3307 3308 3309
After a PCSA caseworker's first year of continuous employment as a PCSA caseworker, the caseworker annually shall complete thirty-six hours of training in areas relevant to the caseworker's assigned duties.	3310 3311 3312 3313
During the first two years of continuous employment as a PCSA caseworker, each PCSA caseworker shall complete training in recognizing the signs of domestic violence and its relationship to child abuse as established in rules the director of children and youth shall adopt pursuant to Chapter 119. of the Revised Code.	3314 3315 3316 3317 3318 3319
Sec. 5153.16. (A) Except as provided in section 2151.422 of the Revised Code, in accordance with rules adopted under section 5153.166 of the Revised Code, 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 shall do all of the following:	3320 3321 3322 3323 3324 3325
(1) Make an investigation concerning any child alleged to be an abused, neglected, or dependent child;	3326 3327

(2) Enter into agreements with the parent, guardian, or 3328
other person having legal custody of any child, or with the 3329
department of children and youth, department of ~~mental~~ 3330
behavioral health and addiction services, department of 3331
developmental disabilities, other department, any certified 3332
organization within or outside the county, or any agency or 3333
institution outside the state, having legal custody of any 3334
child, with respect to the custody, care, or placement of any 3335
child, or with respect to any matter, in the interests of the 3336
child, provided the permanent custody of a child shall not be 3337
transferred by a parent to the public children services agency 3338
without the consent of the juvenile court; 3339

(3) Enter into a contract with an agency providing 3340
prevention services in an effort to prevent neglect or abuse, to 3341
enhance a child's welfare, and to preserve the family unit 3342
intact when referring a family for prevention services under 3343
division (J) of section 2151.421 of the Revised Code. 3344

(4) Accept custody of children committed to the public 3345
children services agency by a court exercising juvenile 3346
jurisdiction; 3347

(5) Provide such care as the public children services 3348
agency considers to be in the best interests of any child 3349
adjudicated to be an abused, neglected, or dependent child the 3350
agency finds to be in need of public care or service; 3351

(6) Provide social services to any unmarried girl 3352
adjudicated to be an abused, neglected, or dependent child who 3353
is pregnant with or has been delivered of a child; 3354

(7) Make available to the children with medical handicaps 3355
program of the department of health at its request any 3356

information concerning a child with a disability found to be in need of treatment under sections 3701.021 to 3701.028 of the Revised Code who is receiving services from the public children services agency;

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

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

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

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

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

(13) Cooperate with, make its services available to, and act as the agent of persons, courts, the department of children

and youth, the department of health, and other organizations 3386
within and outside the state, in matters relating to the welfare 3387
of children, except that the public children services agency 3388
shall not be required to provide supervision of or other 3389
services related to the exercise of parenting time rights 3390
granted pursuant to section 3109.051 or 3109.12 of the Revised 3391
Code or companionship or visitation rights granted pursuant to 3392
section 3109.051, 3109.11, or 3109.12 of the Revised Code unless 3393
a juvenile court, pursuant to Chapter 2151. of the Revised Code, 3394
or a common pleas court, pursuant to division (E) (6) of section 3395
3113.31 of the Revised Code, requires the provision of 3396
supervision or other services related to the exercise of the 3397
parenting time rights or companionship or visitation rights; 3398

(14) Make investigations at the request of any 3399
superintendent of schools in the county or the principal of any 3400
school concerning the application of any child adjudicated to be 3401
an abused, neglected, or dependent child for release from 3402
school, where such service is not provided through a school 3403
attendance department; 3404

(15) Administer funds provided under Title IV-E of the 3405
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 3406
amended, in accordance with rules adopted under section 5180.42 3407
of the Revised Code; 3408

(16) In addition to administering Title IV-E adoption 3409
assistance funds, enter into agreements to make adoption 3410
assistance payments under section 5153.163 of the Revised Code; 3411

(17) Implement a system of safety and risk assessment, in 3412
accordance with rules adopted by the director of children and 3413
youth, to assist the public children services agency in 3414
determining the risk of abuse or neglect to a child; 3415

(18) Enter into a plan of cooperation with the board of 3416
county commissioners under section 307.983 of the Revised Code 3417
and comply with each fiscal agreement the board enters into 3418
under section 307.98 of the Revised Code that include family 3419
services duties of public children services agencies and 3420
contracts the board enters into under sections 307.981 and 3421
307.982 of the Revised Code that affect the public children 3422
services agency; 3423

(19) Make reasonable efforts to prevent the removal of an 3424
alleged or adjudicated abused, neglected, or dependent child 3425
from the child's home, eliminate the continued removal of the 3426
child from the child's home, or make it possible for the child 3427
to return home safely, except that reasonable efforts of that 3428
nature are not required when a court has made a determination 3429
under division (A) (2) of section 2151.419 of the Revised Code; 3430

(20) Make reasonable efforts to place the child in a 3431
timely manner in accordance with the permanency plan approved 3432
under division (E) of section 2151.417 of the Revised Code and 3433
to complete whatever steps are necessary to finalize the 3434
permanent placement of the child; 3435

(21) Administer a Title IV-A program identified under 3436
division (A) (4) (c) or (h) of section 5101.80 of the Revised Code 3437
that the department of children and youth provides for the 3438
public children services agency to administer under the 3439
department's supervision pursuant to section 5101.801 of the 3440
Revised Code; 3441

(22) Administer the kinship permanency incentive program 3442
created under section 5180.52 of the Revised Code under the 3443
supervision of the director of children and youth; 3444

(23) Provide independent living services pursuant to 3445
sections 2151.81 to 2151.84 of the Revised Code; 3446

(24) File a missing child report with a local law 3447
enforcement agency upon becoming aware that a child in the 3448
custody of the public children services agency is or may be 3449
missing. 3450

(25) (a) For a child who is in the custody of the public 3451
children services agency and is under the age of five years old, 3452
is a child with a developmental disability, as defined in 3453
section 5123.01 of the Revised Code, or is a child placed in a 3454
treatment foster home or medically fragile foster home, as 3455
defined in section 5103.02 of the Revised Code, conduct visits 3456
as follows to determine the well-being of the child: 3457

(i) One face-to-face visit with the child and substitute 3458
caregiver within the substitute care setting during the first 3459
week of placement, not including the first day of placement; 3460

(ii) One face-to-face visit with the child and the 3461
substitute caregiver twice monthly, not within the same week; 3462

(iii) One visit with the child via videoconferencing or 3463
any similar form of technology a minimum of once a week during 3464
the weeks when a face-to-face visit is not required under 3465
division (A) (25) (a) (ii) of this section, except the agency shall 3466
arrange a visit between the child and a service provider 3467
involved in the child's case plan via telephone, 3468
videoconferencing, or any similar form of technology when a 3469
caseworker is unable to visit under this division. 3470

(b) A caseworker employed by the agency that has full 3471
responsibility for case planning and case management of the 3472
child's case shall conduct at least one of the monthly visits 3473

required under division (A) (25) (a) (ii) of this section. Any 3474
other visits may be conducted by a caseworker employed by 3475
another agency contracted by the agency that has full 3476
responsibility for case planning and case management of the 3477
child's case to provide services for the case. 3478

(26) For an in-home safety plan, conduct weekly home 3479
visits in which the agency shall do both of the following: 3480

(a) Make face-to-face contact with each child identified 3481
in the safety plan and each parent, guardian, or custodian 3482
residing in the home; 3483

(b) Complete an assessment of the active safety threats. 3484

(27) For an out-of-home safety plan, do all of the 3485
following: 3486

(a) Have weekly contact with the children or persons 3487
responsible for the action steps to control active safety 3488
threats; 3489

(b) Have face-to-face contact with each child and 3490
responsible party involved every other week; 3491

(c) Complete an assessment of the active safety threats 3492
during each visit. 3493

(28) Require additional oversight of a case by a 3494
supervisory team decision process, including a risk and 3495
vulnerability review, at the following key decision points: 3496

(a) Screen decisions involving any of the following: 3497

(i) Infants under one year of age; 3498

(ii) Children who are at least one year of age but less 3499
than five years of age who have been the subject of a 3500

<u>substantiated report of abuse or neglect;</u>	3501
<u>(iii) Children or a sibling of a child who has experienced</u>	3502
<u>a substantiated or indicated near fatality.</u>	3503
<u>(b) Prior to closing an investigation or assessment and</u>	3504
<u>prior to implementation of a reunification plan involving any of</u>	3505
<u>the following:</u>	3506
<u>(i) Children who are five years of age and younger;</u>	3507
<u>(ii) Children with a known disability.</u>	3508
<u>(c) Upon the receipt of a new report of abuse or neglect</u>	3509
<u>involving a child with an open case plan.</u>	3510
<u>(29) Report to the department of children and youth when</u>	3511
<u>children who are five years of age or younger under an out-of-</u>	3512
<u>home safety plan are the subject of a second report of abuse or</u>	3513
<u>neglect.</u>	3514
(B) The public children services agency shall use the	3515
system implemented pursuant to division (A) (17) of this section	3516
in connection with an investigation undertaken pursuant to	3517
division (G) (1) of section 2151.421 of the Revised Code to	3518
assess both of the following:	3519
(1) The ongoing safety of the child;	3520
(2) The appropriateness of the intensity and duration of	3521
the services provided to meet child and family needs throughout	3522
the duration of a case.	3523
(C) Except as provided in section 2151.422 of the Revised	3524
Code, in accordance with rules of the director of children and	3525
youth, and on behalf of children in the county whom the public	3526
children services agency considers to be in need of public care	3527

or protective services, the public children services agency may 3528
do the following: 3529

(1) Provide or find, with other child serving systems, 3530
specialized foster care for the care of children in a 3531
specialized foster home, as defined in section 5103.02 of the 3532
Revised Code, certified under section 5103.03 of the Revised 3533
Code; 3534

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of 3535
this section, contract with the following for the purpose of 3536
assisting the agency with its duties: 3537

(i) County departments of job and family services; 3538

(ii) Boards of alcohol, drug addiction, and mental health 3539
services; 3540

(iii) County boards of developmental disabilities; 3541

(iv) Regional councils of political subdivisions 3542
established under Chapter 167. of the Revised Code; 3543

(v) Private and government providers of services; 3544

(vi) Managed care organizations and prepaid health plans. 3545

(b) A public children services agency contract under 3546
division (C) (2) (a) of this section regarding the agency's duties 3547
under section 2151.421 of the Revised Code may not provide for 3548
the entity under contract with the agency to perform any service 3549
not authorized by the department's rules. 3550

(c) Only a county children services board appointed under 3551
section 5153.03 of the Revised Code that is a public children 3552
services agency may contract under division (C) (2) (a) of this 3553
section. If an entity specified in division (B) or (C) of 3554

section 5153.02 of the Revised Code is the public children 3555
services agency for a county, the board of county commissioners 3556
may enter into contracts pursuant to section 307.982 of the 3557
Revised Code regarding the agency's duties. 3558

(D) The director of children and youth may adopt rules to 3559
broaden the types of children to whom divisions (A) (28) and (29) 3560
of this section apply. 3561

Sec. 5180.09. (A) Except as provided in division (B) of 3562
this section, the department of children and youth shall develop 3563
a public electronic dashboard to publish, by county, on a 3564
monthly basis the following data reported to the department: 3565

(1) The number of children residing in the county; 3566

(2) The number of children in the custody of a public 3567
children services agency or private child placing agency; 3568

(3) The number of children in each placement type, 3569
including children who are placed in another state; 3570

(4) The average length of stay for a child in each 3571
placement type. 3572

(B) The department shall not publish data, including data 3573
in the aggregate, if the number of children in division (A) (1), 3574
(2), or (3) of this section is fewer than ten children. 3575

(C) The department shall post the data publicly and submit 3576
a copy of the data to each board of county commissioners 3577
monthly. 3578

Section 2. That existing sections 2151.412, 2151.421, 3579
2151.423, 2151.429, 2151.467, 2151.468, 2903.01, 2903.11, 3580
2919.22, 2929.13, 2929.14, 2941.1426, 5153.122, and 5153.16 of 3581
the Revised Code are hereby repealed. 3582

Section 3. This act shall be known as the Child Protection Reform Act.	3583 3584
Section 4. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:	3585 3586 3587 3588 3589 3590 3591 3592
Section 2903.11 of the Revised Code as amended by both S.B. 20 and S.B. 201 of the 132nd General Assembly.	3593 3594
Section 2929.14 of the Revised Code as amended by H.B. 37, H.B. 56, H.B. 111, and S.B. 106, all of the 135th General Assembly.	3595 3596 3597