

As Introduced

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H. B. No. 705

Representative Williams

To amend sections 2929.12, 2929.15, and 2929.25 of	1
the Revised Code to prohibit a sentencing court	2
from imposing, as a condition of community	3
control, a requirement that the offender admit	4
guilt if the offender was found guilty after	5
entering an Alford plea and to name this act the	6
Alford Plea Fairness Act.	7

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

Section 1. That sections 2929.12, 2929.15, and 2929.25 of	8
the Revised Code be amended to read as follows:	9

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

and the factors set forth in division (G) of this section 22
relating to Alford pleas and, in addition, may consider any 23
other factors that are relevant to achieving those purposes and 24
principles of sentencing. 25

(B) The sentencing court shall consider all of the 26
following that apply regarding the offender, the offense, or the 27
victim, and any other relevant factors, as indicating that the 28
offender's conduct is more serious than conduct normally 29
constituting the offense: 30

(1) The physical or mental injury suffered by the victim 31
of the offense due to the conduct of the offender was 32
exacerbated because of the physical or mental condition or age 33
of the victim. 34

(2) The victim of the offense suffered serious physical, 35
psychological, or economic harm, including serious physical harm 36
the victim caused to the victim's self, as a result of the 37
offense. 38

(3) The victim died by suicide as a result of the offense. 39

(4) The offender held a public office or position of trust 40
in the community, and the offense related to that office or 41
position. 42

(5) The offender's occupation, elected office, or 43
profession obliged the offender to prevent the offense or bring 44
others committing it to justice. 45

(6) The offender's professional reputation or occupation, 46
elected office, or profession was used to facilitate the offense 47
or is likely to influence the future conduct of others. 48

(7) The offender's relationship with the victim 49

facilitated the offense. 50

(8) The offender committed the offense for hire or as a 51
part of an organized criminal activity. 52

(9) In committing the offense, the offender was motivated 53
by prejudice based on race, ethnic background, gender, sexual 54
orientation, or religion. 55

(10) If the offense is a violation of section 2919.25 or a 56
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 57
Code involving a person who was a family or household member at 58
the time of the violation, the offender committed the offense in 59
the vicinity of one or more children who are not victims of the 60
offense, and the offender or the victim of the offense is a 61
parent, guardian, custodian, or person in loco parentis of one 62
or more of those children. 63

(C) The sentencing court shall consider all of the 64
following that apply regarding the offender, the offense, or the 65
victim, and any other relevant factors, as indicating that the 66
offender's conduct is less serious than conduct normally 67
constituting the offense: 68

(1) The victim induced or facilitated the offense. 69

(2) In committing the offense, the offender acted under 70
strong provocation. 71

(3) In committing the offense, the offender did not cause 72
or expect to cause physical harm to any person or property. 73

(4) There are substantial grounds to mitigate the 74
offender's conduct, although the grounds are not enough to 75
constitute a defense. 76

(D) The sentencing court shall consider all of the 77

following that apply regarding the offender, and any other 78
relevant factors, as factors indicating that the offender is 79
likely to commit future crimes: 80

(1) At the time of committing the offense, the offender 81
was under release from confinement before trial or sentencing; 82
was under a sanction imposed pursuant to section 2929.16, 83
2929.17, or 2929.18 of the Revised Code; was under post-release 84
control pursuant to section 2967.28 or any other provision of 85
the Revised Code for an earlier offense or had been unfavorably 86
terminated from post-release control for a prior offense 87
pursuant to division (B) of section 2967.16 or section 2929.141 88
of the Revised Code; was under transitional control in 89
connection with a prior offense; or had absconded from the 90
offender's approved community placement resulting in the 91
offender's removal from the transitional control program under 92
section 2967.26 of the Revised Code. 93

(2) The offender previously was adjudicated a delinquent 94
child pursuant to Chapter 2151. of the Revised Code prior to 95
January 1, 2002, or pursuant to Chapter 2152. of the Revised 96
Code, or the offender has a history of criminal convictions. 97

(3) The offender has not been rehabilitated to a 98
satisfactory degree after previously being adjudicated a 99
delinquent child pursuant to Chapter 2151. of the Revised Code 100
prior to January 1, 2002, or pursuant to Chapter 2152. of the 101
Revised Code, or the offender has not responded favorably to 102
sanctions previously imposed for criminal convictions. 103

(4) The offender has demonstrated a pattern of drug or 104
alcohol abuse that is related to the offense, and the offender 105
refuses to acknowledge that the offender has demonstrated that 106
pattern, or the offender refuses treatment for the drug or 107

alcohol abuse. 108

(5) The offender shows no genuine remorse for the offense. 109

(E) The sentencing court shall consider all of the 110
following that apply regarding the offender, and any other 111
relevant factors, as factors indicating that the offender is not 112
likely to commit future crimes: 113

(1) Prior to committing the offense, the offender had not 114
been adjudicated a delinquent child. 115

(2) Prior to committing the offense, the offender had not 116
been convicted of or pleaded guilty to a criminal offense. 117

(3) Prior to committing the offense, the offender had led 118
a law-abiding life for a significant number of years. 119

(4) The offense was committed under circumstances not 120
likely to recur. 121

(5) Except as provided in division (G) of this section, 122
the offender shows genuine remorse for the offense. 123

(F) The sentencing court shall consider the offender's 124
military service record and whether the offender has an 125
emotional, mental, or physical condition that is traceable to 126
the offender's service in the armed forces of the United States 127
and that was a contributing factor in the offender's commission 128
of the offense or offenses. 129

(G) If the offender enters an Alford plea, the sentencing 130
court shall not consider whether the offender showed genuine 131
remorse for the offense and shall not impose as any condition of 132
the sentence a requirement that the offender admit guilt. 133

Sec. 2929.15. (A) (1) If in sentencing an offender for a 134

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

The duration of all community control sanctions imposed on 158
an offender under this division shall not exceed five years. If 159
the offender absconds or otherwise leaves the jurisdiction of 160
the court in which the offender resides without obtaining 161
permission from the court or the offender's probation officer to 162
leave the jurisdiction of the court, or if the offender is 163
confined in any institution for the commission of any offense 164
while under a community control sanction, the period of the 165

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

(2) (a) If a court sentences an offender to any community 183
control sanction or combination of community control sanctions 184
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 185
the Revised Code, the court shall place the offender under the 186
general control and supervision of a department of probation in 187
the county that serves the court for purposes of reporting to 188
the court a violation of any condition of the sanctions, any 189
condition of release under a community control sanction imposed 190
by the court, a violation of law, or the departure of the 191
offender from this state without the permission of the court or 192
the offender's probation officer. Alternatively, if the offender 193
resides in another county and a county department of probation 194
has been established in that county or that county is served by 195
a multicounty probation department established under section 196

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

If there is no department of probation in the county that 208
serves the court, the court shall place the offender, regardless 209
of the offender's county of residence, under the general control 210
and supervision of the adult parole authority, unless the court 211
has entered into an agreement with the authority as described in 212
division (B) or (C) of section 2301.32 of the Revised Code, or 213
under an entity authorized under division (B) of section 2301.27 214
of the Revised Code to provide probation and supervisory 215
services to counties for purposes of reporting to the court a 216
violation of any of the sanctions, any condition of release 217
under a community control sanction imposed by the court, a 218
violation of law, or the departure of the offender from this 219
state without the permission of the court or the offender's 220
probation officer. 221

(b) If the court imposing sentence on an offender 222
sentences the offender to any community control sanction or 223
combination of community control sanctions authorized pursuant 224
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 225
if the offender violates any condition of the sanctions, 226
violates any condition of release under a community control 227

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

(3) If an offender who is eligible for community control 257
sanctions under this section admits to having a drug addiction 258

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

(4) If an assessment completed pursuant to division (A) (3) 272
of this section indicates that the offender has an addiction to 273
drugs or alcohol, the court may include in any community control 274
sanction imposed for a violation of section 2925.02, 2925.03, 275
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 276
2925.36, or 2925.37 of the Revised Code a requirement that the 277
offender participate in alcohol and drug addiction services and 278
recovery supports certified under section 5119.36 of the Revised 279
Code or offered by a properly credentialed community addiction 280
services provider. 281

(B) (1) Except as provided in division (B) (2) of this 282
section, if the conditions of a community control sanction 283
imposed for a felony are violated or if the offender violates a 284
law or leaves the state without the permission of the court or 285
the offender's probation officer, the sentencing court may 286
impose on the violator one or more of the following penalties: 287

(a) A longer time under the same sanction if the total 288

time under the sanctions does not exceed the five-year limit 289
specified in division (A) of this section; 290

(b) A more restrictive sanction under section 2929.16, 291
2929.17, or 2929.18 of the Revised Code, including but not 292
limited to, a new term in a community-based correctional 293
facility, halfway house, or jail pursuant to division (A)(6) of 294
section 2929.16 of the Revised Code; 295

(c) A prison term on the offender pursuant to section 296
2929.14 of the Revised Code and division (B)(3) of this section, 297
provided that a prison term imposed under this division is 298
subject to the following limitations and rules, as applicable: 299

(i) If the prison term is imposed for any technical 300
violation of the conditions of a community control sanction 301
imposed for a felony of the fifth degree, the prison term shall 302
not exceed ninety days, provided that if the remaining period of 303
community control at the time of the violation or the remaining 304
period of the reserved prison sentence at that time is less than 305
ninety days, the prison term shall not exceed the length of the 306
remaining period of community control or the remaining period of 307
the reserved prison sentence. If the court imposes a prison term 308
as described in this division, division (B)(2)(b) of this 309
section applies. 310

(ii) If the prison term is imposed for any technical 311
violation of the conditions of a community control sanction 312
imposed for a felony of the fourth degree that is not an offense 313
of violence and is not a sexually oriented offense, the prison 314
term shall not exceed one hundred eighty days, provided that if 315
the remaining period of the community control at the time of the 316
violation or the remaining period of the reserved prison 317
sentence at that time is less than one hundred eighty days, the 318

prison term shall not exceed the length of the remaining period 319
of community control or the remaining period of the reserved 320
prison sentence. If the court imposes a prison term as described 321
in this division, division (B) (2) (b) of this section applies. 322

(iii) A court is not limited in the number of times it may 323
sentence an offender to a prison term under division (B) (1) (c) 324
of this section for a violation of the conditions of a community 325
control sanction or for a violation of a law or leaving the 326
state without the permission of the court or the offender's 327
probation officer. If an offender who is under a community 328
control sanction violates the conditions of the sanction or 329
violates a law or leaves the state without the permission of the 330
court or the offender's probation officer, is sentenced to a 331
prison term for the violation or conduct, is released from the 332
term after serving it, and subsequently violates the conditions 333
of the sanction or violates a law or leaves the state without 334
the permission of the court or the offender's probation officer, 335
the court may impose a new prison term sanction on the offender 336
under division (B) (1) (c) of this section for the subsequent 337
violation or conduct. 338

(2) (a) If an offender was acting pursuant to division (B) 339
(2) (b) of section 2925.11 or a related provision of section 340
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 341
doing violated the conditions of a community control sanction 342
based on a minor drug possession offense, as defined in section 343
2925.11 of the Revised Code, or violated section 2925.12, 344
division (C) (1) of section 2925.14, or section 2925.141 of the 345
Revised Code, the sentencing court shall not impose any of the 346
penalties described in division (B) (1) of this section based on 347
the violation. 348

(b) If a court imposes a prison term on an offender under 349
division (B) (1) (c) (i) or (ii) of this section for a technical 350
violation of the conditions of a community control sanction, one 351
of the following is applicable with respect to the time that the 352
offender spends in prison under the term: 353

(i) Subject to division (B) (2) (b) (ii) of this section, it 354
shall be credited against the offender's community control 355
sanction that was being served at the time of the violation, and 356
the remaining time under that community control sanction shall 357
be reduced by the time that the offender spends in prison under 358
the prison term. By determination of the court, the offender 359
upon release from the prison term either shall continue serving 360
the remaining time under the community control sanction, as 361
reduced under this division, or shall have the community control 362
sanction terminated. 363

(ii) If, at the time a prison term is imposed for a 364
technical violation, the offender was serving a residential 365
community control sanction imposed under section 2929.16 of the 366
Revised Code, the time spent serving the residential community 367
control sanction shall be credited against the offender's 368
reserved prison sentence, and the remaining time under that 369
residential community control sanction and under the reserved 370
prison sentence shall be reduced by the time that the offender 371
spends in prison under the prison term. By determination of the 372
court, the offender upon release from the prison term either 373
shall continue serving the remaining time under the residential 374
community control sanction, as reduced under this division, or 375
shall have the residential community control sanction 376
terminated. 377

(3) The prison term, if any, imposed on a violator 378

pursuant to this division and division (B) (1) of this section 379
shall be within the range of prison terms described in this 380
division and shall not exceed a prison term from the range of 381
terms specified in the notice provided to the offender at the 382
sentencing hearing pursuant to division (B) (4) of section 383
2929.19 of the Revised Code. The court may reduce the longer 384
period of time that the offender is required to spend under the 385
longer sanction, the more restrictive sanction, or a prison term 386
imposed pursuant to division (B) (1) of this section by the time 387
the offender successfully spent under the sanction that was 388
initially imposed. Except as otherwise specified in this 389
division, the prison term imposed under this division and 390
division (B) (1) of this section shall be within the range of 391
prison terms available as a definite term for the offense for 392
which the sanction that was violated was imposed. If the offense 393
for which the sanction that was violated was imposed is a felony 394
of the first or second degree committed on or after March 22, 395
2019, the prison term so imposed under this division shall be 396
within the range of prison terms available as a minimum term for 397
the offense under division (A) (1) (a) or (2) (a) of section 398
2929.14 of the Revised Code. 399

(C) If an offender, for a significant period of time, 400
fulfills the conditions of a sanction imposed pursuant to 401
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 402
exemplary manner, the court may reduce the period of time under 403
the sanction or impose a less restrictive sanction, but the 404
court shall not permit the offender to violate any law or permit 405
the offender to leave the state without the permission of the 406
court or the offender's probation officer. 407

(D) (1) If a court under division (A) (1) of this section 408
imposes a condition of release under a community control 409

sanction that requires the offender to submit to random drug 410
testing, the department of probation, the adult parole 411
authority, or any other entity that has general control and 412
supervision of the offender under division (A) (2) (a) of this 413
section may cause the offender to submit to random drug testing 414
performed by a laboratory or entity that has entered into a 415
contract with any of the governmental entities or officers 416
authorized to enter into a contract with that laboratory or 417
entity under section 341.26, 753.33, or 5120.63 of the Revised 418
Code. 419

(2) If no laboratory or entity described in division (D) 420
(1) of this section has entered into a contract as specified in 421
that division, the department of probation, the adult parole 422
authority, or any other entity that has general control and 423
supervision of the offender under division (A) (2) (a) of this 424
section shall cause the offender to submit to random drug 425
testing performed by a reputable public laboratory to determine 426
whether the individual who is the subject of the drug test 427
ingested or was injected with a drug of abuse. 428

(3) A laboratory or entity that has entered into a 429
contract pursuant to section 341.26, 753.33, or 5120.63 of the 430
Revised Code shall perform the random drug tests under division 431
(D) (1) of this section in accordance with the applicable 432
standards that are included in the terms of that contract. A 433
public laboratory shall perform the random drug tests under 434
division (D) (2) of this section in accordance with the standards 435
set forth in the policies and procedures established by the 436
department of rehabilitation and correction pursuant to section 437
5120.63 of the Revised Code. An offender who is required under 438
division (A) (1) of this section to submit to random drug testing 439
as a condition of release under a community control sanction and 440

whose test results indicate that the offender ingested or was 441
injected with a drug of abuse shall pay the fee for the drug 442
test if the department of probation, the adult parole authority, 443
or any other entity that has general control and supervision of 444
the offender requires payment of a fee. A laboratory or entity 445
that performs the random drug testing on an offender under 446
division (D) (1) or (2) of this section shall transmit the 447
results of the drug test to the appropriate department of 448
probation, the adult parole authority, or any other entity that 449
has general control and supervision of the offender under 450
division (A) (2) (a) of this section. 451

(E) As used in this section, "technical violation" means a 452
violation of the conditions of a community control sanction 453
imposed for a felony of the fifth degree, or for a felony of the 454
fourth degree that is not an offense of violence and is not a 455
sexually oriented offense, and to which neither of the following 456
applies: 457

(1) The violation consists of a new criminal offense that 458
is a felony or that is a misdemeanor other than a minor 459
misdemeanor, and the violation is committed while under the 460
community control sanction. 461

(2) The violation consists of or includes the offender's 462
articulated or demonstrated refusal to participate in the 463
community control sanction imposed on the offender or any of its 464
conditions, and the refusal demonstrates to the court that the 465
offender has abandoned the objects of the community control 466
sanction or condition. 467

(F) A court shall not, under division (A) (1) of this 468
section, impose a condition of release under a community control 469
sanction that requires an offender who has pleaded guilty by 470

entering an Alford plea to otherwise admit guilt for the 471
offense. 472

Sec. 2929.25. (A) (1) Except as provided in sections 473
2929.22 and 2929.23 of the Revised Code or when a jail term is 474
required by law, in sentencing an offender for a misdemeanor, 475
other than a minor misdemeanor, the sentencing court may do 476
either of the following: 477

(a) Directly impose a sentence that consists of one or 478
more community control sanctions authorized by section 2929.26, 479
2929.27, or 2929.28 of the Revised Code. The court may impose 480
any other conditions of release under a community control 481
sanction that the court considers appropriate. If the court 482
imposes a jail term upon the offender, the court may impose any 483
community control sanction or combination of community control 484
sanctions in addition to the jail term. 485

(b) Impose a jail term under section 2929.24 of the 486
Revised Code from the range of jail terms authorized under that 487
section for the offense, suspend all or a portion of the jail 488
term imposed, and place the offender under a community control 489
sanction or combination of community control sanctions 490
authorized under section 2929.26, 2929.27, or 2929.28 of the 491
Revised Code. 492

(2) The duration of all community control sanctions 493
imposed upon an offender and in effect for an offender at any 494
time shall not exceed five years. 495

(3) At sentencing, if a court directly imposes a community 496
control sanction or combination of community control sanctions 497
pursuant to division (A) (1) (a) or (B) of this section, the court 498
shall state the duration of the community control sanctions 499

imposed and shall notify the offender that if any of the 500
conditions of the community control sanctions are violated the 501
court may do any of the following: 502

(a) Impose a longer time under the same community control 503
sanction if the total time under all of the offender's community 504
control sanctions does not exceed the five-year limit specified 505
in division (A) (2) of this section; 506

(b) Impose a more restrictive community control sanction 507
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 508
but the court is not required to impose any particular sanction 509
or sanctions; 510

(c) Impose a definite jail term from the range of jail 511
terms authorized for the offense under section 2929.24 of the 512
Revised Code. 513

(B) If a court sentences an offender to any community 514
control sanction or combination of community control sanctions 515
pursuant to division (A) (1) (a) of this section, the sentencing 516
court retains jurisdiction over the offender and the period of 517
community control for the duration of the period of community 518
control. Upon the motion of either party or on the court's own 519
motion, the court, in the court's sole discretion and as the 520
circumstances warrant, may modify the community control 521
sanctions or conditions of release previously imposed, 522
substitute a community control sanction or condition of release 523
for another community control sanction or condition of release 524
previously imposed, or impose an additional community control 525
sanction or condition of release. 526

(C) (1) If a court sentences an offender to any community 527
control sanction or combination of community control sanctions 528

authorized under section 2929.26, 2929.27, or 2929.28 of the 529
Revised Code, the court shall place the offender under the 530
general control and supervision of the court or of a department 531
of probation in the jurisdiction that serves the court for 532
purposes of reporting to the court a violation of any of the 533
conditions of the sanctions imposed. If the offender resides in 534
another jurisdiction and a department of probation has been 535
established to serve the municipal court or county court in that 536
jurisdiction, the sentencing court may request the municipal 537
court or the county court to receive the offender into the 538
general control and supervision of that department of probation 539
for purposes of reporting to the sentencing court a violation of 540
any of the conditions of the sanctions imposed. The sentencing 541
court retains jurisdiction over any offender whom it sentences 542
for the duration of the sanction or sanctions imposed. 543

(2) The sentencing court shall require as a condition of 544
any community control sanction that the offender abide by the 545
law and not leave the state without the permission of the court 546
or the offender's probation officer. In the interests of doing 547
justice, rehabilitating the offender, and ensuring the 548
offender's good behavior, the court may impose additional 549
requirements on the offender. The offender's compliance with the 550
additional requirements also shall be a condition of the 551
community control sanction imposed upon the offender. 552

(D) (1) If the court imposing sentence upon an offender 553
sentences the offender to any community control sanction or 554
combination of community control sanctions authorized under 555
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 556
the offender violates any of the conditions of the sanctions, 557
the public or private person or entity that supervises or 558
administers the program or activity that comprises the sanction 559

shall report the violation directly to the sentencing court or 560
to the department of probation or probation officer with general 561
control and supervision over the offender. If the public or 562
private person or entity reports the violation to the department 563
of probation or probation officer, the department or officer 564
shall report the violation to the sentencing court. 565

(2) Except as provided in division (D)(3) of this section, 566
if an offender violates any condition of a community control 567
sanction, the sentencing court may impose upon the violator one 568
or more of the following penalties: 569

(a) A longer time under the same community control 570
sanction if the total time under all of the community control 571
sanctions imposed on the violator does not exceed the five-year 572
limit specified in division (A)(2) of this section; 573

(b) A more restrictive community control sanction; 574

(c) A combination of community control sanctions, 575
including a jail term. 576

(3) If an offender was acting pursuant to division (B)(2) 577
(b) of section 2925.11 or a related provision under section 578
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 579
doing violated the conditions of a community control sanction 580
based on a minor drug possession offense, as defined in section 581
2925.11 of the Revised Code, or violated section 2925.12, 582
division (C)(1) of section 2925.14, or section 2925.141 of the 583
Revised Code, the sentencing court shall not impose any of the 584
penalties described in division (D)(2) of this section based on 585
the violation. 586

(4) If the court imposes a jail term upon a violator 587
pursuant to division (D)(2) of this section, the total time 588

spent in jail for the misdemeanor offense and the violation of a 589
condition of the community control sanction shall not exceed the 590
maximum jail term available for the offense for which the 591
sanction that was violated was imposed. The court may reduce the 592
longer period of time that the violator is required to spend 593
under the longer sanction or the more restrictive sanction 594
imposed under division (D) (2) of this section by all or part of 595
the time the violator successfully spent under the sanction that 596
was initially imposed. 597

(E) Except as otherwise provided in this division, if an 598
offender, for a significant period of time, fulfills the 599
conditions of a community control sanction imposed pursuant to 600
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 601
exemplary manner, the court may reduce the period of time under 602
the community control sanction or impose a less restrictive 603
community control sanction. Fulfilling the conditions of a 604
community control sanction does not relieve the offender of a 605
duty to make restitution under section 2929.28 of the Revised 606
Code. 607

(F) A court shall not, under division (A) (1) of this 608
section, impose a condition of release under a community control 609
sanction that requires an offender who has pleaded guilty by 610
entering an Alford plea to otherwise admit guilt for the 611
offense. 612

Section 2. That existing sections 2929.12, 2929.15, and 613
2929.25 of the Revised Code are hereby repealed. 614

Section 3. This act shall be known as the Alford Plea 615
Fairness Act. 616

Section 4. The General Assembly, applying the principle 617

stated in division (B) of section 1.52 of the Revised Code that 618
amendments are to be harmonized if reasonably capable of 619
simultaneous operation, finds that the following sections, 620
presented in this act as composites of the sections as amended 621
by the acts indicated, are the resulting versions of the 622
sections in effect prior to the effective date of the sections 623
as presented in this act: 624

Section 2929.12 of the Revised Code as amended by both 625
H.B. 234 and H.B. 531 of the 135th General Assembly. 626

Section 2929.15 of the Revised Code as amended by H.B. 627
110, H.B. 281, and S.B. 288 all of the 134th General Assembly. 628