

As Introduced

136th General Assembly

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S. B. No. 291

Senators Manning, Reynolds

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iv) "Minor drug possession offense" means a violation of 50
this section that is a misdemeanor or a felony of the fifth 51
degree. 52

(v) "Post-release control sanction" has the same meaning 53
as in section 2967.28 of the Revised Code. 54

(vi) "Peace officer" has the same meaning as in section 55
2935.01 of the Revised Code. 56

(vii) "Public agency" has the same meaning as in section 57
2930.01 of the Revised Code. 58

(viii) "Qualified individual" means a person who is acting 59
in good faith who seeks or obtains medical assistance for 60
another person who is experiencing a drug overdose, a person who 61
experiences a drug overdose and who seeks medical assistance for 62
that overdose, or a person who is the subject of another person 63
seeking or obtaining medical assistance for that overdose as 64
described in division (B) (2) (b) of this section. 65

(ix) "Seek or obtain medical assistance" includes, but is 66
not limited to making a 9-1-1 call, contacting in person or by 67
telephone call an on-duty peace officer, or transporting or 68
presenting a person to a health care facility. 69

(b) Subject to division (B) (2) (e) of this section, a 70
qualified individual shall not be arrested, charged, prosecuted, 71
convicted, or penalized pursuant to this chapter for a minor 72
drug possession offense or a violation of section 2925.12, 73
division (C) (1) of section 2925.14, or section 2925.141 of the 74
Revised Code if all of the following apply: 75

(i) The evidence of the obtaining, possession, or use of 76
the controlled substance or controlled substance analog, drug 77
abuse instruments, or drug paraphernalia that would be the basis 78

of the offense was obtained as a result of the qualified 79
individual seeking the medical assistance or experiencing an 80
overdose and needing medical assistance. 81

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

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

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

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

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

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

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

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

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

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

requirements of 42 C.F.R. Part 2. 138

(C) Whoever violates division (A) of this section is 139
guilty of one of the following: 140

(1) If the drug involved in the violation is a compound, 141
mixture, preparation, or substance included in schedule I or II, 142
with the exception of marihuana, cocaine, L.S.D., heroin, any 143
fentanyl-related compound, hashish, and any controlled substance 144
analog, whoever violates division (A) of this section is guilty 145
of aggravated possession of drugs. The penalty for the offense 146
shall be determined as follows: 147

(a) Except as otherwise provided in division (C) (1) (b), 148
(c), (d), or (e) of this section, aggravated possession of drugs 149
is a felony of the fifth degree, and division (B) of section 150
2929.13 of the Revised Code applies in determining whether to 151
impose a prison term on the offender. 152

(b) If the amount of the drug involved equals or exceeds 153
the bulk amount but is less than five times the bulk amount, 154
aggravated possession of drugs is a felony of the third degree, 155
and there is a presumption for a prison term for the offense. 156

(c) If the amount of the drug involved equals or exceeds 157
five times the bulk amount but is less than fifty times the bulk 158
amount, aggravated possession of drugs is a felony of the second 159
degree, and the court shall impose as a mandatory prison term a 160
second degree felony mandatory prison term. 161

(d) If the amount of the drug involved equals or exceeds 162
fifty times the bulk amount but is less than one hundred times 163
the bulk amount, aggravated possession of drugs is a felony of 164
the first degree, and the court shall impose as a mandatory 165
prison term a first degree felony mandatory prison term. 166

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

fourth degree. 371

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) A controlled substance; 606

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

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

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

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

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

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

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

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

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

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

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

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

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

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

with the court. If a court imposes treatment and recovery 761
support services as a community control sanction, the court 762
shall direct the level and type of treatment and recovery 763
support services after consideration of the written assessment, 764
if available at the time of sentencing, and recommendations of 765
the professional and other treatment and recovery support 766
services providers. 767

(4) If an assessment completed pursuant to division (A) (3) 768
of this section indicates that the offender has an addiction to 769
drugs or alcohol, the court may include in any community control 770
sanction imposed for a violation of section 2925.02, 2925.03, 771
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 772
2925.36, or 2925.37 of the Revised Code a requirement that the 773
offender participate in alcohol and drug addiction services and 774
recovery supports certified under section 5119.36 of the Revised 775
Code or offered by a properly credentialed community addiction 776
services provider. 777

(B) (1) Except as provided in division ~~(B) (2)~~ (B) (3) of this 778
section, if the conditions of a community control sanction 779
imposed for a felony are violated or if the offender violates a 780
law or leaves the state without the permission of the court or 781
the offender's probation officer, the sentencing court may 782
impose on the violator one or more of the following penalties: 783

(a) A-Subject to division (B) (1) (g) of this section, a 784
longer time under the same sanction if the total time under the 785
sanctions does not exceed ~~the five-year limit specified in~~ 786
~~division (A) of this section~~ the applicable limit in division (A) 787
of this section; 788

(b) A-Subject to division (B) (1) (g) of this section, a 789
more restrictive sanction under section 2929.16, 2929.17, or 790

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

(c) A-If the offender is serving the community control
sanction for any felony of the third, fourth, or fifth degree,
and subject to divisions (B) (1) (f) and (g) of this section, a
term of not more than one year under the same sanction if the
total time under the sanction does not exceed five years, and if
the court finds all of the following:

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

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

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

(d) If the offender is serving the community control
sanction for any felony of the third, fourth, or fifth degree,
and subject to divisions (B) (1) (f) and (g) of this section, a
term of not more than one year under the same sanction if the
total time under the sanction does not exceed five years and the
court conducts a hearing and finds either of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) (1) Within sixty days after an offender completes two 1024
years of the conditions of a sanction imposed pursuant to 1025
section 2929.16, 2929.17, or 2929.18 of the Revised Code the 1026
court shall determine whether the following apply: 1027

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

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

(c) The offender has completed all programs required as a 1033
condition of the community control sanction or, if applicable, 1034
the offender has successfully earned a qualifying diploma, 1035
degree, or license. 1036

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

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

(E) (1) If a court under division (A) (1) of this section 1058
imposes a condition of release under a community control 1059
sanction that requires the offender to submit to random drug 1060
testing, the department of probation, the adult parole 1061
authority, or any other entity that has general control and 1062
supervision of the offender under division (A) (2) (a) of this 1063
section may cause the offender to submit to random drug testing 1064
performed by a laboratory or entity that has entered into a 1065
contract with any of the governmental entities or officers 1066
authorized to enter into a contract with that laboratory or 1067
entity under section 341.26, 753.33, or 5120.63 of the Revised 1068
Code. 1069

(2) If no laboratory or entity described in division ~~(D)~~ 1070
~~(1)~~ (E) (1) of this section has entered into a contract as 1071
specified in that division, the department of probation, the 1072
adult parole authority, or any other entity that has general 1073
control and supervision of the offender under division (A) (2) (a) 1074
of this section shall cause the offender to submit to random 1075
drug testing performed by a reputable public laboratory to 1076
determine whether the individual who is the subject of the drug 1077
test ingested or was injected with a drug of abuse. 1078

(3) A laboratory or entity that has entered into a 1079
contract pursuant to section 341.26, 753.33, or 5120.63 of the 1080
Revised Code shall perform the random drug tests under division 1081
~~(D) (1)~~ (E) (1) of this section in accordance with the applicable 1082
standards that are included in the terms of that contract. A 1083
public laboratory shall perform the random drug tests under 1084
division ~~(D) (2)~~ (E) (2) of this section in accordance with the 1085
standards set forth in the policies and procedures established 1086
by the department of rehabilitation and correction pursuant to 1087
section 5120.63 of the Revised Code. An offender who is required 1088

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

~~(E)~~ (F) As used in this section, "technical violation" 1102
means a violation of the conditions of a community control 1103
sanction imposed for a felony ~~of the fifth degree, or for a~~ 1104
~~felony of the fourth degree that is not an offense of violence~~ 1105
~~and is not a sexually oriented offense,~~ and to which neither of 1106
the following applies: 1107

(1) The violation consists of a new criminal offense that 1108
is a felony or that is a misdemeanor other than a minor 1109
misdemeanor, and the violation is committed while under the 1110
community control sanction. 1111

(2) The violation consists of or includes the offender's 1112
articulated or demonstrated refusal to participate in the 1113
community control sanction imposed on the offender or any of its 1114
conditions, and the refusal demonstrates to the court that the 1115
offender has abandoned the objects of the community control 1116
sanction or condition. 1117

Sec. 2929.20. (A) As used in this section: 1118

(1) (a) Except as provided in division (A) (1) (b) of this 1119
section, "eligible offender" means any person who, on or after 1120
April 7, 2009, is serving a stated prison term that includes one 1121
or more nonmandatory prison terms. A person may be an eligible 1122
offender and also may be an eighty per cent-qualifying offender 1123
or, during a declared state of emergency, a state of emergency- 1124
qualifying offender. 1125

(b) "Eligible offender" does not include any person who, 1126
on or after April 7, 2009, is serving a stated prison term for 1127
any of the following criminal offenses that was a felony and was 1128
committed while the person held a public office in this state: 1129

(i) A violation of section 2921.02, 2921.03, 2921.05, 1130
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 1131
Code; 1132

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 1133
2921.12 of the Revised Code, when the conduct constituting the 1134
violation was related to the duties of the offender's public 1135
office or to the offender's actions as a public official holding 1136
that public office; 1137

(iii) A violation of an existing or former municipal 1138
ordinance or law of this or any other state or the United States 1139
that is substantially equivalent to any violation listed in 1140
division (A) (1) (b) (i) of this section; 1141

(iv) A violation of an existing or former municipal 1142
ordinance or law of this or any other state or the United States 1143
that is substantially equivalent to any violation listed in 1144
division (A) (1) (b) (ii) of this section, when the conduct 1145
constituting the violation was related to the duties of the 1146
offender's public office or to the offender's actions as a 1147

public official holding that public office; 1148

(v) A conspiracy to commit, attempt to commit, or 1149
complicity in committing any offense listed in division (A) (1) 1150
(b) (i) or described in division (A) (1) (b) (iii) of this section; 1151

(vi) A conspiracy to commit, attempt to commit, or 1152
complicity in committing any offense listed in division (A) (1) 1153
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 1154
if the conduct constituting the offense that was the subject of 1155
the conspiracy, that would have constituted the offense 1156
attempted, or constituting the offense in which the offender was 1157
complicit was or would have been related to the duties of the 1158
offender's public office or to the offender's actions as a 1159
public official holding that public office. 1160

(2) "State of emergency-qualifying offender" means any 1161
inmate to whom all of the following apply: 1162

(a) The inmate is serving a stated prison term during a 1163
state of emergency that is declared by the governor as a direct 1164
response to a pandemic or public health emergency. 1165

(b) The geographical area covered by the declared state of 1166
emergency includes the location at which the inmate is serving 1167
the stated prison term described in division (A) (2) (a) of this 1168
section. 1169

(c) There is a direct nexus between the emergency that is 1170
the basis of the governor's declaration of the state of 1171
emergency and the circumstances of, and need for release of, the 1172
inmate. 1173

(3) (a) "Eighty per cent-qualifying offender" means an 1174
offender who is serving a stated prison term of one year or 1175
more, on or after April 4, 2023, who has commenced service of 1176

that stated prison term, who is not serving a stated prison term 1177
that includes a disqualifying prison term or a stated prison 1178
term that consists solely of one or more restricting prison 1179
terms, and to whom either of the following applies: 1180

(i) If the offender is serving a stated prison term of one 1181
year or more that includes one or more restricting prison terms 1182
and one or more eligible prison terms, the offender has fully 1183
served all restricting prison terms and has served eighty per 1184
cent of that stated prison term that remains to be served after 1185
all restricting prison terms have been fully served. 1186

(ii) If the offender is serving a stated prison term of 1187
one year or more that consists solely of one or more eligible 1188
prison terms, the offender has served eighty per cent of that 1189
stated prison term. 1190

(b) For purposes of determining whether an offender is an 1191
eighty per cent-qualifying offender under division (A) (3) (a) of 1192
this section: 1193

(i) If the offender's stated prison term includes 1194
consecutive prison terms, any restricting prison terms shall be 1195
deemed served prior to any eligible prison terms that run 1196
consecutively to the restricting prison terms, and the eligible 1197
prison terms are deemed to commence after all of the restricting 1198
prison terms have been fully served. 1199

(ii) An offender serving a stated prison term of one year 1200
or more that includes a mandatory prison term that is not a 1201
disqualifying prison term and is not a restricting prison term 1202
is not automatically disqualified from being an eighty per cent- 1203
qualifying offender as a result of the offender's service of 1204
that mandatory term for release from prison under this section, 1205

and the offender may be eligible for release from prison in 1206
accordance with this division and division (O) of this section. 1207

(4) "Nonmandatory prison term" means a prison term that is 1208
not a mandatory prison term. 1209

(5) "Public office" means any elected federal, state, or 1210
local government office in this state. 1211

(6) "Victim's representative" has the same meaning as in 1212
section 2930.01 of the Revised Code. 1213

(7) "Imminent danger of death," "medically incapacitated," 1214
and "terminal illness" have the same meanings as in section 1215
2967.05 of the Revised Code. 1216

(8) "Aggregated nonmandatory prison term or terms" means 1217
the aggregate of the following: 1218

(a) All nonmandatory definite prison terms; 1219

(b) With respect to any non-life felony indefinite prison 1220
term, all nonmandatory minimum prison terms imposed as part of 1221
the non-life felony indefinite prison term or terms. 1222

(9) "Deadly weapon" and "dangerous ordnance" have the same 1223
meanings as in section 2923.11 of the Revised Code. 1224

(10) "Disqualifying prison term" means any of the 1225
following: 1226

(a) A prison term imposed for aggravated murder, murder, 1227
voluntary manslaughter, involuntary manslaughter, felonious 1228
assault, kidnapping, rape, aggravated arson, aggravated 1229
burglary, or aggravated robbery; 1230

(b) A prison term imposed for complicity in, an attempt to 1231
commit, or conspiracy to commit any offense listed in division 1232

(A) (10) (a) of this section; 1233

(c) A prison term of life imprisonment, including any term 1234
of life imprisonment that has parole eligibility; 1235

(d) A prison term imposed for any felony other than 1236
carrying a concealed weapon an essential element of which is any 1237
conduct or failure to act expressly involving any deadly weapon 1238
or dangerous ordnance; 1239

(e) A prison term imposed for any violation of section 1240
2925.03 of the Revised Code that is a felony of the first or 1241
second degree; 1242

(f) A prison term imposed for engaging in a pattern of 1243
corrupt activity in violation of section 2923.32 of the Revised 1244
Code; 1245

(g) A prison term imposed pursuant to section 2971.03 of 1246
the Revised Code; 1247

(h) A prison term imposed for any sexually oriented 1248
offense. 1249

(11) "Eligible prison term" means any prison term that is 1250
not a disqualifying prison term and is not a restricting prison 1251
term. 1252

(12) "Restricting prison term" means any of the following: 1253

(a) A mandatory prison term imposed under division (B) (1) 1254
(a), (B) (1) (c), (B) (1) (f), (B) (1) (g), (B) (2), or (B) (7) of 1255
section 2929.14 of the Revised Code for a specification of the 1256
type described in that division; 1257

(b) In the case of an offender who has been sentenced to a 1258
mandatory prison term for a specification of the type described 1259

in division (A) (12) (a) of this section, the prison term imposed 1260
for the felony offense for which the specification was stated at 1261
the end of the body of the indictment, count in the indictment, 1262
or information charging the offense; 1263

(c) A prison term imposed for trafficking in persons; 1264

(d) A prison term imposed for any offense that is 1265
described in division (A) (12) (d) (i) of this section if division 1266
(A) (12) (d) (ii) of this section applies to the offender: 1267

(i) The offense is a felony of the first or second degree 1268
that is an offense of violence and that is not described in 1269
division (A) (10) (a) or (b) of this section, an attempt to commit 1270
a felony of the first or second degree that is an offense of 1271
violence and that is not described in division (A) (10) (a) or (b) 1272
of this section if the attempt is a felony of the first or 1273
second degree, or an offense under an existing or former law of 1274
this state, another state, or the United States that is or was 1275
substantially equivalent to any other offense described in this 1276
division. 1277

(ii) The offender previously was convicted of or pleaded 1278
guilty to any offense listed in division (A) (10) or (A) (12) (d) 1279
(i) of this section. 1280

(13) "Sexually oriented offense" has the same meaning as 1281
in section 2950.01 of the Revised Code. 1282

(14) "Stated prison term of one year or more" means a 1283
definite prison term of one year or more imposed as a stated 1284
prison term, or a minimum prison term of one year or more 1285
imposed as part of a stated prison term that is a non-life 1286
felony indefinite prison term. 1287

(B) On the motion of an eligible offender, on the motion 1288

of a state of emergency-qualifying offender made during the 1289
declared state of emergency, or on its own motion with respect 1290
to an eligible offender or with respect to a state of emergency- 1291
qualifying offender during the declared state of emergency, the 1292
sentencing court may reduce the offender's aggregated 1293
nonmandatory prison term or terms through a judicial release 1294
under this section. 1295

(C) (1) Subject to division (C) (2) of this section, an 1296
eligible offender may file a motion for judicial release with 1297
the sentencing court, or a state of emergency-qualifying 1298
offender may file a motion for judicial release with the 1299
sentencing court during the declared state of emergency, within 1300
the following applicable periods: 1301

(a) If the aggregated nonmandatory prison term or terms is 1302
less than two years, the eligible offender or state of 1303
emergency-qualifying offender may file the motion at any time 1304
after the offender is delivered to a state correctional 1305
institution or, if the prison term includes a mandatory prison 1306
term or terms, at any time after the expiration of all mandatory 1307
prison terms. 1308

(b) If the aggregated nonmandatory prison term or terms is 1309
at least two years but less than five years, the eligible 1310
offender or state of emergency-qualifying offender may file the 1311
motion not earlier than one hundred eighty days after the 1312
offender is delivered to a state correctional institution or, if 1313
the prison term includes a mandatory prison term or terms, not 1314
earlier than one hundred eighty days after the expiration of all 1315
mandatory prison terms. 1316

(c) If the aggregated nonmandatory prison term or terms is 1317
five years, the eligible offender or state of emergency- 1318

qualifying offender may file the motion not earlier than the 1319
date on which the offender has served four years of the 1320
offender's stated prison term or, if the prison term includes a 1321
mandatory prison term or terms, not earlier than four years 1322
after the expiration of all mandatory prison terms. 1323

(d) If the aggregated nonmandatory prison term or terms is 1324
more than five years but not more than ten years, the eligible 1325
offender or state of emergency-qualifying offender may file the 1326
motion not earlier than the date on which the offender has 1327
served five years of the offender's stated prison term or, if 1328
the prison term includes a mandatory prison term or terms, not 1329
earlier than five years after the expiration of all mandatory 1330
prison terms. 1331

(e) If the aggregated nonmandatory prison term or terms is 1332
more than ten years, the eligible offender or state of 1333
emergency-qualifying offender may file the motion not earlier 1334
than the later of the date on which the offender has served one- 1335
half of the offender's stated prison term or the date specified 1336
in division (C) (1) (d) of this section. 1337

(f) With respect to a state of emergency-qualifying 1338
offender, if the offender's prison term does not include a 1339
mandatory prison term or terms, or if the offender's prison term 1340
includes one or more mandatory prison terms and the offender has 1341
completed the mandatory prison term or terms, the state of 1342
emergency-qualifying offender may file the motion at any time 1343
during the offender's aggregated nonmandatory prison term or 1344
terms, provided that time also is during the declared state of 1345
emergency. 1346

(2) During any single declared state of emergency, a state 1347
of emergency-qualifying offender may only file a motion for 1348

judicial release as a state of emergency-qualifying offender 1349
with the sentencing court during that declared state of 1350
emergency once every six months. 1351

(D) (1) (a) Upon receipt of a timely motion for judicial 1352
release filed by an eligible offender or a state of emergency- 1353
qualifying offender under division (C) of this section, or upon 1354
the sentencing court's own motion made within the appropriate 1355
time specified in that division, the court may deny the motion 1356
without a hearing or schedule a hearing on the motion. The court 1357
may grant the motion without a hearing for an offender under 1358
consideration for judicial release as a state of emergency- 1359
qualifying offender, but the court shall not grant the motion 1360
without a hearing for an offender under consideration as an 1361
eligible offender. If a court denies a motion without a hearing, 1362
the court later may consider judicial release for that eligible 1363
offender or that state of emergency-qualifying offender on a 1364
subsequent motion. For an offender under consideration for 1365
judicial release as an eligible offender, but not for one under 1366
consideration as a state of emergency-qualifying offender, the 1367
court may deny the motion with prejudice. If a court denies a 1368
motion with prejudice, the court may later consider judicial 1369
release on its own motion. For an offender under consideration 1370
for judicial release as a state of emergency-qualifying 1371
offender, the court shall not deny a motion with prejudice. For 1372
an offender under consideration for judicial release as an 1373
eligible offender, but not for one under consideration as a 1374
state of emergency-qualifying offender, if a court denies a 1375
motion after a hearing, the court shall not consider a 1376
subsequent motion for that offender based on the offender's 1377
classification as an eligible offender. The court may hold 1378
multiple hearings for any offender under consideration for 1379

judicial release as a state of emergency-qualifying offender, 1380
but shall hold only one hearing for any offender under 1381
consideration as an eligible offender. 1382

(b) If an offender is under consideration for judicial 1383
release as an eligible offender and the motion is denied, and if 1384
the offender at that time also is or subsequently becomes a 1385
state of emergency-qualifying offender, the denial does not 1386
limit or affect any right of the offender to file a motion under 1387
this section for consideration for judicial release as a state 1388
of emergency-qualifying offender or for the court on its own 1389
motion to consider the offender for judicial release as a state 1390
of emergency-qualifying offender. 1391

If an offender is under consideration for judicial release 1392
as a state of emergency-qualifying offender and the motion is 1393
denied, and if the offender at that time also is or subsequently 1394
becomes an eligible offender, the denial does not limit or 1395
affect any right of the offender to file a motion under this 1396
section for consideration for judicial release as an eligible 1397
offender or for the court on its own motion to consider the 1398
offender for judicial release as an eligible offender. 1399

(2) (a) With respect to a motion for judicial release filed 1400
by an offender as an eligible offender or made by the court on 1401
its own motion for an offender as an eligible offender, a 1402
hearing under this section shall be conducted in open court not 1403
less than thirty or more than sixty days after the motion is 1404
filed, provided that the court may delay the hearing for one 1405
hundred eighty additional days. If the court holds a hearing, 1406
the court shall enter a ruling on the motion within ten days 1407
after the hearing. If the court denies the motion without a 1408
hearing, the court shall enter its ruling on the motion within 1409

sixty days after the motion is filed. 1410

(b) With respect to a motion for judicial release filed by 1411
an offender as a state of emergency-qualifying offender or made 1412
by the court on its own motion for an offender as a state of 1413
emergency-qualifying offender, the court shall notify the 1414
prosecuting attorney of the county in which the offender was 1415
indicted and may order the prosecuting attorney to respond to 1416
the motion in writing within ten days. The prosecuting attorney 1417
shall notify the victim pursuant to the Ohio Constitution. The 1418
prosecuting attorney shall include in the response any statement 1419
that the victim wants to be represented to the court. The court 1420
shall consider any response from the prosecuting attorney and 1421
any statement from the victim in its ruling on the motion. After 1422
receiving the response from the prosecuting attorney, the court 1423
either shall order a hearing consistent with divisions (E) to 1424
(I) of this section as soon as possible, or shall enter its 1425
ruling on the motion for judicial release as soon as possible. 1426
If the court conducts a hearing, the hearing shall be conducted 1427
in open court or by a virtual, telephonic, or other form of 1428
remote hearing. If the court holds a hearing, the court shall 1429
enter a ruling on the motion within ten days after the hearing. 1430
If the court denies the motion without a hearing, the court 1431
shall enter its ruling on the motion within ten days after the 1432
motion is filed or after it receives the response from the 1433
prosecuting attorney. 1434

(E) If a court schedules a hearing under divisions (D) (1) 1435
and (2) (a) of this section or under divisions (D) (1) and (2) (b) 1436
of this section, the court shall notify the subject eligible 1437
offender or state of emergency-qualifying offender and the head 1438
of the state correctional institution in which that subject 1439
offender is confined prior to the hearing. The head of the state 1440

correctional institution immediately shall notify the 1441
appropriate person at the department of rehabilitation and 1442
correction of the hearing, and the department within twenty-four 1443
hours after receipt of the notice, shall post on the database it 1444
maintains pursuant to section 5120.66 of the Revised Code the 1445
subject offender's name and all of the information specified in 1446
division (A)(1)(c)(i) of that section. If the court schedules a 1447
hearing for judicial release, the court promptly shall give 1448
notice of the hearing to the prosecuting attorney of the county 1449
in which the subject eligible offender or state of emergency- 1450
qualifying offender was indicted. Upon receipt of the notice 1451
from the court, the prosecuting attorney shall do whichever of 1452
the following is applicable: 1453

(1) Subject to division (E)(2) of this section, notify the 1454
victim of the offense and the victim's representative, if 1455
applicable, pursuant to the Ohio Constitution and division (B) 1456
of section 2930.16 of the Revised Code; 1457

(2) If the offense was an offense of violence that is a 1458
felony of the first, second, or third degree, except as 1459
otherwise provided in this division, pursuant to the Ohio 1460
Constitution, notify the victim and the victim's representative, 1461
if applicable, of the hearing regardless of whether the victim 1462
or victim's representative has requested the notification. 1463
Except when notice to the victim is required under the Ohio 1464
Constitution, the notice of the hearing shall not be given under 1465
this division to a victim or victim's representative if the 1466
victim or victim's representative has requested pursuant to 1467
division (B)(2) of section 2930.03 of the Revised Code that the 1468
victim or the victim's representative not be provided the 1469
notice. If notice is to be provided to a victim or victim's 1470
representative under this division, the prosecuting attorney may 1471

give the notice by any reasonable means, including regular mail, 1472
telephone, and electronic mail, in accordance with division (D) 1473
(1) of section 2930.16 of the Revised Code. If the notice is 1474
based on an offense committed prior to March 22, 2013, the 1475
notice also shall include the opt-out information described in 1476
division (D)(1) of section 2930.16 of the Revised Code. The 1477
prosecuting attorney, in accordance with division (D)(2) of 1478
section 2930.16 of the Revised Code, shall keep a record of all 1479
attempts to provide the notice, and of all notices provided, 1480
under this division. Division (E)(2) of this section, and the 1481
notice-related provisions of division (K) of this section, 1482
division (D)(1) of section 2930.16, division (H) of section 1483
2967.12, division (E)(1)(b) of section 2967.19 as it existed 1484
prior to April 4, 2023, division (A)(3)(b) of section 2967.26, 1485
division (D)(1) of section 2967.28, and division (A)(2) of 1486
section 5149.101 of the Revised Code enacted in the act in which 1487
division (E)(2) of this section was enacted, shall be known as 1488
"Roberta's Law." 1489

(F) Upon an offender's successful completion of 1490
rehabilitative activities, the head of the state correctional 1491
institution may notify the sentencing court of the successful 1492
completion of the activities. 1493

(G) Prior to the date of the hearing on a motion for 1494
judicial release made by an eligible offender, by a state of 1495
emergency-qualifying offender, or by a court on its own under 1496
this section, the head of the state correctional institution in 1497
which the subject offender is confined shall send to the court 1498
an institutional summary report on the offender's conduct in the 1499
institution and in any institution from which the offender may 1500
have been transferred. Upon the request of the prosecuting 1501
attorney of the county in which the subject offender was 1502

indicted or of any law enforcement agency, the head of the state 1503
correctional institution, at the same time the person sends the 1504
institutional summary report to the court, also shall send a 1505
copy of the report to the requesting prosecuting attorney and 1506
law enforcement agencies. The institutional summary report shall 1507
cover the subject offender's participation in school, vocational 1508
training, work, treatment, and other rehabilitative activities 1509
and any disciplinary action taken against the subject offender. 1510
The report shall be made part of the record of the hearing. A 1511
presentence investigation report is not required for judicial 1512
release. 1513

(H) If the court grants a hearing on a motion for judicial 1514
release made by an eligible offender, by a state of emergency- 1515
qualifying offender, or by a court on its own under this 1516
section, the subject offender shall attend the hearing if 1517
ordered to do so by the court. Upon receipt of a copy of the 1518
journal entry containing the order, the head of the state 1519
correctional institution in which the subject offender is 1520
incarcerated shall deliver the subject offender to the sheriff 1521
of the county in which the hearing is to be held. The sheriff 1522
shall convey the subject offender to and from the hearing. 1523

(I) At the hearing on a motion for judicial release under 1524
this section made by an eligible offender, by a state of 1525
emergency-qualifying offender, or by a court on its own, the 1526
court shall afford the subject offender and the offender's 1527
attorney an opportunity to present written and, if present, oral 1528
information relevant to the motion. The court shall afford a 1529
similar opportunity to the prosecuting attorney, the victim, the 1530
victim's representative, the victim's attorney, if applicable, 1531
and any other person the court determines is likely to present 1532
additional relevant information. The court shall consider any 1533

oral or written statement of a victim, victim's representative, 1534
and victim's attorney, if applicable, made pursuant to section 1535
2930.14 or 2930.17 of the Revised Code, any victim impact 1536
statement prepared pursuant to section 2947.051 of the Revised 1537
Code, and any report made under division (G) of this section. 1538
The court may consider any written statement of any person 1539
submitted to the court pursuant to division (L) of this section. 1540

If the motion alleges that the offender who is the subject 1541
of the motion is an eligible offender and the court makes an 1542
initial determination that the offender satisfies the criteria 1543
for being an eligible offender, or if the motion alleges that 1544
the offender who is the subject of the motion is a state of 1545
emergency-qualifying offender and the court makes an initial 1546
determination that the offender satisfies the criteria for being 1547
a state of emergency-qualifying offender, the court shall 1548
determine whether to grant the motion. After ruling on the 1549
motion, the court shall notify the prosecuting attorney of the 1550
county in which the eligible offender or state of emergency- 1551
qualifying offender was indicted of the ruling, and the 1552
prosecuting attorney shall notify the victim and the victim's 1553
representative of the ruling in accordance with sections 2930.03 1554
and 2930.16 of the Revised Code or, if the court granted the 1555
motion, in accordance with division (K) of this section. 1556

(J) (1) A court shall not grant a judicial release under 1557
this section to an offender who is imprisoned for a felony of 1558
the first or second degree and who is under consideration as an 1559
eligible offender, or to an offender who committed an offense 1560
under Chapter 2925. or 3719. of the Revised Code, who is under 1561
consideration as an eligible offender, and for whom there was a 1562
presumption under section 2929.13 of the Revised Code in favor 1563
of a prison term, unless the court, with reference to factors 1564

under section 2929.12 of the Revised Code, finds both of the 1565
following: 1566

(a) That a sanction other than a prison term would 1567
adequately punish the offender and protect the public from 1568
future criminal violations by the offender because the 1569
applicable factors indicating a lesser likelihood of recidivism 1570
outweigh the applicable factors indicating a greater likelihood 1571
of recidivism; 1572

(b) That a sanction other than a prison term would not 1573
demean the seriousness of the offense because factors indicating 1574
that the offender's conduct in committing the offense was less 1575
serious than conduct normally constituting the offense outweigh 1576
factors indicating that the eligible offender's conduct was more 1577
serious than conduct normally constituting the offense. 1578

(2) A court that grants a judicial release under division 1579
(J) (1) of this section to an offender who is under consideration 1580
as an eligible offender shall specify on the record both 1581
findings required in that division and also shall list all the 1582
factors described in that division that were presented at the 1583
hearing. 1584

(3) (a) Subject to division (J) (3) (b) of this section, a 1585
court shall grant a judicial release under this section to an 1586
offender who is under consideration as a state of emergency- 1587
qualifying offender if the court determines that the risks posed 1588
by incarceration to the health and safety of the offender, 1589
because of the nature of the declared state of emergency, 1590
outweigh the risk to public safety if the offender were to be 1591
released from incarceration. 1592

(b) A court shall not grant a judicial release under this 1593

section to an offender who is imprisoned for a felony of the 1594
first or second degree and is under consideration for judicial 1595
release as a state of emergency-qualifying offender unless the 1596
court, with reference to the factors specified under section 1597
2929.12 of the Revised Code, finds both of the criteria set 1598
forth in divisions (J)(1)(a) and (b) of this section. 1599

~~(K)~~ (K) (1) If the court grants a motion for judicial 1600
release under this section, the court shall order the release of 1601
the eligible offender or state of emergency-qualifying offender, 1602
shall place the offender under an appropriate community control 1603
sanction, under appropriate conditions, and under the 1604
supervision of the department of probation serving the court and 1605
shall reserve the right to reimpose the sentence that it reduced 1606
if the offender violates the sanction. If the court reimposes 1607
the reduced sentence, it may do so either concurrently with, or 1608
consecutive to, any new sentence imposed on the eligible 1609
offender or state of emergency-qualifying offender as a result 1610
of the violation that is a new offense. Except as provided in 1611
division (N)(5)(b) of this section and divisions (B)(1)(c) to 1612
(e) of section 2929.15 of the Revised Code, the period of 1613
community control shall be no longer than five years if the most 1614
serious offense from which the judicial release is granted is a 1615
felony of the first or second degree and no longer than three 1616
years if the most serious offense from which judicial release is 1617
granted is a felony of the third, fourth, or fifth degree. The 1618
court, in its discretion, may reduce the period of community 1619
control by the amount of time the offender spent in jail or 1620
prison for the offense and in prison. If the court made any 1621
findings pursuant to division (J)(1) of this section, the court 1622
shall serve a copy of the findings upon counsel for the parties 1623
within fifteen days after the date on which the court grants the 1624

motion for judicial release.

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(2) If the court grants a motion for judicial release, the court shall notify the appropriate person at the department of rehabilitation and correction, and the department shall post notice of the release on the database it maintains pursuant to section 5120.66 of the Revised Code. The court also shall notify the prosecuting attorney of the county in which the eligible offender or state of emergency-qualifying offender was indicted that the motion has been granted. When notice to the victim is required under the Ohio Constitution, the prosecuting attorney shall notify the victim and the victim's representative, if applicable, of the judicial release. In all other cases, unless the victim or the victim's representative has requested pursuant to division (B) (2) of section 2930.03 of the Revised Code that the victim or victim's representative not be provided the notice, the prosecuting attorney shall notify the victim and the victim's representative, if applicable, of the judicial release in any manner, and in accordance with the same procedures, pursuant to which the prosecuting attorney is authorized to provide notice of the hearing pursuant to division (E) (2) of this section. If the notice is based on an offense committed prior to March 22, 2013, the notice to the victim or victim's representative also shall include the opt-out information described in division (D) (1) of section 2930.16 of the Revised Code.

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(L) In addition to and independent of the right of a victim to make a statement pursuant to section 2930.14, 2930.17, or 2946.051 of the Revised Code and any right of a person to present written information or make a statement pursuant to division (I) of this section, any person may submit to the court, at any time prior to the hearing on the motion for

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judicial release of the eligible offender or state of emergency- 1656
qualifying offender, a written statement concerning the effects 1657
of the offender's criminal offense, the circumstances 1658
surrounding the criminal offense, the manner in which the 1659
criminal offense was perpetrated, and the person's opinion as to 1660
whether the offender should be released. 1661

(M) (1) The changes to this section that are made on 1662
September 30, 2011, apply to any judicial release decision made 1663
on or after September 30, 2011, for any eligible offender, 1664
subject to division (M) (2) of this section. 1665

(2) The changes to this section that are made on April 4, 1666
2023, apply to any judicial release application, and any 1667
judicial release decision, made on or after April 4, 2023, for 1668
any eligible offender or state of emergency-qualifying offender. 1669

(N) (1) Notwithstanding the eligibility requirements 1670
specified in divisions (A) (1) and (2) of this section and the 1671
filing time frames specified in division (C) of this section and 1672
notwithstanding the findings required under division (J) (1) and 1673
the eligibility criteria specified in division (J) (3) of this 1674
section, the sentencing court, upon the court's own motion and 1675
after considering whether the release of the offender into 1676
society would create undue risk to public safety, may grant a 1677
judicial release to an offender who is not serving a life 1678
sentence at any time during the offender's imposed sentence when 1679
the director of rehabilitation and correction certifies to the 1680
sentencing court through the chief medical officer for the 1681
department of rehabilitation and correction that the offender is 1682
in imminent danger of death, is medically incapacitated, or has 1683
a terminal illness. 1684

(2) The director of rehabilitation and correction shall 1685

not certify any offender under division (N)(1) of this section 1686
who is serving a death sentence. 1687

(3) A motion made by the court under division (N)(1) of 1688
this section is subject to the notice, hearing, and other 1689
procedural requirements specified in divisions (D), (E), (G), 1690
(H), (I), (K), and (L) of this section with respect to motions 1691
for a grant of judicial release to eligible offenders, including 1692
notice to the victim, except for the following: 1693

(a) The court may waive the offender's appearance at any 1694
hearing scheduled by the court if the offender's condition makes 1695
it impossible for the offender to participate meaningfully in 1696
the proceeding. 1697

(b) The court may grant the motion without a hearing, 1698
provided that the prosecuting attorney, victim, and victim's 1699
representative, if applicable, to whom notice of the hearing was 1700
provided under division (E) of this section indicate that they 1701
do not wish to participate in the hearing or present information 1702
relevant to the motion. 1703

(4) The court may request health care records from the 1704
department of rehabilitation and correction to verify the 1705
certification made under division (N)(1) of this section. 1706

(5)(a) If the court grants judicial release under division 1707
(N)(1) of this section, the court shall do all of the following: 1708

(i) Order the release of the offender; 1709

(ii) Place the offender under an appropriate community 1710
control sanction, under appropriate conditions; 1711

(iii) Place the offender under the supervision of the 1712
department of probation serving the court or under the 1713

supervision of the adult parole authority. 1714

(b) The court, in its discretion, may revoke the judicial 1715
release if the offender violates the community control sanction 1716
described in division (N) (5) (a) of this section. The period of 1717
that community control is not subject to the ~~five-year-~~ 1718
~~limitation-~~limitations on duration described in division (K) of 1719
this section and shall not expire earlier than the date on which 1720
all of the offender's mandatory prison terms expire. 1721

(6) If the health of an offender who is released under 1722
division (N) (1) of this section improves so that the offender is 1723
no longer terminally ill, medically incapacitated, or in 1724
imminent danger of death, the court shall, upon the court's own 1725
motion, revoke the judicial release. The court shall not grant 1726
the motion without a hearing unless the offender waives a 1727
hearing. If a hearing is held, the court shall afford the 1728
offender and the offender's attorney an opportunity to present 1729
written and, if the offender or the offender's attorney is 1730
present, oral information relevant to the motion. The court 1731
shall afford a similar opportunity to the prosecuting attorney, 1732
the victim, the victim's representative, the victim's attorney, 1733
if applicable, and any other person the court determines is 1734
likely to present additional relevant information. If a hearing 1735
is held, the prosecuting attorney shall notify the victim and 1736
the victim's representative, if applicable, pursuant to the Ohio 1737
Constitution. A court that grants a motion under this division 1738
shall specify its findings on the record. 1739

(O) (1) Separate from and independent of the provisions of 1740
divisions (A) to (N) of this section, the director of the 1741
department of rehabilitation and correction may recommend in 1742
writing to the sentencing court that the court consider 1743

releasing from prison, through a judicial release, any offender 1744
who is confined in a state correctional institution and who is 1745
an eighty per cent-qualifying offender. The director may file 1746
such a recommendation for judicial release by submitting to the 1747
sentencing court a notice, in writing, of the recommendation 1748
within the applicable period specified in division (A)(3) of 1749
this section for qualifying as an eighty per cent-qualifying 1750
offender. 1751

The director shall include with any notice submitted to 1752
the sentencing court under this division an institutional 1753
summary report that covers the offender's participation while 1754
confined in a state correctional institution in school, 1755
training, work, treatment, and other rehabilitative activities 1756
and any disciplinary action taken against the offender while so 1757
confined. The director shall include with the notice any other 1758
documentation requested by the court, if available. 1759

If the director submits a notice under this division 1760
recommending judicial release, the department promptly shall 1761
provide to the prosecuting attorney of the county in which the 1762
offender was indicted a copy of the written notice and 1763
recommendation, a copy of the institutional summary report, and 1764
any other information provided to the court, and shall provide a 1765
copy of the institutional summary report to any law enforcement 1766
agency that requests the report. The department also shall 1767
provide written notice of the submission of the director's 1768
notice to any victim of the offender or victim's representative, 1769
if applicable, in the same manner as is specified in divisions 1770
(E)(1) and (2) of this section with respect to notices of 1771
hearings. 1772

(2) A recommendation for judicial release in a notice 1773

submitted by the director under division (O) (1) of this section 1774
is subject to the notice, hearing, and other procedural 1775
requirements specified in divisions (E), (H), (I), and (L) of 1776
this section, including notice to the victim pursuant to the 1777
Ohio Constitution, except as otherwise specified in divisions 1778
(O) (3) to (5) of this section, provided that references in 1779
divisions (E), (H), (I), (K), and (L) of this section to "the 1780
motion" shall be construed for purposes of division (O) of this 1781
section as being references to the notice and recommendation 1782
specified in division (O) (1) of this section. 1783

(3) The director's submission of a notice under division 1784
(O) (1) of this section constitutes a recommendation by the 1785
director that the court strongly consider a judicial release of 1786
the offender consistent with the purposes and principles of 1787
sentencing set forth in sections 2929.11 and 2929.13 of the 1788
Revised Code and establishes a rebuttable presumption that the 1789
offender shall be released through a judicial release in 1790
accordance with the recommendation. The presumption of release 1791
may be rebutted only as described in division (O) (6) of this 1792
section. Only an offender recommended by the director under 1793
division (O) (1) of this section may be considered for a judicial 1794
release under division (O) of this section. 1795

(4) Upon receipt of a notice recommending judicial release 1796
submitted by the director under division (O) (1) of this section, 1797
the court shall schedule a hearing to consider the 1798
recommendation for the judicial release of the offender who is 1799
the subject of the notice. The hearing shall be conducted in 1800
open court not less than thirty or more than sixty days after 1801
the notice is submitted. The court shall inform the department 1802
and the prosecuting attorney of the county in which the offender 1803
who is the subject of the notice was indicted of the date, time, 1804

and location of the hearing. Upon receipt of the notice from the 1805
court, the prosecuting attorney shall comply with division (E) 1806
of this section, including providing notice to the victim and 1807
the victim's representative, if applicable, pursuant to the Ohio 1808
Constitution, and the department shall post the information 1809
specified in that division. 1810

(5) When a court schedules a hearing under division (O) (4) 1811
of this section, at the hearing, the court shall consider all of 1812
the following in determining whether to grant the offender 1813
judicial release under division (O) of this section: 1814

(a) The institutional summary report submitted under 1815
division (O) (1) of this section; 1816

(b) The inmate's academic, vocational education programs, 1817
or alcohol or drug treatment programs; or involvement in 1818
meaningful activity; 1819

(c) The inmate's assignments and whether the inmate 1820
consistently performed each work assignment to the satisfaction 1821
of the department staff responsible for supervising the inmate's 1822
work; 1823

(d) The inmate transferred to and actively participated in 1824
core curriculum programming at a reintegration center prison; 1825

(e) The inmate's disciplinary history; 1826

(f) The inmate's security level; 1827

(g) All other information, statements, reports, and 1828
documentation described in division (I) of this section. 1829

(6) If the court that receives a notice recommending 1830
judicial release submitted by the director under division (O) (1) 1831
of this section makes an initial determination that the offender 1832

satisfies the criteria for being an eighty per cent-qualifying
offender, the court then shall determine whether to grant the
offender judicial release. In making the second determination,
the court shall grant the offender judicial release unless the
prosecuting attorney proves to the court, by a preponderance of
the evidence, that the legitimate interests of the government in
maintaining the offender's confinement outweigh the interests of
the offender in being released from that confinement. If the
court grants a judicial release under this division, division
(K) of this section applies regarding the judicial release,
including the maximums specified in that division for the
duration of the period of all community control sanctions
imposed on the offender under that division and the notice to
the victim and the victim's representative, if applicable,
pursuant to the Ohio Constitution, provided that references in
division (K) of this section to "the motion" shall be construed
for purposes of the judicial release granted under this division
as being references to the notice and recommendation specified
in division (O) (1) of this section.

The court shall enter its ruling on the notice
recommending judicial release submitted by the director under
division (O) (1) of this section within ten days after the
hearing is conducted. After ruling on whether to grant the
offender judicial release under division (O) of this section,
the court shall notify the offender, the prosecuting attorney,
and the department of rehabilitation and correction of its
decision, and shall notify the victim of its decision in
accordance with the Ohio Constitution and sections 2930.03 and
2930.16 of the Revised Code. If the court does not enter a
ruling on the notice within ten days after the hearing is
conducted as required under this division, the division of

parole and community services of the department of 1864
rehabilitation and correction may release the offender. 1865

(P) All notices to a victim of an offense provided under 1866
division (D), (E), (K), (N), or (O) of this section shall be 1867
provided in accordance with the Ohio Constitution. 1868

Sec. 2929.25. (A) (1) Except as provided in sections 1869
2929.22 and 2929.23 of the Revised Code or when a jail term is 1870
required by law, in sentencing an offender for a misdemeanor, 1871
other than a minor misdemeanor, the sentencing court may do 1872
either of the following: 1873

(a) Directly impose a sentence that consists of one or 1874
more community control sanctions authorized by section 2929.26, 1875
2929.27, or 2929.28 of the Revised Code. The court may impose 1876
any other conditions of release under a community control 1877
sanction that the court considers appropriate. If the court 1878
imposes a jail term upon the offender, the court may impose any 1879
community control sanction or combination of community control 1880
sanctions in addition to the jail term. 1881

(b) Impose a jail term under section 2929.24 of the 1882
Revised Code from the range of jail terms authorized under that 1883
section for the offense, suspend all or a portion of the jail 1884
term imposed, and place the offender under a community control 1885
sanction or combination of community control sanctions 1886
authorized under section 2929.26, 2929.27, or 2929.28 of the 1887
Revised Code. 1888

(2) The Except as provided in divisions (D) (2) (d) and (e) 1889
and division (D) (3) of this section, the duration of all 1890
community control sanctions imposed upon an offender and in 1891
effect for an offender at any time shall not exceed five-three 1892

years. 1893

(3) At sentencing, if a court directly imposes a community 1894
control sanction or combination of community control sanctions 1895
pursuant to division (A)(1)(a) or (B) of this section, the court 1896
shall state the duration of the community control sanctions 1897
imposed and shall notify the offender that if any of the 1898
conditions of the community control sanctions are violated the 1899
court may do any of the following: 1900

(a) Impose a longer time under the same community control 1901
sanction if the total time under all of the offender's community 1902
control sanctions does not exceed the ~~five-year~~ limit specified 1903
in division (A)(2) of this section, except as provided in 1904
divisions (D)(2)(d) and (e) and division (D)(3) of this section; 1905

(b) Impose a more restrictive community control sanction 1906
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 1907
but the court is not required to impose any particular sanction 1908
or sanctions; 1909

(c) Impose a definite jail term from the range of jail 1910
terms authorized for the offense under section 2929.24 of the 1911
Revised Code. 1912

(B) If a court sentences an offender to any community 1913
control sanction or combination of community control sanctions 1914
pursuant to division (A)(1)(a) of this section, the sentencing 1915
court retains jurisdiction over the offender and the period of 1916
community control for the duration of the period of community 1917
control. Upon the motion of either party or on the court's own 1918
motion, the court, in the court's sole discretion and as the 1919
circumstances warrant, may modify the community control 1920
sanctions or conditions of release previously imposed, 1921

substitute a community control sanction or condition of release 1922
for another community control sanction or condition of release 1923
previously imposed, or impose an additional community control 1924
sanction or condition of release. 1925

(C) (1) If a court sentences an offender to any community 1926
control sanction or combination of community control sanctions 1927
authorized under section 2929.26, 2929.27, or 2929.28 of the 1928
Revised Code, the court shall place the offender under the 1929
general control and supervision of the court or of a department 1930
of probation in the jurisdiction that serves the court for 1931
purposes of reporting to the court a violation of any of the 1932
conditions of the sanctions imposed. If the offender resides in 1933
another jurisdiction and a department of probation has been 1934
established to serve the municipal court or county court in that 1935
jurisdiction, the sentencing court may request the municipal 1936
court or the county court to receive the offender into the 1937
general control and supervision of that department of probation 1938
for purposes of reporting to the sentencing court a violation of 1939
any of the conditions of the sanctions imposed. The sentencing 1940
court retains jurisdiction over any offender whom it sentences 1941
for the duration of the sanction or sanctions imposed. 1942

(2) The sentencing court shall require as a condition of 1943
any community control sanction that the offender abide by the 1944
law and not leave the state without the permission of the court 1945
or the offender's probation officer. In the interests of doing 1946
justice, rehabilitating the offender, and ensuring the 1947
offender's good behavior, the court may impose additional 1948
requirements on the offender. The offender's compliance with the 1949
additional requirements also shall be a condition of the 1950
community control sanction imposed upon the offender. 1951

(D) (1) If the court imposing sentence upon an offender 1952
sentences the offender to any community control sanction or 1953
combination of community control sanctions authorized under 1954
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 1955
the offender violates any of the conditions of the sanctions, 1956
the public or private person or entity that supervises or 1957
administers the program or activity that comprises the sanction 1958
shall report the violation directly to the sentencing court or 1959
to the department of probation or probation officer with general 1960
control and supervision over the offender. If the public or 1961
private person or entity reports the violation to the department 1962
of probation or probation officer, the department or officer 1963
shall report the violation to the sentencing court. 1964

(2) Except as provided in division (D) (3) of this section, 1965
if an offender violates any condition of a community control 1966
sanction, the sentencing court may impose upon the violator one 1967
or more of the following penalties: 1968

(a) A longer time under the same community control 1969
sanction if the total time under all of the community control 1970
sanctions imposed on the violator does not exceed the ~~five-year~~ 1971
limit specified in division (A) (2) of this section; 1972

(b) A more restrictive community control sanction; 1973

(c) A combination of community control sanctions, 1974
including a jail term; 1975

(d) Subject to division (D) (3) of this section, a term of 1976
not more than one year under the same sanction if the total time 1977
under the sanction does not exceed five years and the court 1978
conducts a hearing and finds either of the following: 1979

(i) In the six months prior to the hearing, the offender 1980

has consistently demonstrated a willful refusal to comply with 1981
required mental or behavioral health treatment imposed as a 1982
condition of the community control sanction, and the court 1983
cannot appropriately respond in the remaining period of the 1984
community control sanction; 1985

(ii) The offender is required to complete programming as a 1986
condition of the community control sanction, and has not 1987
completed the programming at the conclusion of the initial 1988
supervision term. 1989

(e) If the offender is required to pay restitution 1990
pursuant to section 2929.28 or 2929.281 of the Revised Code, 1991
subject to division (D) (3) of this section, a longer time under 1992
the same sanction if the total time under the sanction does not 1993
exceed the time required for the offender to complete the 1994
restitution payments or five years, whichever is less, if the 1995
court conducts a hearing and finds all of the following: 1996

(i) The offender has consistently demonstrated a willful 1997
refusal to pay restitution imposed as a condition of the 1998
community control sanction; 1999

(ii) The offender has the ability to pay restitution 2000
without suffering an undue financial burden; 2001

(iii) The civil remedies and procedures described in 2002
division (D) of section 2929.18 of the Revised Code are 2003
insufficient to allow the victim of the offender's criminal 2004
offense or the victim's estate to recover restitution after the 2005
period of the community control sanction has terminated. 2006

(3) (a) A court is not limited in the number of times it 2007
may sentence an offender to a term described in divisions (D) (2) 2008
(d) or (e) of this section if the total time under the sanction 2009

does not exceed five years. 2010

(b) If the court imposes a term described in division (D) 2011
(2) (d) of this section, the offender shall not be subject to any 2012
conditions of supervision under the community control sanction 2013
except for complying with mental or behavioral health treatment 2014
or completing required programming during the extended term. If 2015
the court imposes a term described in division (D) (2) (e) of this 2016
section, the offender shall not be subject to any conditions of 2017
supervision under the community control sanction except for 2018
payment of restitution during the extended term. 2019

~~(3)~~(4) If an offender was acting pursuant to division (B) 2020
(2) (b) of section 2925.11 or a related provision under section 2021
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 2022
doing violated the conditions of a community control sanction 2023
based on a minor drug possession offense, as defined in section 2024
2925.11 of the Revised Code, or violated section 2925.12, 2025
division (C) (1) of section 2925.14, or section 2925.141 of the 2026
Revised Code, the sentencing court shall not impose any of the 2027
penalties described in division (D) (2) of this section based on 2028
the violation. 2029

~~(4)~~(5) If the court imposes a jail term upon a violator 2030
pursuant to division (D) (2) of this section, the total time 2031
spent in jail for the misdemeanor offense and the violation of a 2032
condition of the community control sanction shall not exceed the 2033
maximum jail term available for the offense for which the 2034
sanction that was violated was imposed. The court may reduce the 2035
longer period of time that the violator is required to spend 2036
under the longer sanction or the more restrictive sanction 2037
imposed under division (D) (2) of this section by all or part of 2038
the time the violator successfully spent under the sanction that 2039

was initially imposed.

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

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

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

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

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and conditions of community control, and the offender agreed to 2070
those terms and conditions. 2071

(c) If the offender is a felony offender, the offender 2072
otherwise provides consent for the search. 2073

(2) If a felony offender who is sentenced to a 2074
nonresidential sanction is under the general control and 2075
supervision of the adult parole authority, as described in 2076
division (A)(2)(a) of section 2929.15 of the Revised Code, adult 2077
parole authority field officers with supervisory 2078
responsibilities over the felony offender shall have the same 2079
search authority relative to the felony offender during the 2080
period of the sanction that is described under division (A)(1) 2081
of this section for probation officers. 2082

(3) If a misdemeanor offender is placed under a community 2083
control sanction pursuant to section 2929.25 of the Revised Code 2084
or if a felony offender is sentenced to a nonresidential 2085
sanction pursuant to section 2929.17 of the Revised Code, the 2086
court that places the misdemeanor offender under the sanction or 2087
sentences the felony offender to the sanction shall provide the 2088
offender with a written notice that informs the offender that 2089
authorized probation officers or adult parole authority field 2090
officers with supervisory responsibilities over the offender who 2091
are engaged within the scope of their supervisory duties or 2092
responsibilities may conduct the types of searches described in 2093
divisions (A)(1) and (2) of this section during the period of 2094
community control sanction or the nonresidential sanction if any 2095
of the following apply: 2096

(a) The officers have reasonable grounds to believe that 2097
the offender is not abiding by the law or otherwise is not 2098
complying with the conditions of the offender's community 2099

control sanction or nonresidential sanction. 2100

(b) If the offender is a felony offender, the court 2101
requires the offender's consent to searches as part of the terms 2102
and conditions of community control, and the offender agreed to 2103
those terms and conditions. 2104

(c) If the offender is a felony offender, the offender 2105
otherwise provides consent for the search. 2106

(B) If an offender is convicted of or pleads guilty to a 2107
misdemeanor, the court may require the offender, as a condition 2108
of the offender's sentence of a community control sanction, to 2109
perform supervised community service work in accordance with 2110
this division. If an offender is convicted of or pleads guilty 2111
to a felony, the court, pursuant to sections 2929.15 and 2929.17 2112
of the Revised Code, may impose a sanction that requires the 2113
offender to perform supervised community service work in 2114
accordance with this division. The supervised community service 2115
work shall be under the authority of health districts, park 2116
districts, counties, municipal corporations, townships, other 2117
political subdivisions of the state, or agencies of the state or 2118
any of its political subdivisions, or under the authority of 2119
charitable organizations that render services to the community 2120
or its citizens, in accordance with this division. The court may 2121
require an offender who is ordered to perform the work to pay to 2122
it a reasonable fee to cover the costs of the offender's 2123
participation in the work, including, but not limited to, the 2124
costs of procuring a policy or policies of liability insurance 2125
to cover the period during which the offender will perform the 2126
work. 2127

A court may permit any offender convicted of a felony or a 2128
misdemeanor to satisfy the payment of a fine imposed for the 2129

offense pursuant to section 2929.18 or 2929.28 of the Revised 2130
Code by performing supervised community service work as 2131
described in this division if the offender requests an 2132
opportunity to satisfy the payment by this means and if the 2133
court determines that the offender is financially unable to pay 2134
the fine. 2135

After imposing a term of community service, the court may 2136
modify the sentence to authorize a reasonable contribution to 2137
the appropriate general fund as provided in division (B) of 2138
section 2929.27 of the Revised Code. 2139

The supervised community service work that may be imposed 2140
under this division shall be subject to the following 2141
limitations: 2142

(1) The court shall fix the period of the work and, if 2143
necessary, shall distribute it over weekends or over other 2144
appropriate times that will allow the offender to continue at 2145
the offender's occupation or to care for the offender's family. 2146
The period of the work as fixed by the court shall not exceed in 2147
the aggregate the number of hours of community service imposed 2148
by the court pursuant to section 2929.17 or 2929.27 of the 2149
Revised Code. 2150

(2) An agency, political subdivision, or charitable 2151
organization must agree to accept the offender for the work 2152
before the court requires the offender to perform the work for 2153
the entity. A court shall not require an offender to perform 2154
supervised community service work for an agency, political 2155
subdivision, or charitable organization at a location that is an 2156
unreasonable distance from the offender's residence or domicile, 2157
unless the offender is provided with transportation to the 2158
location where the work is to be performed. 2159

(3) A court may enter into an agreement with a county 2160
department of job and family services for the management, 2161
placement, and supervision of offenders eligible for community 2162
service work in work activities, developmental activities, and 2163
alternative work activities under sections 5107.40 to 5107.69 of 2164
the Revised Code. If a court and a county department of job and 2165
family services have entered into an agreement of that nature, 2166
the clerk of that court is authorized to pay directly to the 2167
county department all or a portion of the fees collected by the 2168
court pursuant to this division in accordance with the terms of 2169
its agreement. 2170

(4) Community service work that a court requires under 2171
this division shall be supervised by an official of the agency, 2172
political subdivision, or charitable organization for which the 2173
work is performed or by a person designated by the agency, 2174
political subdivision, or charitable organization. The official 2175
or designated person shall be qualified for the supervision by 2176
education, training, or experience, and periodically shall 2177
report, in writing, to the court and to the offender's probation 2178
officer concerning the conduct of the offender in performing the 2179
work. 2180

(5) The total of any period of supervised community 2181
service work imposed on an offender under division (B) of this 2182
section plus the period of all other sanctions imposed pursuant 2183
to sections 2929.15, 2929.16, 2929.17, and 2929.18 of the 2184
Revised Code for a felony, or pursuant to sections 2929.25, 2185
2929.26, 2929.27, and 2929.28 of the Revised Code for a 2186
misdemeanor, shall not exceed five years the community control 2187
maximum specified in section 2929.15 of the Revised Code that is 2188
applicable to the offense if it is a felony or the community 2189
control maximum specified in section 2929.25 of the Revised Code 2190

if the offense is a misdemeanor. 2191

(C) (1) If an offender is convicted of a violation of 2192
section 4511.19 of the Revised Code or a substantially similar 2193
municipal ordinance, the court may require, as a condition of a 2194
community control sanction, that the offender operate only a 2195
motor vehicle equipped with an ignition interlock device that is 2196
certified pursuant to section 4510.43 of the Revised Code. 2197

(2) If a court requires an offender, as a condition of a 2198
community control sanction pursuant to division (C) (1) of this 2199
section, to operate only a motor vehicle equipped with an 2200
ignition interlock device that is certified pursuant to section 2201
4510.43 of the Revised Code, the offender immediately shall 2202
surrender the offender's driver's or commercial driver's license 2203
or permit to the court. Upon the receipt of the offender's 2204
license or permit, the court shall issue an order authorizing 2205
the offender to operate a motor vehicle equipped with a 2206
certified ignition interlock device and deliver the offender's 2207
license or permit to the registrar of motor vehicles. The court 2208
also shall give the offender a copy of its order for purposes of 2209
obtaining a restricted license. 2210

(3) An offender shall present to the registrar or to a 2211
deputy registrar the copy of the order issued under division (C) 2212
of this section and a certificate affirming the installation of 2213
an ignition interlock device that is in a form established by 2214
the director of public safety and that is signed by the person 2215
who installed the device. Upon presentation of the order and 2216
certificate, the registrar or deputy registrar shall issue a 2217
restricted license to the offender, unless the offender's 2218
driver's license or commercial driver's license or permit is 2219
suspended under any other provision of law and limited driving 2220

privileges have not been granted with regard to that suspension. 2221
The restricted license shall be identical to the surrendered 2222
license, except that it shall have printed on its face a 2223
statement that the offender is prohibited from operating a motor 2224
vehicle that is not equipped with an ignition interlock device 2225
that is certified pursuant to section 4510.43 of the Revised 2226
Code. The registrar shall deliver the offender's surrendered 2227
license or permit to the court upon receipt of a court order 2228
requiring it to do so, or reissue the offender's license or 2229
permit under section 4510.52 of the Revised Code if the 2230
registrar destroyed the offender's license or permit under that 2231
section. The offender shall surrender the restricted license to 2232
the court upon receipt of the offender's surrendered license or 2233
permit. 2234

(4) If an offender violates a requirement of the court 2235
imposed under division (C) (1) of this section, the court may 2236
impose a class seven suspension of the offender's driver's or 2237
commercial driver's license or permit or nonresident operating 2238
privilege from the range specified in division (A) (7) of section 2239
4510.02 of the Revised Code. On a second or subsequent 2240
violation, the court may impose a class four suspension of the 2241
offender's driver's or commercial driver's license or permit or 2242
nonresident operating privilege from the range specified in 2243
division (A) (4) of section 4510.02 of the Revised Code. 2244

Sec. 2951.07. A community control sanction imposed for an 2245
offense continues for the period that the judge or magistrate 2246
determines and, may be extended, subject to the ~~five-year-~~ 2247
~~limit~~following maximums: 2248

(A) The community control maximum specified in section 2249
2929.15 ~~or~~ of the Revised Code that is applicable to the offense 2250

if it is a felony. 2251

(B) The community control maximum specified in section 2252
2929.25 of the Revised Code if the offense is a misdemeanor, ~~may~~ 2253
~~be extended.~~ 2254

(C) If the offender under community control absconds or 2255
otherwise leaves the jurisdiction of the court without 2256
permission from the probation officer, the probation agency, or 2257
the court to do so, or if the offender is confined in any 2258
institution for the commission of any offense, the period of 2259
community control ceases to run until the time that the offender 2260
is brought before the court for its further action. 2261

Section 2. That existing sections 2925.11, 2929.15, 2262
2929.20, 2929.25, 2951.02, and 2951.07 of the Revised Code are 2263
hereby repealed. 2264

Section 3. The General Assembly, applying the principle 2265
stated in division (B) of section 1.52 of the Revised Code that 2266
amendments are to be harmonized if reasonably capable of 2267
simultaneous operation, finds that the following sections, 2268
presented in this act as composites of the sections as amended 2269
by the acts indicated, are the resulting versions of the 2270
sections in effect prior to the effective date of the sections 2271
as presented in this act: 2272

Section 2929.15 of the Revised Code as amended by H.B. 2273
110, H.B. 281, and S.B. 288, all of the 134th General Assembly. 2274

Section 2925.11 of the Revised Code as amended by both 2275
H.B. 29 and S.B. 95 of the 135th General Assembly. 2276