### As Introduced

# 132nd General Assembly Regular Session 2017-2018

S. B. No. 66

#### **Senators Eklund, Tavares**

Cosponsors: Senators Schiavoni, Terhar, Thomas, Coley, Williams

## A BILL

То	amend sections 2929.11, 2929.13, 2929.15,	1
	2929.16, 2929.19, 2951.041, 2953.31, 2967.16,	2
	and 2967.28 of the Revised Code to modify	3
	criminal sentencing and corrections law by	4
	including rehabilitation as a purpose of felony	5
	sentencing, removing the one-year minimum for	6
	presumptive fourth or fifth degree felony	7
	community control sanctions, modifying sanctions	8
	for a violation of a community control	9
	condition, modifying the manner of calculating	10
	confinement credits, modifying eligibility	11
	criteria and procedures for granting	12
	intervention in lieu of conviction, making	13
	offenders convicted of certain multiple fourth	14
	or fifth degree felonies eligible for conviction	15
	record sealing, revising procedures for the	16
	Adult Parole Authority to grant a final release	17
	or terminate post-release control, and modifying	18
	the criteria for considering a prison term	19
	sanction for a nost-release control violation	20

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

Section 1. That sections 2929.11, 2929.13, 2929.15,	21
2929.16, 2929.19, 2951.041, 2953.31, 2967.16, and 2967.28 of the	22
Revised Code be amended to read as follows:	23
Sec. 2929.11. (A) A court that sentences an offender for a	24
felony shall be guided by the overriding purposes of felony	25
sentencing. The overriding purposes of felony sentencing are to	26
protect the public from future crime by the offender and others	27
to rehabilitate the offender, and to punish the offender using	28
the minimum sanctions that the court determines accomplish those	29
purposes without imposing an unnecessary burden on state or	30
local government resources. To achieve those purposes, the	31
sentencing court shall consider the need for incapacitating the	32
offender, deterring the offender and others from future crime,	33
rehabilitating the offender, and making restitution to the	34
victim of the offense, the public, or both.	35
(B) A sentence imposed for a felony shall be reasonably	36
calculated to achieve the <a href="mailto:two-three">two-three</a> overriding purposes of	37
felony sentencing set forth in division (A) of this section,	38
commensurate with and not demeaning to the seriousness of the	39
offender's conduct and its impact upon the victim, and	40
consistent with sentences imposed for similar crimes committed	41
by similar offenders.	42
(C) A court that imposes a sentence upon an offender for a	43
felony shall not base the sentence upon the race, ethnic	44
background, gender, or religion of the offender.	45
Sec. 2929.13. (A) Except as provided in division (E), (F),	46
or (G) of this section and unless a specific sanction is	47
required to be imposed or is precluded from being imposed	48
pursuant to law, a court that imposes a sentence upon an	49
offender for a felony may impose any sanction or combination of	50

sanctions	on	the	offender	that	are	provided	in	sections	2929.14	51
to 2929.1	8 01	f the	Revised	Code						52

If the offender is eligible to be sentenced to community 53 control sanctions, the court shall consider the appropriateness 54 of imposing a financial sanction pursuant to section 2929.18 of 55 the Revised Code or a sanction of community service pursuant to 56 section 2929.17 of the Revised Code as the sole sanction for the 57 offense. Except as otherwise provided in this division, if the 58 court is required to impose a mandatory prison term for the 59 offense for which sentence is being imposed, the court also 60 shall impose any financial sanction pursuant to section 2929.18 61 of the Revised Code that is required for the offense and may 62 impose any other financial sanction pursuant to that section but 63 may not impose any additional sanction or combination of 64 sanctions under section 2929.16 or 2929.17 of the Revised Code. 65

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

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(1) For a fourth degree felony OVI offense for which

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sentence is imposed under division (G)(1) of this section, an

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additional community control sanction or combination of

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community control sanctions under section 2929.16 or 2929.17 of

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the Revised Code. If the court imposes upon the offender a

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community control sanction and the offender violates any

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condition of the community control sanction, the court may take

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any action prescribed in division (B) of section 2929.15 of the	81
Revised Code relative to the offender, including imposing a	82
prison term on the offender pursuant to that division.	83
(2) For a third or fourth degree felony OVI offense for	84
which sentence is imposed under division (G)(2) of this section,	85
an additional prison term as described in division (B)(4) of	86
section 2929.14 of the Revised Code or a community control	87
sanction as described in division (G)(2) of this section.	88
(B)(1)(a) Except as provided in division (B)(1)(b) of this	89
section, if an offender is convicted of or pleads guilty to a	90
felony of the fourth or fifth degree that is not an offense of	91
violence or that is a qualifying assault offense, the court	92
shall sentence the offender to a community control sanction $\frac{of}{of}$	93
at least one year's duration or combination of community control	94
sanctions if all of the following apply:	95
(i) The offender previously has not been convicted of or	96
pleaded guilty to a felony offense.	97
(ii) The most serious charge against the offender at the	98
time of sentencing is a felony of the fourth or fifth degree.	99
(iii) If the court made a request of the department of	100
rehabilitation and correction pursuant to division (B)(1)(c) of	101
this section, the department, within the forty-five-day period	102
specified in that division, provided the court with the names	103
of, contact information for, and program details of one or more	104
community control sanctions of at least one year's duration that	105
are available for persons sentenced by the court.	106
(iv) The offender previously has not been convicted of or	107
pleaded guilty to a misdemeanor offense of violence that the	108
offender committed within two years prior to the offense for	109

which sentence is being imposed.	110
(b) The court has discretion to impose a prison term upon	111
an offender who is convicted of or pleads guilty to a felony of	112
the fourth or fifth degree that is not an offense of violence or	113
that is a qualifying assault offense if any of the following	114
apply:	115
(i) The offender committed the offense while having a	116
firearm on or about the offender's person or under the	117
offender's control.	118
(ii) If the offense is a qualifying assault offense, the	119
offender caused serious physical harm to another person while	120
committing the offense, and, if the offense is not a qualifying	121
assault offense, the offender caused physical harm to another	122
person while committing the offense.	123
(iii) The offender violated a term of the conditions of	124
bond as set by the court.	125
(iv) The court made a request of the department of	126
rehabilitation and correction pursuant to division (B)(1)(c) of	127
this section, and the department, within the forty-five-day	128
period specified in that division, did not provide the court	129
with the name of, contact information for, and program details	130
of any community control sanction of at least one year's	131
duration that is available for persons sentenced by the court.	132
(v) The offense is a sex offense that is a fourth or fifth	133
degree felony violation of any provision of Chapter 2907. of the	134
Revised Code.	135
(vi) In committing the offense, the offender attempted to	136
cause or made an actual threat of physical harm to a person with	137
a deadly weapon.	138

(vii) In committing the offense, the offender attempted to	139
cause or made an actual threat of physical harm to a person, and	140
the offender previously was convicted of an offense that caused	141
physical harm to a person.	142
(viii) The offender held a public office or position of	143
trust, and the offense related to that office or position; the	144
offender's position obliged the offender to prevent the offense	145
or to bring those committing it to justice; or the offender's	146
professional reputation or position facilitated the offense or	147
was likely to influence the future conduct of others.	148
(ix) The offender committed the offense for hire or as	149
part of an organized criminal activity.	150
(x) The offender at the time of the offense was serving,	151
or the offender previously had served, a prison term.	152
(xi) The offender committed the offense while under a	153
community control sanction, while on probation, or while	154
released from custody on a bond or personal recognizance.	155
(c) If a court that is sentencing an offender who is	156
convicted of or pleads guilty to a felony of the fourth or fifth	157
degree that is not an offense of violence or that is a	158
qualifying assault offense believes that no community control	159
sanctions are available for its use that, if imposed on the	160
offender, will adequately fulfill the overriding principles and	161
purposes of sentencing, the court shall contact the department	162
of rehabilitation and correction and ask the department to	163
provide the court with the names of, contact information for,	164
and program details of one or more community control sanctions	165
of at least one year's duration that are available for persons	166
sentenced by the court. Not later than forty-five days after	167

receipt of a request from a court under this division, the	168
department shall provide the court with the names of, contact	169
information for, and program details of one or more community	170
control sanctions of at least one year's duration that are	171
available for persons sentenced by the court, if any. Upon	172
making a request under this division that relates to a	173
particular offender, a court shall defer sentencing of that	174
offender until it receives from the department the names of,	175
contact information for, and program details of one or more	176
community control sanctions of at least one year's duration that	177
are available for persons sentenced by the court or for forty-	178
five days, whichever is the earlier.	179

If the department provides the court with the names of, 180 contact information for, and program details of one or more 181 community control sanctions of at least one year's duration that 182 are available for persons sentenced by the court within the 183 forty-five-day period specified in this division, the court 184 shall impose upon the offender a community control sanction 185 under division (B)(1)(a) of this section, except that the court 186 may impose a prison term under division (B)(1)(b) of this 187 section if a factor described in division (B)(1)(b)(i) or (ii) 188 of this section applies. If the department does not provide the 189 court with the names of, contact information for, and program 190 details of one or more community control sanctions of at least 191 one year's duration that are available for persons sentenced by 192 the court within the forty-five-day period specified in this 193 division, the court may impose upon the offender a prison term 194 under division (B)(1)(b)(iv) of this section. 195

(d) A sentencing court may impose an additional penalty

under division (B) of section 2929.15 of the Revised Code upon

an offender sentenced to a community control sanction under

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division (B)(1)(a) of this section if the offender violates the conditions of the community control sanction, violates a law, or leaves the state without the permission of the court or the offender's probation officer.

- (2) If division (B) (1) of this section does not apply,

  except as provided in division (E), (F), or (G) of this section,

  in determining whether to impose a prison term as a sanction for

  a felony of the fourth or fifth degree, the sentencing court

  shall comply with the purposes and principles of sentencing

  under section 2929.11 of the Revised Code and with section

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  2929.12 of the Revised Code.
- (C) Except as provided in division (D), (E), (F), or (G) 210 of this section, in determining whether to impose a prison term 211 as a sanction for a felony of the third degree or a felony drug 212 offense that is a violation of a provision of Chapter 2925. of 213 the Revised Code and that is specified as being subject to this 214 division for purposes of sentencing, the sentencing court shall 215 comply with the purposes and principles of sentencing under 216 section 2929.11 of the Revised Code and with section 2929.12 of 217 the Revised Code. 218
- (D)(1) Except as provided in division (E) or (F) of this 219 section, for a felony of the first or second degree, for a 220 felony drug offense that is a violation of any provision of 221 Chapter 2925., 3719., or 4729. of the Revised Code for which a 222 presumption in favor of a prison term is specified as being 223 applicable, and for a violation of division (A)(4) or (B) of 224 section 2907.05 of the Revised Code for which a presumption in 225 favor of a prison term is specified as being applicable, it is 226 presumed that a prison term is necessary in order to comply with 227 the purposes and principles of sentencing under section 2929.11 228

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of the Revised Code. Division (D)(2) of this section does not	229
apply to a presumption established under this division for a	230
violation of division (A)(4) of section 2907.05 of the Revised	231
Code.	232
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(2) Notwithstanding the presumption established under	233
division (D)(1) of this section for the offenses listed in that	234
division other than a violation of division (A)(4) or (B) of	235
section 2907.05 of the Revised Code, the sentencing court may	236
impose a community control sanction or a combination of	237
community control sanctions instead of a prison term on an	238
offender for a felony of the first or second degree or for a	239
felony drug offense that is a violation of any provision of	240
Chapter 2925., 3719., or 4729. of the Revised Code for which a	241
presumption in favor of a prison term is specified as being	242
applicable if it makes both of the following findings:	243
(a) A community control sanction or a combination of	244
community control sanctions would adequately punish the offender	245
and protect the public from future crime, because the applicable	246
factors under section 2929.12 of the Revised Code indicating a	247
lesser likelihood of recidivism outweigh the applicable factors	248
under that section indicating a greater likelihood of	249
recidivism.	250
(b) A community control sanction or a combination of	251
community control sanctions would not demean the seriousness of	252
the offense, because one or more factors under section 2929.12	253
of the Revised Code that indicate that the offender's conduct	254
was less serious than conduct normally constituting the offense	255
are applicable, and they outweigh the applicable factors under	256
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that section that indicate that the offender's conduct was more

serious than conduct normally constituting the offense.

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(E)(1) Except as provided in division (F) of this section,	259
for any drug offense that is a violation of any provision of	260
Chapter 2925. of the Revised Code and that is a felony of the	261
third, fourth, or fifth degree, the applicability of a	262
presumption under division (D) of this section in favor of a	263
prison term or of division (B) or (C) of this section in	264
determining whether to impose a prison term for the offense	265
shall be determined as specified in section 2925.02, 2925.03,	266
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23,	267
2925.36, or 2925.37 of the Revised Code, whichever is applicable	268
regarding the violation.	269
(2) If an offender who was convicted of or pleaded guilty	270
to a felony violates the conditions of a community control	271
sanction imposed for the offense solely by reason of producing	272
positive results on a drug test or by acting pursuant to	273
division (B)(2)(b) of section 2925.11 of the Revised Code with	274
respect to a minor drug possession offense, the court, as	275
punishment for the violation of the sanction, shall not order	276
that the offender be imprisoned unless the court determines on	277
the record either of the following:	278
(a) The offender had been ordered as a sanction for the	279
felony to participate in a drug treatment program, in a drug	280
education program, or in narcotics anonymous or a similar	281
program, and the offender continued to use illegal drugs after a	282
reasonable period of participation in the program.	283
(b) The imprisonment of the offender for the violation is	284
consistent with the purposes and principles of sentencing set	285

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forth in section 2929.11 of the Revised Code.

(3) A court that sentences an offender for a drug abuse

offense that is a felony of the third, fourth, or fifth degree

may require that the offender be assessed by a properly	289
credentialed professional within a specified period of time. The	290
court shall require the professional to file a written	291
assessment of the offender with the court. If the offender is	292
eligible for a community control sanction and after considering	293
the written assessment, the court may impose a community control	294
sanction that includes addiction services and recovery supports	295
included in a community-based continuum of care established	296
under section 340.032 of the Revised Code. If the court imposes	297
addiction services and recovery supports as a community control	298
sanction, the court shall direct the level and type of addiction	299
services and recovery supports after considering the assessment	300
and recommendation of community addiction services providers.	301

- (F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, section 2929.142, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20, divisions (C) to (I) of section 2967.19, or section 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the term or terms pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses:
  - (1) Aggravated murder when death is not imposed or murder;
- (2) Any rape, regardless of whether force was involved and
  regardless of the age of the victim, or an attempt to commit
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  rape if, had the offender completed the rape that was attempted,
  the offender would have been guilty of a violation of division
  (A) (1) (b) of section 2907.02 of the Revised Code and would be
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sentenced under section 2971.03 of the Revised Code;	319
(3) Gross sexual imposition or sexual battery, if the	320
victim is less than thirteen years of age and if any of the	321
following applies:	322
(a) Regarding gross sexual imposition, the offender	323
previously was convicted of or pleaded guilty to rape, the	324
former offense of felonious sexual penetration, gross sexual	325
imposition, or sexual battery, and the victim of the previous	326
offense was less than thirteen years of age;	327
(b) Regarding gross sexual imposition, the offense was	328
committed on or after August 3, 2006, and evidence other than	329
the testimony of the victim was admitted in the case	330
corroborating the violation.	331
(c) Regarding sexual battery, either of the following	332
applies:	333
(i) The offense was committed prior to August 3, 2006, the	334
offender previously was convicted of or pleaded guilty to rape,	335
the former offense of felonious sexual penetration, or sexual	336
battery, and the victim of the previous offense was less than	337
thirteen years of age.	338
(ii) The offense was committed on or after August 3, 2006.	339
(4) A felony violation of section 2903.04, 2903.06,	340
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321,	341
or 2923.132 of the Revised Code if the section requires the	342
imposition of a prison term;	343
(5) A first, second, or third degree felony drug offense	344
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06,	345
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99,	346

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or 4729.99 of the Revised Code, whichever is applicable	347
regarding the violation, requires the imposition of a mandatory	348
<pre>prison term;</pre>	349
(6) Any offense that is a first or second degree felony	350
and that is not set forth in division $(F)(1)$ , $(2)$ , $(3)$ , or $(4)$	351
of this section, if the offender previously was convicted of or	352
pleaded guilty to aggravated murder, murder, any first or second	353
degree felony, or an offense under an existing or former law of	354
this state, another state, or the United States that is or was	355
substantially equivalent to one of those offenses;	356
(7) Any offense that is a third degree felony and either	357
is a violation of section 2903.04 of the Revised Code or an	358
attempt to commit a felony of the second degree that is an	359
offense of violence and involved an attempt to cause serious	360
physical harm to a person or that resulted in serious physical	361
harm to a person if the offender previously was convicted of or	362
pleaded guilty to any of the following offenses:	363
(a) Aggravated murder, murder, involuntary manslaughter,	364
rape, felonious sexual penetration as it existed under section	365
2907.12 of the Revised Code prior to September 3, 1996, a felony	366
of the first or second degree that resulted in the death of a	367
person or in physical harm to a person, or complicity in or an	368
attempt to commit any of those offenses;	369
(b) An offense under an existing or former law of this	370
state, another state, or the United States that is or was	371
substantially equivalent to an offense listed in division (F)(7)	372
(a) of this section that resulted in the death of a person or in	373
physical harm to a person.	374

(8) Any offense, other than a violation of section 2923.12 375

of the Revised Code, that is a felony, if the offender had a	376
firearm on or about the offender's person or under the	377
offender's control while committing the felony, with respect to	378
a portion of the sentence imposed pursuant to division (B)(1)(a)	379
of section 2929.14 of the Revised Code for having the firearm;	380
(9) Any offense of violence that is a felony, if the	381
offender wore or carried body armor while committing the felony	382
offense of violence, with respect to the portion of the sentence	383
imposed pursuant to division (B)(1)(d) of section 2929.14 of the	384
Revised Code for wearing or carrying the body armor;	385
(10) Corrupt activity in violation of section 2923.32 of	386
the Revised Code when the most serious offense in the pattern of	387
corrupt activity that is the basis of the offense is a felony of	388
the first degree;	389
(11) Any violent sex offense or designated homicide,	390
assault, or kidnapping offense if, in relation to that offense,	391
the offender is adjudicated a sexually violent predator;	392
(12) A violation of division (A)(1) or (2) of section	393
2921.36 of the Revised Code, or a violation of division (C) of	394
that section involving an item listed in division (A)(1) or (2)	395
of that section, if the offender is an officer or employee of	396
the department of rehabilitation and correction;	397
(13) A violation of division (A)(1) or (2) of section	398
2903.06 of the Revised Code if the victim of the offense is a	399
peace officer, as defined in section 2935.01 of the Revised	400
Code, or an investigator of the bureau of criminal	401
identification and investigation, as defined in section 2903.11	402
of the Revised Code, with respect to the portion of the sentence	403
imposed pursuant to division (B)(5) of section 2929.14 of the	404

Revised Code;	405
(14) A violation of division (A)(1) or (2) of section	406
2903.06 of the Revised Code if the offender has been convicted	407
of or pleaded guilty to three or more violations of division (A)	408
or (B) of section 4511.19 of the Revised Code or an equivalent	409
offense, as defined in section 2941.1415 of the Revised Code, or	410
three or more violations of any combination of those divisions	411
and offenses, with respect to the portion of the sentence	412
imposed pursuant to division (B)(6) of section 2929.14 of the	413
Revised Code;	414
(15) Kidnapping, in the circumstances specified in section	415
2971.03 of the Revised Code and when no other provision of	416
division (F) of this section applies;	417
(16) Kidnapping, abduction, compelling prostitution,	418
promoting prostitution, engaging in a pattern of corrupt	419
activity, illegal use of a minor in a nudity-oriented material	420
or performance in violation of division (A)(1) or (2) of section	421
2907.323 of the Revised Code, or endangering children in	422
violation of division (B)(1), (2), (3), (4), or (5) of section	423
2919.22 of the Revised Code, if the offender is convicted of or	424
pleads guilty to a specification as described in section	425
2941.1422 of the Revised Code that was included in the	426
indictment, count in the indictment, or information charging the	427
offense;	428
(17) A felony violation of division (A) or (B) of section	429
2919.25 of the Revised Code if division (D)(3), (4), or (5) of	430
that section, and division (D)(6) of that section, require the	431
imposition of a prison term;	432
(18) A follow violation of section 2003 11 2003 12 or	133

2903.13 of the Revised Code, if the victim of the offense was a	434
woman that the offender knew was pregnant at the time of the	435
violation, with respect to a portion of the sentence imposed	436
pursuant to division (B)(8) of section 2929.14 of the Revised	437
Code;	438
(19)(a) Any violent felony offense if the offender is a	439
violent career criminal and had a firearm on or about the	440
offender's person or under the offender's control during the	441
commission of the violent felony offense and displayed or	442
brandished the firearm, indicated that the offender possessed a	443
firearm, or used the firearm to facilitate the offense, with	444
respect to the portion of the sentence imposed under division	445
(K) of section 2929.14 of the Revised Code.	446
(b) As used in division (F)(19)(a) of this section,	447
"violent career criminal" and "violent felony offense" have the	448
same meanings as in section 2923.132 of the Revised Code.	449
(G) Notwithstanding divisions (A) to (E) of this section,	450
if an offender is being sentenced for a fourth degree felony OVI	451
offense or for a third degree felony OVI offense, the court	452
shall impose upon the offender a mandatory term of local	453
incarceration or a mandatory prison term in accordance with the	454
following:	455
(1) If the offender is being sentenced for a fourth degree	456
felony OVI offense and if the offender has not been convicted of	457
and has not pleaded guilty to a specification of the type	458
described in section 2941.1413 of the Revised Code, the court	459
may impose upon the offender a mandatory term of local	460
incarceration of sixty days or one hundred twenty days as	461
specified in division (G)(1)(d) of section 4511.19 of the	462
Revised Code. The court shall not reduce the term pursuant to	463

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section 2929.20, 2967.193, or any other provision of the Revised	464
Code. The court that imposes a mandatory term of local	465
incarceration under this division shall specify whether the term	466
is to be served in a jail, a community-based correctional	467
facility, a halfway house, or an alternative residential	468
facility, and the offender shall serve the term in the type of	469
facility specified by the court. A mandatory term of local	470
incarceration imposed under division (G)(1) of this section is	471
not subject to any other Revised Code provision that pertains to	472
a prison term except as provided in division (A)(1) of this	473
section.	474

(2) If the offender is being sentenced for a third degree 475 felony OVI offense, or if the offender is being sentenced for a 476 fourth degree felony OVI offense and the court does not impose a 477 mandatory term of local incarceration under division (G)(1) of 478 this section, the court shall impose upon the offender a 479 mandatory prison term of one, two, three, four, or five years if 480 the offender also is convicted of or also pleads guilty to a 481 specification of the type described in section 2941.1413 of the 482 Revised Code or shall impose upon the offender a mandatory 483 prison term of sixty days or one hundred twenty days as 484 specified in division (G)(1)(d) or (e) of section 4511.19 of the 485 Revised Code if the offender has not been convicted of and has 486 not pleaded quilty to a specification of that type. Subject to 487 divisions (C) to (I) of section 2967.19 of the Revised Code, the 488 court shall not reduce the term pursuant to section 2929.20, 489 2967.19, 2967.193, or any other provision of the Revised Code. 490 The offender shall serve the one-, two-, three-, four-, or five-491 year mandatory prison term consecutively to and prior to the 492 prison term imposed for the underlying offense and consecutively 493 to any other mandatory prison term imposed in relation to the 494

offense. In no case shall an offender who once has been	495
sentenced to a mandatory term of local incarceration pursuant to	496
division (G)(1) of this section for a fourth degree felony OVI	497
offense be sentenced to another mandatory term of local	498
incarceration under that division for any violation of division	499
(A) of section 4511.19 of the Revised Code. In addition to the	500
mandatory prison term described in division (G)(2) of this	501
section, the court may sentence the offender to a community	502
control sanction under section 2929.16 or 2929.17 of the Revised	503
Code, but the offender shall serve the prison term prior to	504
serving the community control sanction. The department of	505
rehabilitation and correction may place an offender sentenced to	506
a mandatory prison term under this division in an intensive	507
program prison established pursuant to section 5120.033 of the	508
Revised Code if the department gave the sentencing judge prior	509
notice of its intent to place the offender in an intensive	510
program prison established under that section and if the judge	511
did not notify the department that the judge disapproved the	512
placement. Upon the establishment of the initial intensive	513
program prison pursuant to section 5120.033 of the Revised Code	514
that is privately operated and managed by a contractor pursuant	515
to a contract entered into under section 9.06 of the Revised	516
Code, both of the following apply:	517
(a) The department of rehabilitation and correction shall	518
make a reasonable effort to ensure that a sufficient number of	519
offenders sentenced to a mandatory prison term under this	520
division are placed in the privately operated and managed prison	521
so that the privately operated and managed prison has full	522
occupancy.	523
(b) Unless the privately operated and managed prison has	524

full occupancy, the department of rehabilitation and correction

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shall not place any offender sentenced to a mandatory prison	526
term under this division in any intensive program prison	527
established pursuant to section 5120.033 of the Revised Code	528
other than the privately operated and managed prison.	529
(H) If an offender is being sentenced for a sexually	530
oriented offense or child-victim oriented offense that is a	531
felony committed on or after January 1, 1997, the judge shall	532
require the offender to submit to a DNA specimen collection	533
procedure pursuant to section 2901.07 of the Revised Code.	534
procedure pursuant to section 2501.07 or the Nevisea code.	334
(I) If an offender is being sentenced for a sexually	535
oriented offense or a child-victim oriented offense committed on	536
or after January 1, 1997, the judge shall include in the	537
sentence a summary of the offender's duties imposed under	538
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised	539
Code and the duration of the duties. The judge shall inform the	540
offender, at the time of sentencing, of those duties and of	541
their duration. If required under division (A)(2) of section	542
2950.03 of the Revised Code, the judge shall perform the duties	543
specified in that section, or, if required under division (A)(6)	544
of section 2950.03 of the Revised Code, the judge shall perform	545
the duties specified in that division.	546
(J)(1) Except as provided in division (J)(2) of this	547
section, when considering sentencing factors under this section	548
in relation to an offender who is convicted of or pleads guilty	549
to an attempt to commit an offense in violation of section	550
2923.02 of the Revised Code, the sentencing court shall consider	551
the factors applicable to the felony category of the violation	552
of section 2923.02 of the Revised Code instead of the factors	553
applicable to the felony category of the offense attempted.	554

(2) When considering sentencing factors under this section

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in relation to an offender who is convicted of or pleads guilty	556
to an attempt to commit a drug abuse offense for which the	557
penalty is determined by the amount or number of unit doses of	558
the controlled substance involved in the drug abuse offense, the	559
sentencing court shall consider the factors applicable to the	560
felony category that the drug abuse offense attempted would be	561
if that drug abuse offense had been committed and had involved	562
an amount or number of unit doses of the controlled substance	563
that is within the next lower range of controlled substance	564
amounts than was involved in the attempt.	565
(K) As used in this section:	566
(1) "Community addiction services provider" has the same	567
meaning as in section 5119.01 of the Revised Code.	568
(2) "Drug abuse offense" has the same meaning as in	569
section 2925.01 of the Revised Code.	570
(3) "Minor drug possession offense" has the same meaning	571
as in section 2925.11 of the Revised Code.	572
(4) "Qualifying assault offense" means a violation of	573
section 2903.13 of the Revised Code for which the penalty	574
provision in division (C)(8)(b) or (C)(9)(b) of that section	575
applies.	576
(L) At the time of sentencing an offender for any sexually	577
oriented offense, if the offender is a tier III sex	578
offender/child-victim offender relative to that offense and the	579
offender does not serve a prison term or jail term, the court	580
may require that the offender be monitored by means of a global	581
positioning device. If the court requires such monitoring, the	582
cost of monitoring shall be borne by the offender. If the	583

offender is indigent, the cost of compliance shall be paid by

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the crime victims reparations fund.

Sec. 2929.15. (A) (1) If in sentencing an offender for a 586 felony the court is not required to impose a prison term, a 587 mandatory prison term, or a term of life imprisonment upon the 588 offender, the court may directly impose a sentence that consists 589 of one or more community control sanctions authorized pursuant 590 to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 591 the court is sentencing an offender for a fourth degree felony 592 OVI offense under division (G)(1) of section 2929.13 of the 593 594 Revised Code, in addition to the mandatory term of local incarceration imposed under that division and the mandatory fine 595 required by division (B)(3) of section 2929.18 of the Revised 596 Code, the court may impose upon the offender a community control 597 sanction or combination of community control sanctions in 598 accordance with sections 2929.16 and 2929.17 of the Revised 599 Code. If the court is sentencing an offender for a third or 600 fourth degree felony OVI offense under division (G)(2) of 601 section 2929.13 of the Revised Code, in addition to the 602 603 mandatory prison term or mandatory prison term and additional prison term imposed under that division, the court also may 604 impose upon the offender a community control sanction or 605 combination of community control sanctions under section 2929.16 606 or 2929.17 of the Revised Code, but the offender shall serve all 607 of the prison terms so imposed prior to serving the community 608 control sanction. 609

The duration of all community control sanctions imposed

upon an offender under this division shall not exceed five

fit the offender absconds or otherwise leaves the

jurisdiction of the court in which the offender resides without

obtaining permission from the court or the offender's probation

officer to leave the jurisdiction of the court, or if the

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offender is confined in any institution for the commission of	616
any offense while under a community control sanction, the period	617
of the community control sanction ceases to run until the	618
offender is brought before the court for its further action. If	619
the court sentences the offender to one or more nonresidential	620
sanctions under section 2929.17 of the Revised Code, the court	621
shall impose as a condition of the nonresidential sanctions	622
that, during the period of the sanctions, the offender must	623
abide by the law and must not leave the state without the	624
permission of the court or the offender's probation officer. The	625
court may impose any other conditions of release under a	626
community control sanction that the court considers appropriate,	627
including, but not limited to, requiring that the offender not	628
ingest or be injected with a drug of abuse and submit to random	629
drug testing as provided in division (D) of this section to	630
determine whether the offender ingested or was injected with a	631
drug of abuse and requiring that the results of the drug test	632
indicate that the offender did not ingest or was not injected	633
with a drug of abuse.	634

(2) (a) If a court sentences an offender to any community 635 control sanction or combination of community control sanctions 636 authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 637 the Revised Code, the court shall place the offender under the 638 general control and supervision of a department of probation in 639 the county that serves the court for purposes of reporting to 640 the court a violation of any condition of the sanctions, any 641 condition of release under a community control sanction imposed 642 by the court, a violation of law, or the departure of the 643 offender from this state without the permission of the court or 644 the offender's probation officer. Alternatively, if the offender 645 resides in another county and a county department of probation 646

has been established in that county or that county is served by	647
a multicounty probation department established under section	648
2301.27 of the Revised Code, the court may request the court of	649
common pleas of that county to receive the offender into the	650
general control and supervision of that county or multicounty	651
department of probation for purposes of reporting to the court a	652
violation of any condition of the sanctions, any condition of	653
release under a community control sanction imposed by the court,	654
a violation of law, or the departure of the offender from this	655
state without the permission of the court or the offender's	656
probation officer, subject to the jurisdiction of the trial	657
judge over and with respect to the person of the offender, and	658
to the rules governing that department of probation.	659

If there is no department of probation in the county that 660 serves the court, the court shall place the offender, regardless 661 of the offender's county of residence, under the general control 662 and supervision of the adult parole authority for purposes of 663 reporting to the court a violation of any of the sanctions, any 664 condition of release under a community control sanction imposed 665 by the court, a violation of law, or the departure of the 666 offender from this state without the permission of the court or 667 the offender's probation officer. 668

(b) If the court imposing sentence upon an offender 669 sentences the offender to any community control sanction or 670 combination of community control sanctions authorized pursuant 671 to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 672 if the offender violates any condition of the sanctions, any 673 condition of release under a community control sanction imposed 674 by the court, violates any law, or departs the state without the 675 permission of the court or the offender's probation officer, the 676 public or private person or entity that operates or administers 677

the sanction or the program or activity that comprises the	678
sanction shall report the violation or departure directly to the	679
sentencing court, or shall report the violation or departure to	680
the county or multicounty department of probation with general	681
control and supervision over the offender under division (A)(2)	682
(a) of this section or the officer of that department who	683
supervises the offender, or, if there is no such department with	684
general control and supervision over the offender under that	685
division, to the adult parole authority. If the public or	686
private person or entity that operates or administers the	687
sanction or the program or activity that comprises the sanction	688
reports the violation or departure to the county or multicounty	689
department of probation or the adult parole authority, the	690
department's or authority's officers may treat the offender as	691
if the offender were on probation and in violation of the	692
probation, and shall report the violation of the condition of	693
the sanction, any condition of release under a community control	694
sanction imposed by the court, the violation of law, or the	695
departure from the state without the required permission to the	696
sentencing court.	697

(3) If an offender who is eligible for community control 698 sanctions under this section admits to being drug addicted or 699 the court has reason to believe that the offender is drug 700 addicted, and if the offense for which the offender is being 701 sentenced was related to the addiction, the court may require 702 that the offender be assessed by a properly credentialed 703 professional within a specified period of time and shall require 704 the professional to file a written assessment of the offender 705 with the court. If a court imposes treatment and recovery 706 support services as a community control sanction, the court 707 shall direct the level and type of treatment and recovery 708 S. B. No. 66
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support services after consideration of the written assessment,	709
if available at the time of sentencing, and recommendations of	710
the professional and other treatment and recovery support	711
services providers.	712
(4) If an assessment completed pursuant to division (A)(3)	713
of this section indicates that the offender is addicted to drugs	714
or alcohol, the court may include in any community control	715
sanction imposed for a violation of section 2925.02, 2925.03,	716
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23,	717
2925.36, or 2925.37 of the Revised Code a requirement that the	718
offender participate in a treatment and recovery support	719
services program certified under section 5119.36 of the Revised	720
Code or offered by another properly credentialed community	721
addiction services provider.	722
(B)(1) If the conditions of a community control sanction	723
are violated or if the offender violates a law or leaves the	724
state without the permission of the court or the offender's	725
probation officer, the sentencing court may impose upon the	726
violator one or more of the following penalties:	727
(a) A longer time under the same sanction if the total	728
time under the sanctions does not exceed the five-year limit	729
specified in division (A) of this section;	730
(b) A more restrictive sanction under section 2929.16,	731
2929.17, or 2929.18 of the Revised Code, including but not	732
limited to, a new term in a community-based correctional	733
facility or jail pursuant to division (A)(6) of section 2929.16	734
of the Revised Code;	735
(c) A prison term on the offender pursuant to section	736
2929.14 of the Revised Code.	737

(2) If an offender was acting pursuant to division (B)(2)	738
(b) of section 2925.11 of the Revised Code and in so doing	739
violated the conditions of a community control sanction based on	740
a minor drug possession offense, as defined in section 2925.11	741
of the Revised Code, the sentencing court may consider the	742
offender's conduct in seeking or obtaining medical assistance	743
for another in good faith or for self or may consider the	744
offender being the subject of another person seeking or	745
obtaining medical assistance in accordance with that division as	746
a mitigating factor before imposing any of the penalties	747
described in division (B)(1) of this section.	748

- (3) The prison term, if any, imposed upon a violator 749 pursuant to this division shall be within the range of prison 750 terms available for the offense for which the sanction that was 751 violated was imposed and shall not exceed the prison term 752 specified in the notice provided to the offender at the 753 sentencing hearing pursuant to division (B)(2) of section 754 2929.19 of the Revised Code. The court may reduce the longer 755 period of time that the offender is required to spend under the 756 longer sanction, the more restrictive sanction, or a prison term 757 758 imposed pursuant to this division by the time the offender successfully spent under the sanction that was initially 759 imposed. 760
- (C) If an offender, for a significant period of time, 761 fulfills the conditions of a sanction imposed pursuant to 762 section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 763 exemplary manner, the court may reduce the period of time under 764 the sanction or impose a less restrictive sanction, but the 765 court shall not permit the offender to violate any law or permit 766 the offender to leave the state without the permission of the 767 court or the offender's probation officer. 768

(D)(1) If a court under division (A)(1) of this section	769
imposes a condition of release under a community control	770
sanction that requires the offender to submit to random drug	771
testing, the department of probation or the adult parole	772
authority that has general control and supervision of the	773
offender under division (A)(2)(a) of this section may cause the	774
offender to submit to random drug testing performed by a	775
laboratory or entity that has entered into a contract with any	776
of the governmental entities or officers authorized to enter	777
into a contract with that laboratory or entity under section	778
341.26, 753.33, or 5120.63 of the Revised Code.	779

- (2) If no laboratory or entity described in division (D) 780 (1) of this section has entered into a contract as specified in 781 that division, the department of probation or the adult parole 782 authority that has general control and supervision of the 783 offender under division (A)(2)(a) of this section shall cause 784 the offender to submit to random drug testing performed by a 785 reputable public laboratory to determine whether the individual 786 who is the subject of the drug test ingested or was injected 787 with a drug of abuse. 788
- (3) A laboratory or entity that has entered into a 789 790 contract pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code shall perform the random drug tests under division 791 (D)(1) of this section in accordance with the applicable 792 standards that are included in the terms of that contract. A 793 public laboratory shall perform the random drug tests under 794 division (D)(2) of this section in accordance with the standards 795 set forth in the policies and procedures established by the 796 department of rehabilitation and correction pursuant to section 797 5120.63 of the Revised Code. An offender who is required under 798 division (A)(1) of this section to submit to random drug testing 799

as a condition of release under a community control sanction and	800
whose test results indicate that the offender ingested or was	801
injected with a drug of abuse shall pay the fee for the drug	802
test if the department of probation or the adult parole	803
authority that has general control and supervision of the	804
offender requires payment of a fee. A laboratory or entity that	805
performs the random drug testing on an offender under division	806
(D)(1) or (2) of this section shall transmit the results of the	807
drug test to the appropriate department of probation or the	808
adult parole authority that has general control and supervision	809
of the offender under division (A)(2)(a) of this section.	810
Sec. 2929.16. (A) Except as provided in this division, the	811
court imposing a sentence for a felony upon an offender who is	812
not required to serve a mandatory prison term may impose any	813
community residential sanction or combination of community	814
residential sanctions under this section. The court imposing a	815
sentence for a fourth degree felony OVI offense under division	816
(G)(1) or (2) of section 2929.13 of the Revised Code or for a	817
third degree felony OVI offense under division (G)(2) of that	818
section may impose upon the offender, in addition to the	819
mandatory term of local incarceration or mandatory prison term	820
imposed under the applicable division, a community residential	821
sanction or combination of community residential sanctions under	822
this section, and the offender shall serve or satisfy the	823
sanction or combination of sanctions after the offender has	824
served the mandatory term of local incarceration or mandatory	825
prison term required for the offense. Community residential	826
sanctions include, but are not limited to, the following:	827
(1) A Except as otherwise provided in division (A)(6) of	828
this section, a term of up to six months at a community-based	829

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correctional facility that serves the county;

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(2) Except as otherwise provided in division (A)(3) or (6)	831
of this section and subject to division (D) of this section, a	832
term of up to six months in a jail;	833
(3) If the offender is convicted of a fourth degree felony	834
OVI offense and is sentenced under division (G)(1) of section	835
2929.13 of the Revised Code, subject to division (D) of this	836
section, a term of up to one year in a jail less the mandatory	837
term of local incarceration of sixty or one hundred twenty	838
consecutive days of imprisonment imposed pursuant to that	839
division;	840
(4) A term in a halfway house;	841
(5) A term in an alternative residential facility;	842
(6) If the offender is sentenced to a community control	843
sanction and violates the conditions of the sanction, a term of	844
up to six months in a community-based correctional facility that	845
serves the county or in a jail, which term shall be in addition	846
to any term imposed under divisions (A)(1) to (5) of this	847
section.	848
(B) The court that assigns any offender convicted of a	849
felony to a residential sanction under this section may	850
authorize the offender to be released so that the offender may	851
seek or maintain employment, receive education or training, or	852
receive treatment. A release pursuant to this division shall be	853
only for the duration of time that is needed to fulfill the	854
purpose of the release and for travel that reasonably is	855
necessary to fulfill the purposes of the release.	856
(C) If the court assigns an offender to a county jail that	857
is not a minimum security misdemeanant jail in a county that has	858
established a county jail industry program pursuant to section	859

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5147.30 of the Revised Code, the court shall specify, as part of	860
the sentence, whether the sheriff of that county may consider	861
the offender for participation in the county jail industry	862
program. During the offender's term in the county jail, the	863
court shall retain jurisdiction to modify its specification upon	864
a reassessment of the offender's qualifications for	865
participation in the program.	866

- (D) If a court sentences an offender to a term in jail 867 under division (A) (2) -or, (3), or (6) of this section and if the 868 sentence is imposed for a felony of the fourth or fifth degree 869 that is not an offense of violence, the court may specify that 870 it prefers that the offender serve the term in a minimum 871 security jail established under section 341.34 or 753.21 of the 872 Revised Code. If the court includes a specification of that type 873 in the sentence and if the administrator of the appropriate 874 minimum security jail or the designee of that administrator 875 classifies the offender in accordance with section 341.34 or 876 753.21 of the Revised Code as a minimal security risk, the 877 offender shall serve the term in the minimum security jail 878 established under section 341.34 or 753.21 of the Revised Code. 879 Absent a specification of that type and a finding of that type, 880 the offender shall serve the term in a jail other than a minimum 881 security jail established under section 341.34 or 753.21 of the 882 Revised Code. 883
- (E) If a person who has been convicted of or pleaded
  guilty to a felony is sentenced to a community residential
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  sanction as described in division (A) of this section, at the
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  time of reception and at other times the person in charge of the
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  operation of the community-based correctional facility, jail,
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  halfway house, alternative residential facility, or other place
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  at which the offender will serve the residential sanction
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determines to be appropriate, the person in charge of the	891
operation of the community-based correctional facility, jail,	892
halfway house, alternative residential facility, or other place	893
may cause the convicted offender to be examined and tested for	894
tuberculosis, HIV infection, hepatitis, including but not	895
limited to hepatitis A, B, and C, and other contagious diseases.	896
The person in charge of the operation of the community-based	897
correctional facility, jail, halfway house, alternative	898
residential facility, or other place at which the offender will	899
serve the residential sanction may cause a convicted offender in	900
the community-based correctional facility, jail, halfway house,	901
alternative residential facility, or other place who refuses to	902
be tested or treated for tuberculosis, HIV infection, hepatitis,	903
including but not limited to hepatitis A, B, and C, or another	904
contagious disease to be tested and treated involuntarily.	905

Sec. 2929.19. (A) The court shall hold a sentencing 906 hearing before imposing a sentence under this chapter upon an 907 offender who was convicted of or pleaded quilty to a felony and 908 before resentencing an offender who was convicted of or pleaded 909 guilty to a felony and whose case was remanded pursuant to 910 section 2953.07 or 2953.08 of the Revised Code. At the hearing, 911 the offender, the prosecuting attorney, the victim or the 912 victim's representative in accordance with section 2930.14 of 913 the Revised Code, and, with the approval of the court, any other 914 person may present information relevant to the imposition of 915 sentence in the case. The court shall inform the offender of the 916 verdict of the jury or finding of the court and ask the offender 917 whether the offender has anything to say as to why sentence 918 should not be imposed upon the offender. 919

(B) (1) At the sentencing hearing, the court, before 920 imposing sentence, shall consider the record, any information 921

presented at the hearing by any person pursuant to division (A)	922
of this section, and, if one was prepared, the presentence	923
investigation report made pursuant to section 2951.03 of the	924
Revised Code or Criminal Rule 32.2, and any victim impact	925
statement made pursuant to section 2947.051 of the Revised Code.	926
(2) Subject to division (B)(3) of this section, if the	927
sentencing court determines at the sentencing hearing that a	928
prison term is necessary or required, the court shall do all of	929
the following:	930
(a) Impose a stated prison term and, if the court imposes	931
a mandatory prison term, notify the offender that the prison	932
term is a mandatory prison term;	933
(b) In addition to any other information, include in the	934
sentencing entry the name and section reference to the offense	935
or offenses, the sentence or sentences imposed and whether the	936
sentence or sentences contain mandatory prison terms, if	937
sentences are imposed for multiple counts whether the sentences	938
are to be served concurrently or consecutively, and the name and	939
section reference of any specification or specifications for	940
which sentence is imposed and the sentence or sentences imposed	941
for the specification or specifications;	942
(c) Notify the offender that the offender will be	943
supervised under section 2967.28 of the Revised Code after the	944
offender leaves prison if the offender is being sentenced for a	945
felony of the first degree or second degree, for a felony sex	946
offense, or for a felony of the third degree that is not a	947
felony sex offense and in the commission of which the offender	948
caused or threatened to cause physical harm to a person. This	949
division applies with respect to all prison terms imposed for an	950
offense of a type described in this division, including a term	951

imposed for any such offense that is a risk reduction sentence,	952
as defined in section 2967.28 of the Revised Code. If a court	953
imposes a sentence including a prison term of a type described	954
in division (B)(2)(c) of this section on or after July 11, 2006,	955
the failure of a court to notify the offender pursuant to	956
division (B)(2)(c) of this section that the offender will be	957
supervised under section 2967.28 of the Revised Code after the	958
offender leaves prison or to include in the judgment of	959
conviction entered on the journal a statement to that effect	960
does not negate, limit, or otherwise affect the mandatory period	961
of supervision that is required for the offender under division	962
(B) of section 2967.28 of the Revised Code. Section 2929.191 of	963
the Revised Code applies if, prior to July 11, 2006, a court	964
imposed a sentence including a prison term of a type described	965
in division (B)(2)(c) of this section and failed to notify the	966
offender pursuant to division (B)(2)(c) of this section	967
regarding post-release control or to include in the judgment of	968
conviction entered on the journal or in the sentence a statement	969
regarding post-release control.	970

(d) Notify the offender that the offender may be 971 supervised under section 2967.28 of the Revised Code after the 972 offender leaves prison if the offender is being sentenced for a 973 felony of the third, fourth, or fifth degree that is not subject 974 to division (B)(2)(c) of this section. This division applies 975 with respect to all prison terms imposed for an offense of a 976 type described in this division, including a term imposed for 977 any such offense that is a risk reduction sentence, as defined 978 in section 2967.28 of the Revised Code. Section 2929.191 of the 979 Revised Code applies if, prior to July 11, 2006, a court imposed 980 a sentence including a prison term of a type described in 981 division (B)(2)(d) of this section and failed to notify the 982

offender pursuant to division (B)(2)(d) of this section 983 regarding post-release control or to include in the judgment of 984 conviction entered on the journal or in the sentence a statement 985 regarding post-release control. 986

(e) Notify the offender that, if a period of supervision 987 is imposed following the offender's release from prison, as 988 described in division (B)(2)(c) or (d) of this section, and if 989 the offender violates that supervision or a condition of post-990 release control imposed under division (B) of section 2967.131 991 992 of the Revised Code, the parole board may impose a prison term, as part of the sentence, of up to one-half of the stated prison 993 term originally imposed upon the offender. If a court imposes a 994 sentence including a prison term on or after July 11, 2006, the 995 failure of a court to notify the offender pursuant to division 996 (B)(2)(e) of this section that the parole board may impose a 997 prison term as described in division (B)(2)(e) of this section 998 for a violation of that supervision or a condition of post-999 release control imposed under division (B) of section 2967.131 1000 of the Revised Code or to include in the judgment of conviction 1001 entered on the journal a statement to that effect does not 1002 negate, limit, or otherwise affect the authority of the parole 1003 board to so impose a prison term for a violation of that nature 1004 if, pursuant to division (D)(1) of section 2967.28 of the 1005 Revised Code, the parole board notifies the offender prior to 1006 the offender's release of the board's authority to so impose a 1007 prison term. Section 2929.191 of the Revised Code applies if, 1008 prior to July 11, 2006, a court imposed a sentence including a 1009 prison term and failed to notify the offender pursuant to 1010 division (B)(2)(e) of this section regarding the possibility of 1011 the parole board imposing a prison term for a violation of 1012 supervision or a condition of post-release control. 1013

(f) Require that the offender not ingest or be injected	1014
with a drug of abuse and submit to random drug testing as	1015
provided in section 341.26, 753.33, or 5120.63 of the Revised	1016
Code, whichever is applicable to the offender who is serving a	1017
prison term, and require that the results of the drug test	1018
administered under any of those sections indicate that the	1019
offender did not ingest or was not injected with a drug of	1020
abuse.	1021
(g)(i) Determine, notify the offender of, and include in	1022
the sentencing entry the <a href="total">total</a> number of days, including the	1023
sentencing date but excluding conveyance time, that the offender	1024
has been confined for any reason arising out of the offense for	1025
which the offender is being sentenced and by which the	1026
department of rehabilitation and correction must reduce the	1027
stated prison term under section 2967.191 of the Revised Code.	1028
The court's calculation shall not include the number of days, if	1029
any, that the offender <del>previously</del> -served in the custody of the	1030
department of rehabilitation and correction arising out of the-	1031
<pre>any prior offense for which the prisoner was convicted and</pre>	1032
sentenced.	1033
(ii) In making a determination under division (B)(2)(g)(i)	1034
of this section, the court shall consider the arguments of the	1035
parties and conduct a hearing if one is requested.	1036
(iii) The sentencing court retains continuing jurisdiction	1037
to correct any error not previously raised at sentencing in	1038
making a determination under division (B)(2)(g)(i) of this	1039
section. The offender may, at any time after sentencing, file a	1040
motion in the sentencing court to correct any error made in	1041
making a determination under division (B)(2)(g)(i) of this	1042
section, and the court may in its discretion grant or deny that	1043

motion. If the court changes the number of days in its	1044
determination or redetermination, the court shall cause the	1045
entry granting that change to be delivered to the department of	1046
rehabilitation and correction without delay. Sections 2931.15	1047
and 2953.21 of the Revised Code do not apply to a motion made	1048
under this section.	1049
(iv) An inaccurate determination under division (B)(2)(g)	1050
(i) of this section is not grounds for setting aside the	1051
offender's conviction or sentence and does not otherwise render	1052
the sentence void or voidable.	1053
(v) The department of rehabilitation and correction shall	1054
rely upon the latest journal entry of the court in determining	1055
the total days of local confinement for purposes of division (B)	1056
(2)(g)(i) to (iii) of this section and section 2967.191 of the	1057
Revised Code.	1058
(3) (a) The court shall include in the offender's sentence	1059
a statement that the offender is a tier III sex offender/child-	1060
victim offender, and the court shall comply with the	1061
requirements of section 2950.03 of the Revised Code if any of	1062
the following apply:	1063
(i) The offender is being sentenced for a violent sex	1064
offense or designated homicide, assault, or kidnapping offense	1065
that the offender committed on or after January 1, 1997, and the	1066
offender is adjudicated a sexually violent predator in relation	1067
to that offense.	1068
(ii) The offender is being sentenced for a sexually	1069
oriented offense that the offender committed on or after January	1070
1, 1997, and the offender is a tier III sex offender/child-	1071
victim offender relative to that offense.	1072

(iii) The offender is being sentenced on or after July 31,	1073
2003, for a child-victim oriented offense, and the offender is a	1074
tier III sex offender/child-victim offender relative to that	1075
offense.	1076
(iv) The offender is being sentenced under section 2971.03	1077
of the Revised Code for a violation of division (A)(1)(b) of	1078
section 2907.02 of the Revised Code committed on or after	1079
January 2, 2007.	1080
(v) The offender is sentenced to a term of life without	1081
parole under division (B) of section 2907.02 of the Revised	1082
Code.	1083
(vi) The offender is being sentenced for attempted rape	1084
committed on or after January 2, 2007, and a specification of	1085
the type described in section 2941.1418, 2941.1419, or 2941.1420	1086
of the Revised Code.	1087
(vii) The offender is being sentenced under division (B)	1088
(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code	1089
for an offense described in those divisions committed on or	1090
after January 1, 2008.	1091
(b) Additionally, if any criterion set forth in divisions	1092
(B)(3)(a)(i) to (vii) of this section is satisfied, in the	1093
circumstances described in division (E) of section 2929.14 of	1094
the Revised Code, the court shall impose sentence on the	1095
offender as described in that division.	1096
(4) If the sentencing court determines at the sentencing	1097
hearing that a community control sanction should be imposed and	1098
the court is not prohibited from imposing a community control	1099
sanction, the court shall impose a community control sanction.	1100
The court shall notify the offender that, if the conditions of	1101

the sanction are violated, if the offender commits a violation	1102
of any law, or if the offender leaves this state without the	1103
permission of the court or the offender's probation officer, the	1104
court may impose a longer time under the same sanction, may	1105
impose a more restrictive sanction, or may impose a prison term	1106
on the offender and shall indicate the specific prison term that	1107
may be imposed as a sanction for the violation, as selected by	1108
the court from the range of prison terms for the offense	1109
pursuant to section 2929.14 of the Revised Code.	1110
(5) Before imposing a financial sanction under section	1111
2929.18 of the Revised Code or a fine under section 2929.32 of	1112
the Revised Code, the court shall consider the offender's	1113
present and future ability to pay the amount of the sanction or	1114

(6) If the sentencing court sentences the offender to a 1116 sanction of confinement pursuant to section 2929.14 or 2929.16 1117 of the Revised Code that is to be served in a local detention 1118 facility, as defined in section 2929.36 of the Revised Code, and 1119 if the local detention facility is covered by a policy adopted 1120 pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 1121 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 1122 and section 2929.37 of the Revised Code, both of the following 1123 apply: 1124

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fine.

- (a) The court shall specify both of the following as part 1125 of the sentence:
- (i) If the offender is presented with an itemized bill 1127 pursuant to section 2929.37 of the Revised Code for payment of 1128 the costs of confinement, the offender is required to pay the 1129 bill in accordance with that section.

(ii) If the offender does not dispute the bill described	1131
in division (B)(6)(a)(i) of this section and does not pay the	1132
bill by the times specified in section 2929.37 of the Revised	1133
Code, the clerk of the court may issue a certificate of judgment	1134
against the offender as described in that section.	1135
(b) The sentence automatically includes any certificate of	1136
judgment issued as described in division (B)(6)(a)(ii) of this	1137
section.	1138
(7) The failure of the court to notify the offender that a	1139
prison term is a mandatory prison term pursuant to division (B)	1140
(2)(a) of this section or to include in the sentencing entry any	1141
information required by division (B)(2)(b) of this section does	1142
not affect the validity of the imposed sentence or sentences. If	1143
the sentencing court notifies the offender at the sentencing	1144
hearing that a prison term is mandatory but the sentencing entry	1145
does not specify that the prison term is mandatory, the court	1146
may complete a corrected journal entry and send copies of the	1147
corrected entry to the offender and the department of	1148
rehabilitation and correction, or, at the request of the state,	1149
the court shall complete a corrected journal entry and send	1150
copies of the corrected entry to the offender and department of	1151
rehabilitation and correction.	1152
(C)(1) If the offender is being sentenced for a fourth	1153
degree felony OVI offense under division (G)(1) of section	1154
2929.13 of the Revised Code, the court shall impose the	1155
mandatory term of local incarceration in accordance with that	1156
division, shall impose a mandatory fine in accordance with	1157
division (B)(3) of section 2929.18 of the Revised Code, and, in	1158
addition, may impose additional sanctions as specified in	1159
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised	1160

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Code. The court shall not impose a prison term on the offender	1161
except that the court may impose a prison term upon the offender	1162
as provided in division (A)(1) of section 2929.13 of the Revised	1163
Code.	1164
(2) If the offender is being sentenced for a third or	1165
fourth degree felony OVI offense under division (G)(2) of	1166
section 2929.13 of the Revised Code, the court shall impose the	1167
mandatory prison term in accordance with that division, shall	1168
impose a mandatory fine in accordance with division (B)(3) of	1169
section 2929.18 of the Revised Code, and, in addition, may	1170
impose an additional prison term as specified in section 2929.14	1171
of the Revised Code. In addition to the mandatory prison term or	1172
mandatory prison term and additional prison term the court	1173
imposes, the court also may impose a community control sanction	1174
on the offender, but the offender shall serve all of the prison	1175
terms so imposed prior to serving the community control	1176
sanction.	1177
(D) The sentencing court, pursuant to division (I)(1) of	1178
section 2929.14 of the Revised Code, may recommend placement of	1179
the offender in a program of shock incarceration under section	1180
5120.031 of the Revised Code or an intensive program prison	1181
under section 5120.032 of the Revised Code, disapprove placement	1182
of the offender in a program or prison of that nature, or make	1183
no recommendation. If the court recommends or disapproves	1184
placement, it shall make a finding that gives its reasons for	1185
its recommendation or disapproval.	1186
Sec. 2951.041. (A)(1) If an offender is charged with a	1187
criminal offense, including but not limited to a violation of	1188
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21	1189
of the Revised Code, and the court has reason to believe that	1190

drug or alcohol usage by the offender was a factor leading to	1191
the criminal offense with which the offender is charged or that,	1192
at the time of committing that offense, the offender had a	1193
mental illness, was a person with an intellectual disability, or	1194
was a victim of a violation of section 2905.32 of the Revised	1195
Code and that the mental illness, status as a person with <u>an</u>	1196
intellectual disability, or fact that the offender was a victim	1197
of a violation of section 2905.32 of the Revised Code was a	1198
factor leading to the offender's criminal behavior, the court	1199
may accept, prior to the entry of a guilty plea, the offender's	1200
request for intervention in lieu of conviction. The request	1201
shall include a statement from the offender as to whether the	1202
offender is alleging that drug or alcohol usage by the offender	1203
was a factor leading to the criminal offense with which the	1204
offender is charged or is alleging that, at the time of	1205
committing that offense, the offender had a mental illness, was	1206
a person with an intellectual disability, or was a victim of a	1207
violation of section 2905.32 of the Revised Code and that the	1208
mental illness, status as a person with an intellectual	1209
disability, or fact that the offender was a victim of a	1210
violation of section 2905.32 of the Revised Code was a factor	1211
leading to the criminal offense with which the offender is	1212
charged. The request also shall include a waiver of the	1213
defendant's right to a speedy trial, the preliminary hearing,	1214
the time period within which the grand jury may consider an	1215
indictment against the offender, and arraignment, unless the	1216
hearing, indictment, or arraignment has already occurred. The	1217
court may reject an offender's request without a hearing. If the	1218
court elects to consider an offender's request, the court shall	1219
conduct a hearing to determine whether the offender is eligible	1220
under this section for intervention in lieu of conviction and	1221
shall stay all criminal proceedings pending the outcome of the	1222

hearing. If the court schedules a hearing, the court shall order	1223
an assessment of the offender for the purpose of determining the	1224
offender's <pre>program</pre> eligibility for intervention in lieu of	1225
conviction and recommending an appropriate intervention plan.	1226
If the offender alleges that drug or alcohol usage by the	1227
offender was a factor leading to the criminal offense with which	1228
the offender is charged, the court may order that the offender	1229
be assessed by a community addiction services provider or a	1230
properly credentialed professional for the purpose of	1231
determining the offender's <pre>program</pre> eligibility for intervention	1232
in lieu of conviction and recommending an appropriate	1233
intervention plan. The community addiction services provider or	1234
the properly credentialed professional shall provide a written	1235
assessment of the offender to the court.	1236
(2) The victim notification provisions of division (C) of	1237
section 2930.06 of the Revised Code apply in relation to any	1238
hearing held under division (A)(1) of this section.	1239
(B) An offender is eligible for intervention in lieu of	1240
conviction if the court finds all of the following:	1241
(1) The offender previously has not been convicted of or	1242
pleaded guilty to <u>a any</u> felony offense of violence or previously	1243
has been convicted of or pleaded guilty to any felony that is	1244
not an offense of violence and the prosecuting attorney	1245
recommends that the offender be found eligible for participation	1246
in intervention in lieu of treatment under this section,	1247
previously has not been through intervention in lieu of	1248
conviction under this section or any similar regimen, and is	1249
charged with a felony for which the court, upon conviction,	1250
would impose a community control sanction on the offender under-	1251
division (B)(2) of section 2929.13 of the Revised Code or with a	1252

misdemeanor. 1253

(2) The offense is not a felony of the first, second, or	1254
third degree, is not an offense of violence, is not a violation	1255
of division (A)(1) or (2) of section 2903.06 of the Revised	1256
Code, is not a violation of division (A)(1) of section 2903.08	1257
of the Revised Code, is not a violation of division (A) of	1258
section 4511.19 of the Revised Code or a municipal ordinance	1259
that is substantially similar to that division, and is not an	1260
offense for which a sentencing court is required to impose a	1261
mandatory prison term, a mandatory term of local incarceration,	1262
or a mandatory term of imprisonment in a jail.	1263

- (3) The offender is not charged with a violation of 1264 section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 1265 charged with a violation of section 2925.03 of the Revised Code 1266 that is a felony of the first, second, third, or fourth degree, 1267 and is not charged with a violation of section 2925.11 of the 1268 Revised Code that is a felony of the first, or second, or third 1269 degree.
- (4) If an offender alleges that drug or alcohol usage by 1271 the offender was a factor leading to the criminal offense with 1272 which the offender is charged, the court has ordered that the 1273 offender be assessed by a community addiction services provider 1274 or a properly credentialed professional for the purpose of 1275 determining the offender's program eligibility for intervention 1276 in lieu of conviction and recommending an appropriate 1277 intervention plan, the offender has been assessed by a community 1278 addiction services provider of that nature or a properly 1279 credentialed professional in accordance with the court's order, 1280 and the community addiction services provider or properly 1281 credentialed professional has filed the written assessment of 1282

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the offender with the court.

(5) If an offender alleges that, at the time of committing 1284 the criminal offense with which the offender is charged, the 1285 offender had a mental illness, was a person with an intellectual 1286 disability, or was a victim of a violation of section 2905.32 of 1287 the Revised Code and that the mental illness, status as a person 1288 with an intellectual disability, or fact that the offender was a 1289 victim of a violation of section 2905.32 of the Revised Code was 1290 a factor leading to that offense, the offender has been assessed 1291 1292 by a psychiatrist, psychologist, independent social worker, licensed professional clinical counselor, or independent 1293 marriage and family therapist for the purpose of determining the 1294 offender's program eligibility for intervention in lieu of 1295 conviction and recommending an appropriate intervention plan. 1296

- (6) The offender's drug usage, alcohol usage, mental 1297 illness, or intellectual disability, or the fact that the 1298 offender was a victim of a violation of section 2905.32 of the 1299 Revised Code, whichever is applicable, was a factor leading to 1300 the criminal offense with which the offender is charged, 1301 intervention in lieu of conviction would not demean the 1302 seriousness of the offense, and intervention would substantially 1303 reduce the likelihood of any future criminal activity. 1304
- (7) The alleged victim of the offense was not sixty-five years of age or older, permanently and totally disabled, under thirteen years of age, or a peace officer engaged in the officer's official duties at the time of the alleged offense.
- (8) If the offender is charged with a violation of section
  2925.24 of the Revised Code, the alleged violation did not
  result in physical harm to any person, and the offender
  previously has not been treated for drug abuse.
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(9) The offender is willing to comply with all terms and	1313
conditions imposed by the court pursuant to division (D) of this	1314
section.	1315
(10) The offender is not charged with an offense that	1316
would result in the offender being disqualified under Chapter	1317
4506. of the Revised Code from operating a commercial motor	1318
vehicle or would subject the offender to any other sanction	1319
under that chapter.	1320
(C) At the conclusion of a hearing held pursuant to	1321
division (A) of this section, the court shall enter its	1322
determination as to whether the offender is eligible for will be	1323
granted intervention in lieu of conviction and as to whether to	1324
grant the offender's request. If the court finds under this	1325
division and division (B) of this section that the offender is	1326
eligible for intervention in lieu of conviction and grants the	1327
offender's request, the court shall accept the offender's plea	1328
of guilty and waiver of the defendant's right to a speedy trial,	1329
the preliminary hearing, the time period within which the grand	1330
jury may consider an indictment against the offender, and	1331
arraignment, unless the hearing, indictment, or arraignment has	1332
already occurred. In addition, the court then may stay all	1333
criminal proceedings and order the offender to comply with all	1334
terms and conditions imposed by the court pursuant to division	1335
(D) of this section. If the court finds that the offender is not	1336
eligible or does not grant the offender's request, the criminal	1337
proceedings against the offender shall proceed as if the	1338
offender's request for intervention in lieu of conviction had	1339
not been made.	1340
(D) If the court grants an offender's request for	1341

intervention in lieu of conviction, the court shall place the

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offender under the general control and supervision of the county	1343
probation department, the adult parole authority, or another	1344
appropriate local probation or court services agency, if one	1345
exists, as if the offender was subject to a community control	1346
sanction imposed under section 2929.15, 2929.18, or 2929.25 of	1347
the Revised Code. The court shall establish an intervention plan	1348
for the offender. The terms and conditions of the intervention	1349
plan shall require the offender, for at least one year from the	1350
date on which the court grants the order of intervention in lieu	1351
of conviction, to abstain from the use of illegal drugs and	1352
alcohol, to participate in treatment and recovery support	1353
services, and to submit to regular random testing for drug and	1354
alcohol use and may include any other treatment terms and	1355
conditions, or terms and conditions similar to community control	1356
sanctions, which may include community service or restitution,	1357
that are ordered by the court.	1358

(E) If the court grants an offender's request for 1359 intervention in lieu of conviction and the court finds that the 1360 offender has successfully completed the intervention plan for 1361 the offender, including the requirement that the offender 1362 abstain from using illegal drugs and alcohol for a period of at 1363 least one year from the date on which the court granted the 1364 order of intervention in lieu of conviction, the requirement 1365 that the offender participate in treatment and recovery support 1366 services, and all other terms and conditions ordered by the 1367 court, the court shall dismiss the proceedings against the 1368 offender. Successful completion of the intervention plan and 1369 period of abstinence under this section shall be without 1370 adjudication of guilt and is not a criminal conviction for 1371 purposes of any disqualification or disability imposed by law 1372 and upon conviction of a crime, and the court may order the 1373

sealing of records related to the offense in question in the	1374
manner provided in sections 2953.31 to 2953.36 of the Revised	1375
Code.	1376
(F) If the court grants an offender's request for	1377
intervention in lieu of conviction and the offender fails to	1378
comply with any term or condition imposed as part of the	1379
intervention plan for the offender, the supervising authority	1380
for the offender promptly shall advise the court of this	1381
failure, and the court shall hold a hearing to determine whether	1382
the offender failed to comply with any term or condition imposed	1383
as part of the plan. If the court determines that the offender	1384
has failed to comply with any of those terms and conditions, it	1385
shall either continue the offender on intervention in lieu of	1386
conviction or enter a finding of guilty and shall—impose an	1387
appropriate sanction under Chapter 2929. of the Revised Code. If	1388
the court sentences the offender to a prison term, the court,	1389
after consulting with the department of rehabilitation and	1390
correction regarding the availability of services, may order	1391
continued court-supervised activity and treatment of the	1392
offender during the prison term and, upon consideration of	1393
reports received from the department concerning the offender's	1394
progress in the program of activity and treatment, may consider	1395
judicial release under section 2929.20 of the Revised Code.	1396
(G) As used in this section:	1397
(1) "Community addiction services provider" has the same	1398
meaning as in section 5119.01 of the Revised Code.	1399
(2) "Community control sanction" has the same meaning as	1400
in section 2929.01 of the Revised Code.	1401

(3) "Intervention in lieu of conviction" means any court-

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supervised activity that complies with this section.	1403
(4) "Intellectual disability" has the same meaning as in	1404
section 5123.01 of the Revised Code.	1405
(5) "Peace officer" has the same meaning as in section	1406
2935.01 of the Revised Code.	1407
(6) "Mental illness" and "psychiatrist" have the same	1408
meanings as in section 5122.01 of the Revised Code.	1409
(7) "Psychologist" has the same meaning as in section	1410
4732.01 of the Revised Code.	1411
Sec. 2953.31. As used in sections 2953.31 to 2953.36 of	1412
the Revised Code:	1413
(A) (1) "Eligible offender" means anyone either of the	1414
<pre>following:</pre>	1415
(a) Regardless of the number of convictions, anyone who	1416
has been convicted of one or more offenses in this state or any	1417
other jurisdiction, if all of the offenses in this state are	1418
felonies of the fourth or fifth degree and none of those	1419
offenses are an offense of violence or a felony sex offense and	1420
all of the offenses in another jurisdiction, if committed in	1421
this state, would be felonies of the fourth or fifth degree and	1422
none of those offenses would be an offense of violence or a	1423
<pre>felony sex offense;</pre>	1424
(b) Anyone who has been convicted of an offense in this	1425
state or any other jurisdiction and who has not more than one	1426
felony conviction, not more than two misdemeanor convictions, or	1427
not more than one felony conviction and one misdemeanor	1428
conviction in this state or any other jurisdiction. When two or	1429
more convictions result from or are connected with the same act	1430

or result from offenses committed at the same time, they shall	1431
be counted as one conviction. When two or three convictions	1432
result from the same indictment, information, or complaint, from	1433
the same plea of guilty, or from the same official proceeding,	1434
and result from related criminal acts that were committed within	1435
a three-month period but do not result from the same act or from	1436
offenses committed at the same time, they shall be counted as	1437
one conviction, provided that a court may decide as provided in	1438
division (C)(1)(a) of section 2953.32 of the Revised Code that	1439
it is not in the public interest for the two or three	1440
convictions to be counted as one conviction.	1441

(2) For purposes of, and except as otherwise provided in, 1442 this division (A)(1) of this section, a conviction for a minor 1443 misdemeanor, for a violation of any section in Chapter 4507., 1444 4510., 4511., 4513., or 4549. of the Revised Code, or for a 1445 violation of a municipal ordinance that is substantially similar 1446 to any section in those chapters is not a conviction. However, a 1447 conviction for a violation of section 4511.19, 4511.251, 1448 4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections 1449 4549.41 to 4549.46 of the Revised Code, for a violation of 1450 section 4510.11 or 4510.14 of the Revised Code that is based 1451 upon the offender's operation of a vehicle during a suspension 1452 imposed under section 4511.191 or 4511.196 of the Revised Code, 1453 for a violation of a substantially equivalent municipal 1454 ordinance, for a felony violation of Title XLV of the Revised 1455 Code, or for a violation of a substantially equivalent former 1456 law of this state or former municipal ordinance shall be 1457 considered a conviction. 1458

(B) "Prosecutor" means the county prosecuting attorney, 1459 city director of law, village solicitor, or similar chief legal 1460 officer, who has the authority to prosecute a criminal case in 1461

the court in which the case is filed.	1462
(C) "Bail forfeiture" means the forfeiture of bail by a	1463
defendant who is arrested for the commission of a misdemeanor,	1464
other than a defendant in a traffic case as defined in Traffic	1465
Rule 2, if the forfeiture is pursuant to an agreement with the	1466
court and prosecutor in the case.	1467
(D) "Official records" has the same meaning as in division	1468
(D) of section 2953.51 of the Revised Code.	1469
(E) "Official proceeding" has the same meaning as in	1470
section 2921.01 of the Revised Code.	1471
(F) "Community control sanction" has the same meaning as	1472
in section 2929.01 of the Revised Code.	1473
(G) "Post-release control" and "post-release control	1474
sanction" have the same meanings as in section 2967.01 of the	1475
Revised Code.	1476
(H) "DNA database," "DNA record," and "law enforcement	1477
agency" have the same meanings as in section 109.573 of the	1478
Revised Code.	1479
(I) "Fingerprints filed for record" means any fingerprints	1480
obtained by the superintendent of the bureau of criminal	1481
identification and investigation pursuant to sections 109.57 and	1482
109.571 of the Revised Code.	1483
Sec. 2967.16. (A) Except as provided in division (D) of	1484
this section, when a paroled prisoner has faithfully performed	1485
the conditions and obligations of the paroled prisoner's parole	1486
and has obeyed the rules and regulations adopted by the adult	1487
parole authority that apply to the paroled prisoner, the	1488
authority upon the recommendation of the superintendent of	1489

<del>parole supervision may enter upon its minutes grant</del> a final	1490
release and thereupon shall issue to the paroled prisoner a	1491
certificate of final release that shall serve as the minutes of	1492
the authority, but the authority shall not grant a final release	1493
earlier than one year after the paroled prisoner is released	1494
from the institution on parole, and, in the case of a paroled	1495
prisoner whose minimum—sentence is life imprisonment, the	1496
authority shall not grant a final release earlier than five	1497
years after the paroled prisoner is released from the	1498
institution on parole.	1499

(B) (1) When a prisoner who has been released under a 1500 period of post-release control pursuant to section 2967.28 of 1501 the Revised Code has faithfully performed the conditions and 1502 obligations of the released prisoner's post-release control 1503 sanctions and has obeyed the rules and regulations adopted by 1504 the adult parole authority that apply to the released prisoner 1505 or has the period of post-release control terminated by a court 1506 pursuant to section 2929.141 of the Revised Code, the authority— 1507 upon the recommendation of the superintendent of parole-1508 supervision, may enter upon its minutes a final release and, 1509 upon the entry of the final release, shall terminate the period 1510 of post-release control and issue to the released prisoner a 1511 certificate of final release termination, which shall serve as 1512 the minutes of the authority. In the case of a prisoner who has 1513 been released under a period of post-release control pursuant to 1514 division (B) of section 2967.28 of the Revised Code, the 1515 authority shall not grant a final release terminate post-release 1516 control earlier than one year after the released prisoner is 1517 released from the institution under a period of post-release 1518 control. The authority shall classify the termination of post-1519 release control as favorable or unfavorable depending on the 1520

offender's conduct and compliance with the conditions of	1521
supervision. In the case of a released prisoner whose sentence	1522
is life imprisonment, the authority shall not <del>grant a final</del>	1523
release terminate post-release control earlier than five years	1524
after the released prisoner is released from the institution	1525
under a period of post-release control.	1526
(2) The department of rehabilitation and correction, no	1527
later than six months after July 8, 2002, shall adopt a rule in	1528
accordance with Chapter 119. of the Revised Code that	1529
establishes the criteria for the classification of a post-	1530
release control termination as "favorable" or "unfavorable."	1531
(C)(1) Except as provided in division (C)(2) of this	1532
section, the following prisoners or person shall be restored to	1533
the rights and privileges forfeited by a conviction:	1534
(a) A prisoner who has served the entire prison term that	1535
comprises or is part of the prisoner's sentence and has not been	1536
placed under any post-release control sanctions;	1537
(b) A prisoner who has been granted a final release or	1538
termination of post-release control by the adult parole	1539
authority pursuant to division (A) or (B) of this section;	1540
(c) A person who has completed the period of a community	1541
control sanction or combination of community control sanctions,	1542
as defined in section 2929.01 of the Revised Code, that was	1543
imposed by the sentencing court.	1544
(2)(a) As used in division (C)(2)(c) of this section:	1545
(i) "Position of honor, trust, or profit" has the same	1546
meaning as in section 2929.192 of the Revised Code.	1547
(ii) "Public office" means any elected federal, state, or	1548

local government office in this state. 1549 (b) For purposes of division (C)(2)(c) of this section, a 1550 violation of section 2923.32 of the Revised Code or any other 1551 violation or offense that includes as an element a course of 1552 conduct or the occurrence of multiple acts is "committed on or 1553 after the effective date of this amendment May 13, 2008," if the 1554 course of conduct continues, one or more of the multiple acts 1555 occurs, or the subject person's accountability for the course of 1556 conduct or for one or more of the multiple acts continues, on or 1557 after the effective date of this amendment May 13, 2008. 1558 (c) Division (C)(1) of this section does not restore a 1559 prisoner or person to the privilege of holding a position of 1560 honor, trust, or profit if the prisoner or person was convicted 1561 of or pleaded guilty to committing on or after the effective 1562 date of this amendment May 13, 2008, any of the following 1563 offenses that is a felony: 1564 (i) A violation of section 2921.02, 2921.03, 2921.05, 1565 2921.41, 2921.42, or 2923.32 of the Revised Code; 1566 (ii) A violation of section 2913.42, 2921.04, 2921.11, 1567 2921.12, 2921.31, or 2921.32 of the Revised Code, when the 1568 person committed the violation while the person was serving in a 1569 public office and the conduct constituting the violation was 1570 related to the duties of the person's public office or to the 1571 person's actions as a public official holding that public 1572 office; 1573 (iii) A violation of an existing or former municipal 1574 ordinance or law of this or any other state or the United States 1575 that is substantially equivalent to any violation listed in 1576 division (C)(2)(c)(i) of this section; 1577

(iv) A violation of an existing or former municipal	1578
ordinance or law of this or any other state or the United States	1579
that is substantially equivalent to any violation listed in	1580
division (C)(2)(c)(ii) of this section, when the person	1581
committed the violation while the person was serving in a public	1582
office and the conduct constituting the violation was related to	1583
the duties of the person's public office or to the person's	1584
actions as a public official holding that public office;	1585
(v) A conspiracy to commit, attempt to commit, or	1586
complicity in committing any offense listed in division (C)(2)	1587
(c)(i) or described in division (C)(2)(c)(iii) of this section;	1588
(vi) A conspiracy to commit, attempt to commit, or	1589
complicity in committing any offense listed in division (C)(2)	1590
(c)(ii) or described in division (C)(2)(c)(iv) of this section,	1591
if the person committed the violation while the person was	1592
serving in a public office and the conduct constituting the	1593
offense that was the subject of the conspiracy, that would have	1594
constituted the offense attempted, or constituting the offense	1595
in which the person was complicit was or would have been related	1596
to the duties of the person's public office or to the person's	1597
actions as a public official holding that public office.	1598
(D) Division (A) of this section does not apply to a	1599
prisoner in the shock incarceration program established pursuant	1600
to section 5120.031 of the Revised Code.	1601
(E) The adult parole authority shall record the final	1602
release <u>certificate</u> of a parolee <del>or </del> <u>and the certificate of</u>	1603
termination of a prisoner in shall serve as the official minutes	1604
of the <u>adult parole</u> authority, and the authority shall consider	1605
those certificates as its official minutes.	1606

Sec. 2967.28. (A) As used in this section:	1607
(1) "Monitored time" means the monitored time sanction	1608
specified in section 2929.17 of the Revised Code.	1609
(2) "Deadly weapon" and "dangerous ordnance" have the same	1610
meanings as in section 2923.11 of the Revised Code.	1611
(3) "Felony sex offense" means a violation of a section	1612
contained in Chapter 2907. of the Revised Code that is a felony.	1613
(4) "Risk reduction sentence" means a prison term imposed	1614
by a court, when the court recommends pursuant to section	1615
2929.143 of the Revised Code that the offender serve the	1616
sentence under section 5120.036 of the Revised Code, and the	1617
offender may potentially be released from imprisonment prior to	1618
the expiration of the prison term if the offender successfully	1619
completes all assessment and treatment or programming required	1620
by the department of rehabilitation and correction under section	1621
5120.036 of the Revised Code.	1622
(5) "Victim's immediate family" has the same meaning as in	1623
section 2967.12 of the Revised Code.	1624
(6) "Minor drug possession offense" has the same meaning	1625
as in section 2925.11 of the Revised Code.	1626
(B) Each sentence to a prison term for a felony of the	1627
first degree, for a felony of the second degree, for a felony	1628
sex offense, or for a felony of the third degree that is an	1629
offense of violence and is not a felony sex offense shall	1630
include a requirement that the offender be subject to a period	1631
of post-release control imposed by the parole board after the	1632
offender's release from imprisonment. This division applies with	1633
respect to all prison terms of a type described in this	1634
division, including a term of any such type that is a risk	1635

reduction sentence. If a court imposes a sentence including a	1636
prison term of a type described in this division on or after	1637
July 11, 2006, the failure of a sentencing court to notify the	1638
offender pursuant to division (B)(2)(c) of section 2929.19 of	1639
the Revised Code of this requirement or to include in the	1640
judgment of conviction entered on the journal a statement that	1641
the offender's sentence includes this requirement does not	1642
negate, limit, or otherwise affect the mandatory period of	1643
supervision that is required for the offender under this	1644
division. Section 2929.191 of the Revised Code applies if, prior	1645
to July 11, 2006, a court imposed a sentence including a prison	1646
term of a type described in this division and failed to notify	1647
the offender pursuant to division (B)(2)(c) of section 2929.19	1648
of the Revised Code regarding post-release control or to include	1649
in the judgment of conviction entered on the journal or in the	1650
sentence pursuant to division (D)(1) of section 2929.14 of the	1651
Revised Code a statement regarding post-release control. Unless	1652
reduced by the parole board pursuant to division (D) of this	1653
section when authorized under that division, a period of post-	1654
release control required by this division for an offender shall	1655
be of one of the following periods:	1656
(1) For a felony of the first degree or for a felony sex	1657
offense, five years;	1658

- (2) For a felony of the second degree that is not a felony 1659 sex offense, three years; 1660
- (3) For a felony of the third degree that is an offense of 1661 violence and is not a felony sex offense, three years. 1662
- (C) Any sentence to a prison term for a felony of the 1663 third, fourth, or fifth degree that is not subject to division 1664 (B) (1) or (3) of this section shall include a requirement that 1665

the offender be subject to a period of post-release control of	1666
up to three years after the offender's release from	1667
imprisonment, if the parole board, in accordance with division	1668
(D) of this section, determines that a period of post-release	1669
control is necessary for that offender. This division applies	1670
with respect to all prison terms of a type described in this	1671
division, including a term of any such type that is a risk	1672
reduction sentence. Section 2929.191 of the Revised Code applies	1673
if, prior to July 11, 2006, a court imposed a sentence including	1674
a prison term of a type described in this division and failed to	1675
notify the offender pursuant to division (B)(2)(d) of section	1676
2929.19 of the Revised Code regarding post-release control or to	1677
include in the judgment of conviction entered on the journal or	1678
in the sentence pursuant to division (D)(2) of section 2929.14	1679
of the Revised Code a statement regarding post-release control.	1680
Pursuant to an agreement entered into under section 2967.29 of	1681
the Revised Code, a court of common pleas or parole board may	1682
impose sanctions or conditions on an offender who is placed on	1683
post-release control under this division.	1684

(D) (1) Before the prisoner is released from imprisonment, 1685 the parole board or, pursuant to an agreement under section 1686 2967.29 of the Revised Code, the court shall impose upon a 1687 prisoner described in division (B) of this section, shall impose 1688 upon a prisoner described in division (C) of this section who is 1689 to be released before the expiration of the prisoner's stated 1690 prison term under a risk reduction sentence, may impose upon a 1691 prisoner described in division (C) of this section who is not to 1692 be released before the expiration of the prisoner's stated 1693 prison term under a risk reduction sentence, and shall impose 1694 upon a prisoner described in division (B)(2)(b) of section 1695 5120.031 or in division (B)(1) of section 5120.032 of the 1696

Revised Code, one or more post-release control sanctions to	1697
apply during the prisoner's period of post-release control.	1698
Whenever the board or court imposes one or more post-release	1699
control sanctions upon a prisoner, the board or court, in	1700
addition to imposing the sanctions, also shall include as a	1701
condition of the post-release control that the offender not	1702
leave the state without permission of the court or the	1703
offender's parole or probation officer and that the offender	1704
abide by the law. The board or court may impose any other	1705
conditions of release under a post-release control sanction that	1706
the board or court considers appropriate, and the conditions of	1707
release may include any community residential sanction,	1708
community nonresidential sanction, or financial sanction that	1709
the sentencing court was authorized to impose pursuant to	1710
sections 2929.16, 2929.17, and 2929.18 of the Revised Code.	1711
Prior to the release of a prisoner for whom it will impose one	1712
or more post-release control sanctions under this division, the	1713
parole board or court shall review the prisoner's criminal	1714
history, results from the single validated risk assessment tool	1715
selected by the department of rehabilitation and correction	1716
under section 5120.114 of the Revised Code, all juvenile court	1717
adjudications finding the prisoner, while a juvenile, to be a	1718
delinquent child, and the record of the prisoner's conduct while	1719
imprisoned. The parole board or court shall consider any	1720
recommendation regarding post-release control sanctions for the	1721
prisoner made by the office of victims' services. After	1722
considering those materials, the board or court shall determine,	1723
for a prisoner described in division (B) of this section,	1724
division (B)(2)(b) of section 5120.031, or division (B)(1) of	1725
section 5120.032 of the Revised Code and for a prisoner	1726
described in division (C) of this section who is to be released	1727
before the expiration of the prisoner's stated prison term under	1728

a risk reduction sentence, which post-release control sanction	1729
or combination of post-release control sanctions is reasonable	1730
under the circumstances or, for a prisoner described in division	1731
(C) of this section who is not to be released before the	1732
expiration of the prisoner's stated prison term under a risk	1733
reduction sentence, whether a post-release control sanction is	1734
necessary and, if so, which post-release control sanction or	1735
combination of post-release control sanctions is reasonable	1736
under the circumstances. In the case of a prisoner convicted of	1737
a felony of the fourth or fifth degree other than a felony sex	1738
offense, the board or court shall presume that monitored time is	1739
the appropriate post-release control sanction unless the board	1740
or court determines that a more restrictive sanction is	1741
warranted. A post-release control sanction imposed under this	1742
division takes effect upon the prisoner's release from	1743
imprisonment.	1744

Regardless of whether the prisoner was sentenced to the 1745 prison term prior to, on, or after July 11, 2006, prior to the 1746 release of a prisoner for whom it will impose one or more post-1747 release control sanctions under this division, the parole board 1748 shall notify the prisoner that, if the prisoner violates any 1749 sanction so imposed or any condition of post-release control 1750 described in division (B) of section 2967.131 of the Revised 1751 Code that is imposed on the prisoner, the parole board may 1752 impose a prison term of up to one-half of the stated prison term 1753 originally imposed upon the prisoner. 1754

At least thirty days before the prisoner is released from 1755 imprisonment, except as otherwise provided in this paragraph, 1756 the department of rehabilitation and correction shall notify the 1757 victim and the victim's immediate family of the date on which 1758 the prisoner will be released, the period for which the prisoner 1759

will be under post-release control supervision, and the terms	1760
and conditions of the prisoner's post-release control regardless	1761
of whether the victim or victim's immediate family has requested	1762
the notification. The notice described in this paragraph shall	1763
not be given to a victim or victim's immediate family if the	1764
victim or the victim's immediate family has requested pursuant	1765
to division (B)(2) of section 2930.03 of the Revised Code that	1766
the notice not be provided to the victim or the victim's	1767
immediate family. At least thirty days before the prisoner is	1768
released from imprisonment and regardless of whether the victim	1769
or victim's immediate family has requested that the notice	1770
described in this paragraph be provided or not be provided to	1771
the victim or the victim's immediate family, the department also	1772
shall provide notice of that nature to the prosecuting attorney	1773
in the case and the law enforcement agency that arrested the	1774
prisoner if any officer of that agency was a victim of the	1775
offense.	1776

If the notice given under the preceding paragraph to the 1777 victim or the victim's immediate family is based on an offense 1778 committed prior to March 22, 2013, and if the department of 1779 rehabilitation and correction has not previously successfully 1780 provided any notice to the victim or the victim's immediate 1781 family under division (B), (C), or (D) of section 2930.16 of the 1782 Revised Code with respect to that offense and the offender who 1783 committed it, the notice also shall inform the victim or the 1784 victim's immediate family that the victim or the victim's 1785 immediate family may request that the victim or the victim's 1786 immediate family not be provided any further notices with 1787 respect to that offense and the offender who committed it and 1788 shall describe the procedure for making that request. The 1789 department may give the notices to which the preceding paragraph 1790

applies by any reasonable means, including regular mail,	1791
telephone, and electronic mail. If the department attempts to	1792
provide notice to any specified person under the preceding	1793
paragraph but the attempt is unsuccessful because the department	1794
is unable to locate the specified person, is unable to provide	1795
the notice by its chosen method because it cannot determine the	1796
mailing address, electronic mail address, or telephone number at	1797
which to provide the notice, or, if the notice is sent by mail,	1798
the notice is returned, the department shall make another	1799
attempt to provide the notice to the specified person. If the	1800
second attempt is unsuccessful, the department shall make at	1801
least one more attempt to provide the notice. If the notice is	1802
based on an offense committed prior to March 22, 2013, in each	1803
attempt to provide the notice to the victim or victim's	1804
immediate family, the notice shall include the opt-out	1805
information described in this paragraph. The department, in the	1806
manner described in division (D)(2) of section 2930.16 of the	1807
Revised Code, shall keep a record of all attempts to provide the	1808
notice, and of all notices provided, under this paragraph and	1809
the preceding paragraph. The record shall be considered as if it	1810
was kept under division (D)(2) of section 2930.16 of the Revised	1811
Code. This paragraph, the preceding paragraph, and the notice-	1812
related provisions of divisions (E)(2) and (K) of section	1813
2929.20, division (D)(1) of section 2930.16, division (H) of	1814
section 2967.12, division (E)(1)(b) of section 2967.19, division	1815
(A) (3) (b) of section 2967.26, and division (A) (2) of section	1816
5149.101 of the Revised Code enacted in the act in which this	1817
paragraph and the preceding paragraph were enacted, shall be	1818
known as "Roberta's Law."	1819

(2) If a prisoner who is placed on post-release control 1820 under this section is released before the expiration of the 1821

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prisoner's stated prison term by reason of credit earned under 1822 section 2967.193 of the Revised Code and if the prisoner earned 1823 sixty or more days of credit, the adult parole authority shall 1824 supervise the offender with an active global positioning system 1825 device for the first fourteen days after the offender's release 1826 from imprisonment. This division does not prohibit or limit the 1827 imposition of any post-release control sanction otherwise 1828 authorized by this section. 1829

(3) At any time after a prisoner is released from 1830 imprisonment and during the period of post-release control 1831 1832 applicable to the releasee, the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised 1833 Code, the court may review the releasee's behavior under the 1834 post-release control sanctions imposed upon the releasee under 1835 this section. The authority or court may determine, based upon 1836 the review and in accordance with the standards established 1837 under division (E) of this section, that a more restrictive or a 1838 less restrictive sanction is appropriate and may impose a 1839 different sanction. The authority also may recommend that the 1840 parole board or court increase or reduce the duration of the 1841 1842 period of post-release control imposed by the court. If the authority recommends that the board or court increase the 1843 duration of post-release control, the board or court shall 1844 review the releasee's behavior and may increase the duration of 1845 the period of post-release control imposed by the court up to 1846 eight years. If the authority recommends that the board or court 1847 reduce the duration of control for an offense described in 1848 division (B) or (C) of this section, the board or court shall 1849 review the releasee's behavior and may reduce the duration of 1850 the period of control imposed by the court. In no case shall the 1851 board or court reduce the duration of the period of control 1852 imposed for an offense described in division (B)(1) of this

section to a period less than the length of the stated prison

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term originally imposed, and in no case shall the board or court

permit the releasee to leave the state without permission of the

court or the releasee's parole or probation officer.

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- (E) The department of rehabilitation and correction, in 1858 accordance with Chapter 119. of the Revised Code, shall adopt 1859 rules that do all of the following: 1860
- (1) Establish standards for the imposition by the parole 1861 board of post-release control sanctions under this section that 1862 are consistent with the overriding purposes and sentencing 1863 principles set forth in section 2929.11 of the Revised Code and 1864 that are appropriate to the needs of releasees; 1865
- (2) Establish standards that provide for a period of post-1866 release control of up to three years for all prisoners described 1867 in division (C) of this section who are to be released before 1868 the expiration of their stated prison term under a risk 1869 reduction sentence and standards by which the parole board can 1870 determine which prisoners described in division (C) of this 1871 section who are not to be released before the expiration of 1872 their stated prison term under a risk reduction sentence should 1873 be placed under a period of post-release control; 1874
- (3) Establish standards to be used by the parole board in 1875 reducing the duration of the period of post-release control 1876 imposed by the court when authorized under division (D) of this 1877 section, in imposing a more restrictive post-release control 1878 sanction than monitored time upon a prisoner convicted of a 1879 felony of the fourth or fifth degree other than a felony sex 1880 offense, or in imposing a less restrictive control sanction upon 1881 a releasee based on the releasee's activities including, but not 1882

limited to, remaining free from criminal activity and from the	1883
abuse of alcohol or other drugs, successfully participating in	1884
approved rehabilitation programs, maintaining employment, and	1885
paying restitution to the victim or meeting the terms of other	1886
financial sanctions;	1887
(4) Establish standards to be used by the adult parole	1888
authority in modifying a releasee's post-release control	1889
sanctions pursuant to division (D)(2) of this section;	1890
(5) Establish standards to be used by the adult parole	1891
authority or parole board in imposing further sanctions under	1892
division (F) of this section on releasees who violate post-	1893
release control sanctions, including standards that do the	1894
following:	1895
(a) Classify violations according to the degree of	1896
seriousness;	1897
(b) Define the circumstances under which formal action by	1898
the parole board is warranted;	1899
(c) Govern the use of evidence at violation hearings;	1900
(d) Ensure procedural due process to an alleged violator;	1901
(e) Prescribe nonresidential community control sanctions	1902
for most misdemeanor and technical violations;	1903
(f) Provide procedures for the return of a releasee to	1904
imprisonment for violations of post-release control.	1905
(F)(1) Whenever the parole board imposes one or more post-	1906
release control sanctions upon an offender under this section,	1907
the offender upon release from imprisonment shall be under the	1908
general jurisdiction of the adult parole authority and generally	1909
shall be supervised by the field services section through its	1910

staff of parole and field officers as described in section	1911
5149.04 of the Revised Code, as if the offender had been placed	1912
on parole. If the offender upon release from imprisonment	1913
violates the post-release control sanction or any conditions	1914
described in division (A) of section 2967.131 of the Revised	1915
Code that are imposed on the offender, the public or private	1916
person or entity that operates or administers the sanction or	1917
the program or activity that comprises the sanction shall report	1918
the violation directly to the adult parole authority or to the	1919
officer of the authority who supervises the offender. The	1920
authority's officers may treat the offender as if the offender	1921
were on parole and in violation of the parole, and otherwise	1922
shall comply with this section.	1923

(2) If the adult parole authority or, pursuant to an 1924 agreement under section 2967.29 of the Revised Code, the court 1925 determines that a releasee has violated a post-release control 1926 sanction or any conditions described in division (A) of section 1927 2967.131 of the Revised Code imposed upon the releasee and that 1928 a more restrictive sanction is appropriate, the authority or 1929 court may impose a more restrictive sanction upon the releasee, 1930 in accordance with the standards established under division (E) 1931 of this section or in accordance with the agreement made under 1932 section 2967.29 of the Revised Code, or may report the violation 1933 to the parole board for a hearing pursuant to division (F)(3) of 1934 this section. The authority or court may not, pursuant to this 1935 division, increase the duration of the releasee's post-release 1936 control or impose as a post-release control sanction a 1937 residential sanction that includes a prison term, but the 1938 authority or court may impose on the releasee any other 1939 residential sanction, nonresidential sanction, or financial 1940 sanction that the sentencing court was authorized to impose 1941 pursuant to sections 2929.16, 2929.17, and 2929.18 of the 1942
Revised Code. 1943

(3) The parole board or, pursuant to an agreement under	1944
section 2967.29 of the Revised Code, the court may hold a	1945
hearing on any alleged violation by a releasee of a post-release	1946
control sanction or any conditions described in division (A) of	1947
section 2967.131 of the Revised Code that are imposed upon the	1948
releasee. If after the hearing the board or court finds that the	1949
releasee violated the sanction or condition, the board or court	1950
may increase the duration of the releasee's post-release control	1951
up to the maximum duration authorized by division (B) or (C) of	1952
this section or impose a more restrictive post-release control	1953
sanction. If a releasee was acting pursuant to division (B)(2)	1954
(b) of section 2925.11 of the Revised Code and in so doing	1955
violated the conditions of a post-release control sanction based	1956
on a minor drug possession offense as defined in that section,	1957
the board or the court may consider the releasee's conduct in	1958
seeking or obtaining medical assistance for another in good	1959
faith or for self or may consider the releasee being the subject	1960
of another person seeking or obtaining medical assistance in	1961
accordance with that division as a mitigating factor before	1962
imposing any of the penalties described in this division. When	1963
appropriate, the board or court may impose as a post-release	1964
control sanction a residential sanction that includes a prison	1965
term. The board or court shall consider a prison term as a post-	1966
release control sanction imposed for a violation of post-release	1967
control when the violation involves a deadly weapon or dangerous	1968
ordnance, physical harm or attempted serious physical harm to a	1969
person, or sexual misconduct, or when the releasee committed	1970
repeated violations of post-release control sanctions. Unless a	1971
releasee's stated prison term was reduced pursuant to section	1972

5120.032 of the Revised Code, the period of a prison term that	1973
is imposed as a post-release control sanction under this	1974
division shall not exceed nine months ninety days, and the	1975
maximum cumulative prison term for all violations under this	1976
division shall not exceed one-half of the stated prison term	1977
originally imposed upon the offender as part of this sentence.	1978
If a releasee's stated prison term was reduced pursuant to	1979
section 5120.032 of the Revised Code, the period of a prison	1980
term that is imposed as a post-release control sanction under	1981
this division and the maximum cumulative prison term for all	1982
violations under this division shall not exceed the period of	1983
time not served in prison under the sentence imposed by the	1984
court. The period of a prison term that is imposed as a post-	1985
release control sanction under this division shall not count as,	1986
or be credited toward, the remaining period of post-release	1987
control.	1988

If an offender is imprisoned for a felony committed while 1989 under post-release control supervision and is again released on 1990 post-release control for a period of time determined by division 1991 (F)(4)(d) of this section, the maximum cumulative prison term 1992 for all violations under this division shall not exceed one-half 1993 of the total stated prison terms of the earlier felony, reduced 1994 by any prison term administratively imposed by the parole board 1995 or court, plus one-half of the total stated prison term of the 1996 new felony. 1997

(4) Any period of post-release control shall commence upon

an offender's actual release from prison. If an offender is

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serving an indefinite prison term or a life sentence in addition

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to a stated prison term, the offender shall serve the period of

post-release control in the following manner:

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(a) If a period of post-release control is imposed upon	2003
the offender and if the offender also is subject to a period of	2004
parole under a life sentence or an indefinite sentence, and if	2005
the period of post-release control ends prior to the period of	2006
parole, the offender shall be supervised on parole. The offender	2007
shall receive credit for post-release control supervision during	2008
the period of parole. The offender is not eligible for final	2009
release under section 2967.16 of the Revised Code until the	2010
post-release control period otherwise would have ended.	2011
(b) If a period of post-release control is imposed upon	2012
the offender and if the offender also is subject to a period of	2013

- (b) If a period of post-release control is imposed upon the offender and if the offender also is subject to a period of parole under an indefinite sentence, and if the period of parole ends prior to the period of post-release control, the offender shall be supervised on post-release control. The requirements of parole supervision shall be satisfied during the post-release control period.
- (c) If an offender is subject to more than one period of 2019 post-release control, the period of post-release control for all 2020 of the sentences shall be the period of post-release control 2021 that expires last, as determined by the parole board or court. 2022 Periods of post-release control shall be served concurrently and 2023 shall not be imposed consecutively to each other. 2024
- (d) The period of post-release control for a releasee who 2025 commits a felony while under post-release control for an earlier 2026 felony shall be the longer of the period of post-release control 2027 specified for the new felony under division (B) or (C) of this 2028 section or the time remaining under the period of post-release 2029 control imposed for the earlier felony as determined by the 2030 parole board or court.

Section 2. That existing sections 2929.11, 2929.13,

2929.15, 2929.16, 2929.19, 2951.041, 2953.31, 2967.16, and	2033
2967.28 of the Revised Code are hereby repealed.	2034
Section 3. Section 2929.19 of the Revised Code is	2035
presented in this act as a composite of the section as amended	2036
by both Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th	2037
General Assembly. The General Assembly, applying the principle	2038
stated in division (B) of section 1.52 of the Revised Code that	2039
amendments are to be harmonized if reasonably capable of	2040
simultaneous operation, finds that the composite is the	2041
resulting version of the section in effect prior to the	2042
effective date of the section as presented in this act.	2043