

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 403

Representatives Hillyer, Galonski

Cosponsors: Representatives Seitz, Upchurch, Sobecki

A BILL

To amend sections 2929.01, 2929.20, 2930.03, 1
2930.06, 2930.16, 2967.12, 2967.19, 2967.26, 2
2967.28, and 5149.101 of the Revised Code to 3
eliminate the requirement that a sentencing 4
court must assent to the transfer of a prisoner 5
to a transitional control program. 6

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

Section 1. That sections 2929.01, 2929.20, 2930.03, 7
2930.06, 2930.16, 2967.12, 2967.19, 2967.26, 2967.28, and 8
5149.101 of the Revised Code be amended to read as follows: 9

Sec. 2929.01. As used in this chapter: 10

(A) (1) "Alternative residential facility" means, subject 11
to division (A) (2) of this section, any facility other than an 12
offender's home or residence in which an offender is assigned to 13
live and that satisfies all of the following criteria: 14

(a) It provides programs through which the offender may 15
seek or maintain employment or may receive education, training, 16
treatment, or habilitation. 17

(b) It has received the appropriate license or certificate 18
for any specialized education, training, treatment, 19
habilitation, or other service that it provides from the 20
government agency that is responsible for licensing or 21
certifying that type of education, training, treatment, 22
habilitation, or service. 23

(2) "Alternative residential facility" does not include a 24
community-based correctional facility, jail, halfway house, or 25
prison. 26

(B) "Basic probation supervision" means a requirement that 27
the offender maintain contact with a person appointed to 28
supervise the offender in accordance with sanctions imposed by 29
the court or imposed by the parole board pursuant to section 30
2967.28 of the Revised Code. "Basic probation supervision" 31
includes basic parole supervision and basic post-release control 32
supervision. 33

(C) "Cocaine," "fentanyl-related compound," "hashish," 34
"L.S.D.," and "unit dose" have the same meanings as in section 35
2925.01 of the Revised Code. 36

(D) "Community-based correctional facility" means a 37
community-based correctional facility and program or district 38
community-based correctional facility and program developed 39
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 40

(E) "Community control sanction" means a sanction that is 41
not a prison term and that is described in section 2929.15, 42
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 43
that is not a jail term and that is described in section 44
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 45
control sanction" includes probation if the sentence involved 46

was imposed for a felony that was committed prior to July 1, 47
1996, or if the sentence involved was imposed for a misdemeanor 48
that was committed prior to January 1, 2004. 49

(F) "Controlled substance," "marihuana," "schedule I," and 50
"schedule II" have the same meanings as in section 3719.01 of 51
the Revised Code. 52

(G) "Curfew" means a requirement that an offender during a 53
specified period of time be at a designated place. 54

(H) "Day reporting" means a sanction pursuant to which an 55
offender is required each day to report to and leave a center or 56
other approved reporting location at specified times in order to 57
participate in work, education or training, treatment, and other 58
approved programs at the center or outside the center. 59

(I) "Deadly weapon" has the same meaning as in section 60
2923.11 of the Revised Code. 61

(J) "Drug and alcohol use monitoring" means a program 62
under which an offender agrees to submit to random chemical 63
analysis of the offender's blood, breath, or urine to determine 64
whether the offender has ingested any alcohol or other drugs. 65

(K) "Drug treatment program" means any program under which 66
a person undergoes assessment and treatment designed to reduce 67
or completely eliminate the person's physical or emotional 68
reliance upon alcohol, another drug, or alcohol and another drug 69
and under which the person may be required to receive assessment 70
and treatment on an outpatient basis or may be required to 71
reside at a facility other than the person's home or residence 72
while undergoing assessment and treatment. 73

(L) "Economic loss" means any economic detriment suffered 74
by a victim as a direct and proximate result of the commission 75

of an offense and includes any loss of income due to lost time 76
at work because of any injury caused to the victim, and any 77
property loss, medical cost, or funeral expense incurred as a 78
result of the commission of the offense. "Economic loss" does 79
not include non-economic loss or any punitive or exemplary 80
damages. 81

(M) "Education or training" includes study at, or in 82
conjunction with a program offered by, a university, college, or 83
technical college or vocational study and also includes the 84
completion of primary school, secondary school, and literacy 85
curricula or their equivalent. 86

(N) "Firearm" has the same meaning as in section 2923.11 87
of the Revised Code. 88

(O) "Halfway house" means a facility licensed by the 89
division of parole and community services of the department of 90
rehabilitation and correction pursuant to section 2967.14 of the 91
Revised Code as a suitable facility for the care and treatment 92
of adult offenders. 93

(P) "House arrest" means a period of confinement of an 94
offender that is in the offender's home or in other premises 95
specified by the sentencing court or by the parole board 96
pursuant to section 2967.28 of the Revised Code and during which 97
all of the following apply: 98

(1) The offender is required to remain in the offender's 99
home or other specified premises for the specified period of 100
confinement, except for periods of time during which the 101
offender is at the offender's place of employment or at other 102
premises as authorized by the sentencing court or by the parole 103
board. 104

(2) The offender is required to report periodically to a person designated by the court or parole board.

(3) The offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board.

(Q) "Intensive probation supervision" means a requirement that an offender maintain frequent contact with a person appointed by the court, or by the parole board pursuant to section 2967.28 of the Revised Code, to supervise the offender while the offender is seeking or maintaining necessary employment and participating in training, education, and treatment programs as required in the court's or parole board's order. "Intensive probation supervision" includes intensive parole supervision and intensive post-release control supervision.

(R) "Jail" means a jail, workhouse, minimum security jail, or other residential facility used for the confinement of alleged or convicted offenders that is operated by a political subdivision or a combination of political subdivisions of this state.

(S) "Jail term" means the term in a jail that a sentencing court imposes or is authorized to impose pursuant to section 2929.24 or 2929.25 of the Revised Code or pursuant to any other provision of the Revised Code that authorizes a term in a jail for a misdemeanor conviction.

(T) "Mandatory jail term" means the term in a jail that a sentencing court is required to impose pursuant to division (G) of section 1547.99 of the Revised Code, division (E) of section 2903.06 or division (D) of section 2903.08 of the Revised Code,

division (E) or (G) of section 2929.24 of the Revised Code, 134
division (B) of section 4510.14 of the Revised Code, or division 135
(G) of section 4511.19 of the Revised Code or pursuant to any 136
other provision of the Revised Code that requires a term in a 137
jail for a misdemeanor conviction. 138

(U) "Delinquent child" has the same meaning as in section 139
2152.02 of the Revised Code. 140

(V) "License violation report" means a report that is made 141
by a sentencing court, or by the parole board pursuant to 142
section 2967.28 of the Revised Code, to the regulatory or 143
licensing board or agency that issued an offender a professional 144
license or a license or permit to do business in this state and 145
that specifies that the offender has been convicted of or 146
pleaded guilty to an offense that may violate the conditions 147
under which the offender's professional license or license or 148
permit to do business in this state was granted or an offense 149
for which the offender's professional license or license or 150
permit to do business in this state may be revoked or suspended. 151

(W) "Major drug offender" means an offender who is 152
convicted of or pleads guilty to the possession of, sale of, or 153
offer to sell any drug, compound, mixture, preparation, or 154
substance that consists of or contains at least one thousand 155
grams of hashish; at least one hundred grams of cocaine; at 156
least one thousand unit doses or one hundred grams of heroin; at 157
least five thousand unit doses of L.S.D. or five hundred grams 158
of L.S.D. in a liquid concentrate, liquid extract, or liquid 159
distillate form; at least fifty grams of a controlled substance 160
analog; at least one thousand unit doses or one hundred grams of 161
a fentanyl-related compound; or at least one hundred times the 162
amount of any other schedule I or II controlled substance other 163

than marihuana that is necessary to commit a felony of the third 164
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 165
of the Revised Code that is based on the possession of, sale of, 166
or offer to sell the controlled substance. 167

(X) "Mandatory prison term" means any of the following: 168

(1) Subject to division (X) (2) of this section, the term 169
in prison that must be imposed for the offenses or circumstances 170
set forth in divisions (F) (1) to (8) or (F) (12) to (21) of 171
section 2929.13 and division (B) of section 2929.14 of the 172
Revised Code. Except as provided in sections 2925.02, 2925.03, 173
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 174
maximum or another specific term is required under section 175
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 176
described in this division may be any prison term authorized for 177
the level of offense except that if the offense is a felony of 178
the first or second degree committed on or after ~~the effective~~ 179
~~date of this amendment~~ March 22, 2019, a mandatory prison term 180
described in this division may be one of the terms prescribed in 181
division (A) (1) (a) or (2) (a) of section 2929.14 of the Revised 182
Code, whichever is applicable, that is authorized as the minimum 183
term for the offense. 184

(2) The term of sixty or one hundred twenty days in prison 185
that a sentencing court is required to impose for a third or 186
fourth degree felony OVI offense pursuant to division (G) (2) of 187
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 188
of the Revised Code or the term of one, two, three, four, or 189
five years in prison that a sentencing court is required to 190
impose pursuant to division (G) (2) of section 2929.13 of the 191
Revised Code. 192

(3) The term in prison imposed pursuant to division (A) of 193

section 2971.03 of the Revised Code for the offenses and in the 194
circumstances described in division (F) (11) of section 2929.13 195
of the Revised Code or pursuant to division (B) (1) (a), (b), or 196
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 197
section 2971.03 of the Revised Code and that term as modified or 198
terminated pursuant to section 2971.05 of the Revised Code. 199

(Y) "Monitored time" means a period of time during which 200
an offender continues to be under the control of the sentencing 201
court or parole board, subject to no conditions other than 202
leading a law-abiding life. 203

(Z) "Offender" means a person who, in this state, is 204
convicted of or pleads guilty to a felony or a misdemeanor. 205

(AA) "Prison" means a residential facility used for the 206
confinement of convicted felony offenders that is under the 207
control of the department of rehabilitation and correction and 208
includes a violation sanction center operated under authority of 209
section 2967.141 of the Revised Code. 210

(BB) (1) "Prison term" includes either of the following 211
sanctions for an offender: 212

(a) A stated prison term; 213

(b) A term in a prison shortened by, or with the approval 214
of, the sentencing court pursuant to section 2929.143, 2929.20, 215
~~2967.26~~, 5120.031, 5120.032, or 5120.073 or shortened pursuant 216
to section 2967.26 of the Revised Code. 217

(2) With respect to a non-life felony indefinite prison 218
term, references in any provision of law to a reduction of, or 219
deduction from, the prison term mean a reduction in, or 220
deduction from, the minimum term imposed as part of the 221
indefinite term. 222

(CC) "Repeat violent offender" means a person about whom	223
both of the following apply:	224
(1) The person is being sentenced for committing or for	225
complicity in committing any of the following:	226
(a) Aggravated murder, murder, any felony of the first or	227
second degree that is an offense of violence, or an attempt to	228
commit any of these offenses if the attempt is a felony of the	229
first or second degree;	230
(b) An offense under an existing or former law of this	231
state, another state, or the United States that is or was	232
substantially equivalent to an offense described in division	233
(CC) (1) (a) of this section.	234
(2) The person previously was convicted of or pleaded	235
guilty to an offense described in division (CC) (1) (a) or (b) of	236
this section.	237
(DD) "Sanction" means any penalty imposed upon an offender	238
who is convicted of or pleads guilty to an offense, as	239
punishment for the offense. "Sanction" includes any sanction	240
imposed pursuant to any provision of sections 2929.14 to 2929.18	241
or 2929.24 to 2929.28 of the Revised Code.	242
(EE) "Sentence" means the sanction or combination of	243
sanctions imposed by the sentencing court on an offender who is	244
convicted of or pleads guilty to an offense.	245
(FF) (1) "Stated prison term" means the prison term,	246
mandatory prison term, or combination of all prison terms and	247
mandatory prison terms imposed by the sentencing court pursuant	248
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or	249
under section 2919.25 of the Revised Code. "Stated prison term"	250
includes any credit received by the offender for time spent in	251

jail awaiting trial, sentencing, or transfer to prison for the 252
offense and any time spent under house arrest or house arrest 253
with electronic monitoring imposed after earning credits 254
pursuant to section 2967.193 of the Revised Code. If an offender 255
is serving a prison term as a risk reduction sentence under 256
sections 2929.143 and 5120.036 of the Revised Code, "stated 257
prison term" includes any period of time by which the prison 258
term imposed upon the offender is shortened by the offender's 259
successful completion of all assessment and treatment or 260
programming pursuant to those sections. 261

(2) As used in the definition of "stated prison term" set 262
forth in division (FF)(1) of this section, a prison term is a 263
definite prison term imposed under section 2929.14 of the 264
Revised Code or any other provision of law, is the minimum and 265
maximum prison terms under a non-life felony indefinite prison 266
term, or is a term of life imprisonment except to the extent 267
that the use of that definition in a section of the Revised Code 268
clearly is not intended to include a term of life imprisonment. 269
With respect to an offender sentenced to a non-life felony 270
indefinite prison term, references in section 2967.191 or 271
2967.193 of the Revised Code or any other provision of law to a 272
reduction of, or deduction from, the offender's stated prison 273
term or to release of the offender before the expiration of the 274
offender's stated prison term mean a reduction in, or deduction 275
from, the minimum term imposed as part of the indefinite term or 276
a release of the offender before the expiration of that minimum 277
term, references in section 2929.19 or 2967.28 of the Revised 278
Code to a stated prison term with respect to a prison term 279
imposed for a violation of a post-release control sanction mean 280
the minimum term so imposed, and references in any provision of 281
law to an offender's service of the offender's stated prison 282

term or the expiration of the offender's stated prison term mean 283
service or expiration of the minimum term so imposed plus any 284
additional period of incarceration under the sentence that is 285
required under section 2967.271 of the Revised Code. 286

(GG) "Victim-offender mediation" means a reconciliation or 287
mediation program that involves an offender and the victim of 288
the offense committed by the offender and that includes a 289
meeting in which the offender and the victim may discuss the 290
offense, discuss restitution, and consider other sanctions for 291
the offense. 292

(HH) "Fourth degree felony OVI offense" means a violation 293
of division (A) of section 4511.19 of the Revised Code that, 294
under division (G) of that section, is a felony of the fourth 295
degree. 296

(II) "Mandatory term of local incarceration" means the 297
term of sixty or one hundred twenty days in a jail, a community- 298
based correctional facility, a halfway house, or an alternative 299
residential facility that a sentencing court may impose upon a 300
person who is convicted of or pleads guilty to a fourth degree 301
felony OVI offense pursuant to division (G) (1) of section 302
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 303
section 4511.19 of the Revised Code. 304

(JJ) "Designated homicide, assault, or kidnapping 305
offense," "violent sex offense," "sexual motivation 306
specification," "sexually violent offense," "sexually violent 307
predator," and "sexually violent predator specification" have 308
the same meanings as in section 2971.01 of the Revised Code. 309

(KK) "Sexually oriented offense," "child-victim oriented 310
offense," and "tier III sex offender/child-victim offender" have 311

the same meanings as in section 2950.01 of the Revised Code. 312

(LL) An offense is "committed in the vicinity of a child" 313
if the offender commits the offense within thirty feet of or 314
within the same residential unit as a child who is under 315
eighteen years of age, regardless of whether the offender knows 316
the age of the child or whether the offender knows the offense 317
is being committed within thirty feet of or within the same 318
residential unit as the child and regardless of whether the 319
child actually views the commission of the offense. 320

(MM) "Family or household member" has the same meaning as 321
in section 2919.25 of the Revised Code. 322

(NN) "Motor vehicle" and "manufactured home" have the same 323
meanings as in section 4501.01 of the Revised Code. 324

(OO) "Detention" and "detention facility" have the same 325
meanings as in section 2921.01 of the Revised Code. 326

(PP) "Third degree felony OVI offense" means a violation 327
of division (A) of section 4511.19 of the Revised Code that, 328
under division (G) of that section, is a felony of the third 329
degree. 330

(QQ) "Random drug testing" has the same meaning as in 331
section 5120.63 of the Revised Code. 332

(RR) "Felony sex offense" has the same meaning as in 333
section 2967.28 of the Revised Code. 334

(SS) "Body armor" has the same meaning as in section 335
2941.1411 of the Revised Code. 336

(TT) "Electronic monitoring" means monitoring through the 337
use of an electronic monitoring device. 338

(UU) "Electronic monitoring device" means any of the 339
following: 340

(1) Any device that can be operated by electrical or 341
battery power and that conforms with all of the following: 342

(a) The device has a transmitter that can be attached to a 343
person, that will transmit a specified signal to a receiver of 344
the type described in division (UU) (1) (b) of this section if the 345
transmitter is removed from the person, turned off, or altered 346
in any manner without prior court approval in relation to 347
electronic monitoring or without prior approval of the 348
department of rehabilitation and correction in relation to the 349
use of an electronic monitoring device for an inmate on 350
transitional control or otherwise is tampered with, that can 351
transmit continuously and periodically a signal to that receiver 352
when the person is within a specified distance from the 353
receiver, and that can transmit an appropriate signal to that 354
receiver if the person to whom it is attached travels a 355
specified distance from that receiver. 356

(b) The device has a receiver that can receive 357
continuously the signals transmitted by a transmitter of the 358
type described in division (UU) (1) (a) of this section, can 359
transmit continuously those signals by a wireless or landline 360
telephone connection to a central monitoring computer of the 361
type described in division (UU) (1) (c) of this section, and can 362
transmit continuously an appropriate signal to that central 363
monitoring computer if the device has been turned off or altered 364
without prior court approval or otherwise tampered with. The 365
device is designed specifically for use in electronic 366
monitoring, is not a converted wireless phone or another 367
tracking device that is clearly not designed for electronic 368

monitoring, and provides a means of text-based or voice 369
communication with the person. 370

(c) The device has a central monitoring computer that can 371
receive continuously the signals transmitted by a wireless or 372
landline telephone connection by a receiver of the type 373
described in division (UU) (1) (b) of this section and can monitor 374
continuously the person to whom an electronic monitoring device 375
of the type described in division (UU) (1) (a) of this section is 376
attached. 377

(2) Any device that is not a device of the type described 378
in division (UU) (1) of this section and that conforms with all 379
of the following: 380

(a) The device includes a transmitter and receiver that 381
can monitor and determine the location of a subject person at 382
any time, or at a designated point in time, through the use of a 383
central monitoring computer or through other electronic means. 384

(b) The device includes a transmitter and receiver that 385
can determine at any time, or at a designated point in time, 386
through the use of a central monitoring computer or other 387
electronic means the fact that the transmitter is turned off or 388
altered in any manner without prior approval of the court in 389
relation to the electronic monitoring or without prior approval 390
of the department of rehabilitation and correction in relation 391
to the use of an electronic monitoring device for an inmate on 392
transitional control or otherwise is tampered with. 393

(3) Any type of technology that can adequately track or 394
determine the location of a subject person at any time and that 395
is approved by the director of rehabilitation and correction, 396
including, but not limited to, any satellite technology, voice 397

tracking system, or retinal scanning system that is so approved. 398

(VV) "Non-economic loss" means nonpecuniary harm suffered 399
by a victim of an offense as a result of or related to the 400
commission of the offense, including, but not limited to, pain 401
and suffering; loss of society, consortium, companionship, care, 402
assistance, attention, protection, advice, guidance, counsel, 403
instruction, training, or education; mental anguish; and any 404
other intangible loss. 405

(WW) "Prosecutor" has the same meaning as in section 406
2935.01 of the Revised Code. 407

(XX) "Continuous alcohol monitoring" means the ability to 408
automatically test and periodically transmit alcohol consumption 409
levels and tamper attempts at least every hour, regardless of 410
the location of the person who is being monitored. 411

(YY) A person is "adjudicated a sexually violent predator" 412
if the person is convicted of or pleads guilty to a violent sex 413
offense and also is convicted of or pleads guilty to a sexually 414
violent predator specification that was included in the 415
indictment, count in the indictment, or information charging 416
that violent sex offense or if the person is convicted of or 417
pleads guilty to a designated homicide, assault, or kidnapping 418
offense and also is convicted of or pleads guilty to both a 419
sexual motivation specification and a sexually violent predator 420
specification that were included in the indictment, count in the 421
indictment, or information charging that designated homicide, 422
assault, or kidnapping offense. 423

(ZZ) An offense is "committed in proximity to a school" if 424
the offender commits the offense in a school safety zone or 425
within five hundred feet of any school building or the 426

boundaries of any school premises, regardless of whether the 427
offender knows the offense is being committed in a school safety 428
zone or within five hundred feet of any school building or the 429
boundaries of any school premises. 430

(AAA) "Human trafficking" means a scheme or plan to which 431
all of the following apply: 432

(1) Its object is one or more of the following: 433

(a) To subject a victim or victims to involuntary 434
servitude, as defined in section 2905.31 of the Revised Code or 435
to compel a victim or victims to engage in sexual activity for 436
hire, to engage in a performance that is obscene, sexually 437
oriented, or nudity oriented, or to be a model or participant in 438
the production of material that is obscene, sexually oriented, 439
or nudity oriented; 440

(b) To facilitate, encourage, or recruit a victim who is 441
less than sixteen years of age or is a person with a 442
developmental disability, or victims who are less than sixteen 443
years of age or are persons with developmental disabilities, for 444
any purpose listed in divisions (A) (2) (a) to (c) of section 445
2905.32 of the Revised Code; 446

(c) To facilitate, encourage, or recruit a victim who is 447
sixteen or seventeen years of age, or victims who are sixteen or 448
seventeen years of age, for any purpose listed in divisions (A) 449
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 450
circumstances described in division (A) (5), (6), (7), (8), (9), 451
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 452
apply with respect to the person engaging in the conduct and the 453
victim or victims. 454

(2) It involves at least two felony offenses, whether or 455

not there has been a prior conviction for any of the felony 456
offenses, to which all of the following apply: 457

(a) Each of the felony offenses is a violation of section 458
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 459
division (A) (1) or (2) of section 2907.323, or division (B) (1), 460
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 461
is a violation of a law of any state other than this state that 462
is substantially similar to any of the sections or divisions of 463
the Revised Code identified in this division. 464

(b) At least one of the felony offenses was committed in 465
this state. 466

(c) The felony offenses are related to the same scheme or 467
plan and are not isolated instances. 468

(BBB) "Material," "nudity," "obscene," "performance," and 469
"sexual activity" have the same meanings as in section 2907.01 470
of the Revised Code. 471

(CCC) "Material that is obscene, sexually oriented, or 472
nudity oriented" means any material that is obscene, that shows 473
a person participating or engaging in sexual activity, 474
masturbation, or bestiality, or that shows a person in a state 475
of nudity. 476

(DDD) "Performance that is obscene, sexually oriented, or 477
nudity oriented" means any performance that is obscene, that 478
shows a person participating or engaging in sexual activity, 479
masturbation, or bestiality, or that shows a person in a state 480
of nudity. 481

(EEE) "Accelerant" means a fuel or oxidizing agent, such 482
as an ignitable liquid, used to initiate a fire or increase the 483
rate of growth or spread of a fire. 484

(FFF) "Permanent disabling harm" means serious physical 485
harm that results in permanent injury to the intellectual, 486
physical, or sensory functions and that permanently and 487
substantially impairs a person's ability to meet one or more of 488
the ordinary demands of life, including the functions of caring 489
for one's self, performing manual tasks, walking, seeing, 490
hearing, speaking, breathing, learning, and working. 491

(GGG) "Non-life felony indefinite prison term" means a 492
prison term imposed under division (A) (1) (a) or (2) (a) of 493
section 2929.14 and section 2929.144 of the Revised Code for a 494
felony of the first or second degree committed on or after ~~the~~ 495
~~effective date of this amendment~~ March 22, 2019. 496

Sec. 2929.20. (A) As used in this section: 497

(1) (a) Except as provided in division (A) (1) (b) of this 498
section, "eligible offender" means any person who, on or after 499
April 7, 2009, is serving a stated prison term that includes one 500
or more nonmandatory prison terms. 501

(b) "Eligible offender" does not include any person who, 502
on or after April 7, 2009, is serving a stated prison term for 503
any of the following criminal offenses that was a felony and was 504
committed while the person held a public office in this state: 505

(i) A violation of section 2921.02, 2921.03, 2921.05, 506
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 507
Code; 508

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 509
2921.12 of the Revised Code, when the conduct constituting the 510
violation was related to the duties of the offender's public 511
office or to the offender's actions as a public official holding 512
that public office; 513

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

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

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

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

(2) "Nonmandatory prison term" means a prison term that is not a mandatory prison term.

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

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

(5) "Imminent danger of death," "medically incapacitated," 543
and "terminal illness" have the same meanings as in section 544
2967.05 of the Revised Code. 545

(6) "Aggregated nonmandatory prison term or terms" means 546
the aggregate of the following: 547

(a) All nonmandatory definite prison terms; 548

(b) With respect to any non-life felony indefinite prison 549
term, all nonmandatory minimum prison terms imposed as part of 550
the non-life felony indefinite prison term or terms. 551

(B) On the motion of an eligible offender or upon its own 552
motion, the sentencing court may reduce the eligible offender's 553
aggregated nonmandatory prison term or terms through a judicial 554
release under this section. 555

(C) An eligible offender may file a motion for judicial 556
release with the sentencing court within the following 557
applicable periods: 558

(1) If the aggregated nonmandatory prison term or terms is 559
less than two years, the eligible offender may file the motion 560
at any time after the offender is delivered to a state 561
correctional institution or, if the prison term includes a 562
mandatory prison term or terms, at any time after the expiration 563
of all mandatory prison terms. 564

(2) If the aggregated nonmandatory prison term or terms is 565
at least two years but less than five years, the eligible 566
offender may file the motion not earlier than one hundred eighty 567
days after the offender is delivered to a state correctional 568
institution or, if the prison term includes a mandatory prison 569
term or terms, not earlier than one hundred eighty days after 570
the expiration of all mandatory prison terms. 571

(3) If the aggregated nonmandatory prison term or terms is 572
five years, the eligible offender may file the motion not 573
earlier than the date on which the eligible offender has served 574
four years of the offender's stated prison term or, if the 575
prison term includes a mandatory prison term or terms, not 576
earlier than four years after the expiration of all mandatory 577
prison terms. 578

(4) If the aggregated nonmandatory prison term or terms is 579
more than five years but not more than ten years, the eligible 580
offender may file the motion not earlier than the date on which 581
the eligible offender has served five years of the offender's 582
stated prison term or, if the prison term includes a mandatory 583
prison term or terms, not earlier than five years after the 584
expiration of all mandatory prison terms. 585

(5) If the aggregated nonmandatory prison term or terms is 586
more than ten years, the eligible offender may file the motion 587
not earlier than the later of the date on which the offender has 588
served one-half of the offender's stated prison term or the date 589
specified in division (C) (4) of this section. 590

(D) Upon receipt of a timely motion for judicial release 591
filed by an eligible offender under division (C) of this section 592
or upon the sentencing court's own motion made within the 593
appropriate time specified in that division, the court may deny 594
the motion without a hearing or schedule a hearing on the 595
motion. The court shall not grant the motion without a hearing. 596
If a court denies a motion without a hearing, the court later 597
may consider judicial release for that eligible offender on a 598
subsequent motion filed by that eligible offender unless the 599
court denies the motion with prejudice. If a court denies a 600
motion with prejudice, the court may later consider judicial 601

release on its own motion. If a court denies a motion after a hearing, the court shall not consider a subsequent motion for that eligible offender. The court shall hold only one hearing for any eligible offender.

A hearing under this section shall be conducted in open court not less than thirty or more than sixty days after the motion is filed, provided that the court may delay the hearing for one hundred eighty additional days. If the court holds a hearing, the court shall enter a ruling on the motion within ten days after the hearing. If the court denies the motion without a hearing, the court shall enter its ruling on the motion within sixty days after the motion is filed.

(E) If a court schedules a hearing under division (D) of this section, the court shall notify the eligible offender and the head of the state correctional institution in which the eligible offender is confined prior to the hearing. The head of the state correctional institution immediately shall notify the appropriate person at the department of rehabilitation and correction of the hearing, and the department within twenty-four hours after receipt of the notice, shall post on the database it maintains pursuant to section 5120.66 of the Revised Code the offender's name and all of the information specified in division (A) (1) (c) (i) of that section. If the court schedules a hearing for judicial release, the court promptly shall give notice of the hearing to the prosecuting attorney of the county in which the eligible offender was indicted. Upon receipt of the notice from the court, the prosecuting attorney shall do whichever of the following is applicable:

(1) Subject to division (E) (2) of this section, notify the victim of the offense or the victim's representative pursuant to

division (B) of section 2930.16 of the Revised Code; 632

(2) If the offense was an offense of violence that is a 633
felony of the first, second, or third degree, except as 634
otherwise provided in this division, notify the victim or the 635
victim's representative of the hearing regardless of whether the 636
victim or victim's representative has requested the 637
notification. The notice of the hearing shall not be given under 638
this division to a victim or victim's representative if the 639
victim or victim's representative has requested pursuant to 640
division (B) (2) of section 2930.03 of the Revised Code that the 641
victim or the victim's representative not be provided the 642
notice. If notice is to be provided to a victim or victim's 643
representative under this division, the prosecuting attorney may 644
give the notice by any reasonable means, including regular mail, 645
telephone, and electronic mail, in accordance with division (D) 646
(1) of section 2930.16 of the Revised Code. If the notice is 647
based on an offense committed prior to March 22, 2013, the 648
notice also shall include the opt-out information described in 649
division (D) (1) of section 2930.16 of the Revised Code. The 650
prosecuting attorney, in accordance with division (D) (2) of 651
section 2930.16 of the Revised Code, shall keep a record of all 652
attempts to provide the notice, and of all notices provided, 653
under this division. Division (E) (2) of this section, and the 654
notice-related provisions of division (K) of this section, 655
division (D) (1) of section 2930.16, division (H) of section 656
2967.12, division (E) (1) (b) of section 2967.19, division ~~(A) (3)~~ 657
~~(b)~~ (A) (2) (b) of section 2967.26, division (D) (1) of section 658
2967.28, and division (A) (2) of section 5149.101 of the Revised 659
Code enacted in the act in which division (E) (2) of this section 660
was enacted, shall be known as "Roberta's Law." 661

(F) Upon an offender's successful completion of 662

rehabilitative activities, the head of the state correctional 663
institution may notify the sentencing court of the successful 664
completion of the activities. 665

(G) Prior to the date of the hearing on a motion for 666
judicial release under this section, the head of the state 667
correctional institution in which the eligible offender is 668
confined shall send to the court an institutional summary report 669
on the eligible offender's conduct in the institution and in any 670
institution from which the eligible offender may have been 671
transferred. Upon the request of the prosecuting attorney of the 672
county in which the eligible offender was indicted or of any law 673
enforcement agency, the head of the state correctional 674
institution, at the same time the person sends the institutional 675
summary report to the court, also shall send a copy of the 676
report to the requesting prosecuting attorney and law 677
enforcement agencies. The institutional summary report shall 678
cover the eligible offender's participation in school, 679
vocational training, work, treatment, and other rehabilitative 680
activities and any disciplinary action taken against the 681
eligible offender. The report shall be made part of the record 682
of the hearing. A presentence investigation report is not 683
required for judicial release. 684

(H) If the court grants a hearing on a motion for judicial 685
release under this section, the eligible offender shall attend 686
the hearing if ordered to do so by the court. Upon receipt of a 687
copy of the journal entry containing the order, the head of the 688
state correctional institution in which the eligible offender is 689
incarcerated shall deliver the eligible offender to the sheriff 690
of the county in which the hearing is to be held. The sheriff 691
shall convey the eligible offender to and from the hearing. 692

(I) At the hearing on a motion for judicial release under 693
this section, the court shall afford the eligible offender and 694
the eligible offender's attorney an opportunity to present 695
written and, if present, oral information relevant to the 696
motion. The court shall afford a similar opportunity to the 697
prosecuting attorney, the victim or the victim's representative, 698
and any other person the court determines is likely to present 699
additional relevant information. The court shall consider any 700
statement of a victim made pursuant to section 2930.14 or 701
2930.17 of the Revised Code, any victim impact statement 702
prepared pursuant to section 2947.051 of the Revised Code, and 703
any report made under division (G) of this section. The court 704
may consider any written statement of any person submitted to 705
the court pursuant to division (L) of this section. After ruling 706
on the motion, the court shall notify the victim of the ruling 707
in accordance with sections 2930.03 and 2930.16 of the Revised 708
Code. 709

(J) (1) A court shall not grant a judicial release under 710
this section to an eligible offender who is imprisoned for a 711
felony of the first or second degree, or to an eligible offender 712
who committed an offense under Chapter 2925. or 3719. of the 713
Revised Code and for whom there was a presumption under section 714
2929.13 of the Revised Code in favor of a prison term, unless 715
the court, with reference to factors under section 2929.12 of 716
the Revised Code, finds both of the following: 717

(a) That a sanction other than a prison term would 718
adequately punish the offender and protect the public from 719
future criminal violations by the eligible offender because the 720
applicable factors indicating a lesser likelihood of recidivism 721
outweigh the applicable factors indicating a greater likelihood 722
of recidivism; 723

(b) That a sanction other than a prison term would not 724
demean the seriousness of the offense because factors indicating 725
that the eligible offender's conduct in committing the offense 726
was less serious than conduct normally constituting the offense 727
outweigh factors indicating that the eligible offender's conduct 728
was more serious than conduct normally constituting the offense. 729

(2) A court that grants a judicial release to an eligible 730
offender under division (J)(1) of this section shall specify on 731
the record both findings required in that division and also 732
shall list all the factors described in that division that were 733
presented at the hearing. 734

(K) If the court grants a motion for judicial release 735
under this section, the court shall order the release of the 736
eligible offender, shall place the eligible offender under an 737
appropriate community control sanction, under appropriate 738
conditions, and under the supervision of the department of 739
probation serving the court and shall reserve the right to 740
reimpose the sentence that it reduced if the offender violates 741
the sanction. If the court reimposes the reduced sentence, it 742
may do so either concurrently with, or consecutive to, any new 743
sentence imposed upon the eligible offender as a result of the 744
violation that is a new offense. Except as provided in division 745
(R)(2) of this section, the period of community control shall be 746
no longer than five years. The court, in its discretion, may 747
reduce the period of community control by the amount of time the 748
eligible offender spent in jail or prison for the offense and in 749
prison. If the court made any findings pursuant to division (J) 750
(1) of this section, the court shall serve a copy of the 751
findings upon counsel for the parties within fifteen days after 752
the date on which the court grants the motion for judicial 753
release. 754

If the court grants a motion for judicial release, the 755
court shall notify the appropriate person at the department of 756
rehabilitation and correction, and the department shall post 757
notice of the release on the database it maintains pursuant to 758
section 5120.66 of the Revised Code. The court also shall notify 759
the prosecuting attorney of the county in which the eligible 760
offender was indicted that the motion has been granted. Unless 761
the victim or the victim's representative has requested pursuant 762
to division (B) (2) of section 2930.03 of the Revised Code that 763
the victim or victim's representative not be provided the 764
notice, the prosecuting attorney shall notify the victim or the 765
victim's representative of the judicial release in any manner, 766
and in accordance with the same procedures, pursuant to which 767
the prosecuting attorney is authorized to provide notice of the 768
hearing pursuant to division (E) (2) of this section. If the 769
notice is based on an offense committed prior to March 22, 2013, 770
the notice to the victim or victim's representative also shall 771
include the opt-out information described in division (D) (1) of 772
section 2930.16 of the Revised Code. 773

(L) In addition to and independent of the right of a 774
victim to make a statement pursuant to section 2930.14, 2930.17, 775
or 2946.051 of the Revised Code and any right of a person to 776
present written information or make a statement pursuant to 777
division (I) of this section, any person may submit to the 778
court, at any time prior to the hearing on the offender's motion 779
for judicial release, a written statement concerning the effects 780
of the offender's crime or crimes, the circumstances surrounding 781
the crime or crimes, the manner in which the crime or crimes 782
were perpetrated, and the person's opinion as to whether the 783
offender should be released. 784

(M) The changes to this section that are made on September 785

30, 2011, apply to any judicial release decision made on or 786
after September 30, 2011, for any eligible offender. 787

(N) Notwithstanding the eligibility requirements specified 788
in division (A) of this section and the filing time frames 789
specified in division (C) of this section and notwithstanding 790
the findings required under division (J) of this section, the 791
sentencing court, upon the court's own motion and after 792
considering whether the release of the offender into society 793
would create undue risk to public safety, may grant a judicial 794
release to an offender who is not serving a life sentence at any 795
time during the offender's imposed sentence when the director of 796
rehabilitation and correction certifies to the sentencing court 797
through the chief medical officer for the department of 798
rehabilitation and correction that the offender is in imminent 799
danger of death, is medically incapacitated, or is suffering 800
from a terminal illness. 801

(O) The director of rehabilitation and correction shall 802
not certify any offender under division (N) of this section who 803
is serving a death sentence. 804

(P) A motion made by the court under division (N) of this 805
section is subject to the notice, hearing, and other procedural 806
requirements specified in divisions (D), (E), (G), (H), (I), 807
(K), and (L) of this section, except for the following: 808

(1) The court may waive the offender's appearance at any 809
hearing scheduled by the court if the offender's condition makes 810
it impossible for the offender to participate meaningfully in 811
the proceeding. 812

(2) The court may grant the motion without a hearing, 813
provided that the prosecuting attorney and victim or victim's 814

representative to whom notice of the hearing was provided under 815
division (E) of this section indicate that they do not wish to 816
participate in the hearing or present information relevant to 817
the motion. 818

(Q) The court may request health care records from the 819
department of rehabilitation and correction to verify the 820
certification made under division (N) of this section. 821

(R) (1) If the court grants judicial release under division 822
(N) of this section, the court shall do all of the following: 823

(a) Order the release of the offender; 824

(b) Place the offender under an appropriate community 825
control sanction, under appropriate conditions; 826

(c) Place the offender under the supervision of the 827
department of probation serving the court or under the 828
supervision of the adult parole authority. 829

(2) The court, in its discretion, may revoke the judicial 830
release if the offender violates the community control sanction 831
described in division (R) (1) of this section. The period of that 832
community control is not subject to the five-year limitation 833
described in division (K) of this section and shall not expire 834
earlier than the date on which all of the offender's mandatory 835
prison terms expire. 836

(S) If the health of an offender who is released under 837
division (N) of this section improves so that the offender is no 838
longer terminally ill, medically incapacitated, or in imminent 839
danger of death, the court shall, upon the court's own motion, 840
revoke the judicial release. The court shall not grant the 841
motion without a hearing unless the offender waives a hearing. 842
If a hearing is held, the court shall afford the offender and 843

the offender's attorney an opportunity to present written and, 844
if the offender or the offender's attorney is present, oral 845
information relevant to the motion. The court shall afford a 846
similar opportunity to the prosecuting attorney, the victim or 847
the victim's representative, and any other person the court 848
determines is likely to present additional relevant information. 849
A court that grants a motion under this division shall specify 850
its findings on the record. 851

Sec. 2930.03. (A) A person or entity required or 852
authorized under this chapter to give notice to a victim shall 853
give the notice to the victim by any means reasonably calculated 854
to provide prompt actual notice. Except when a provision 855
requires that notice is to be given in a specific manner, a 856
notice may be oral or written. 857

(B) (1) Except for receipt of the initial information and 858
notice required to be given to a victim under divisions (A) and 859
(B) of section 2930.04, section 2930.05, and divisions (A) and 860
(B) of section 2930.06 of the Revised Code and the notice 861
required to be given to a victim under division (D) of section 862
2930.16 of the Revised Code, a victim who wishes to receive any 863
notice authorized by this chapter shall make a request for the 864
notice to the prosecutor or the custodial agency that is to 865
provide the notice, as specified in this chapter. If the victim 866
does not make a request as described in this division, the 867
prosecutor or custodial agency is not required to provide any 868
notice described in this chapter other than the initial 869
information and notice required to be given to a victim under 870
divisions (A) and (B) of section 2930.04, section 2930.05, and 871
divisions (A) and (B) of section 2930.06 of the Revised Code and 872
the notice required to be given to a victim under division (D) 873
of section 2930.16 of the Revised Code. 874

(2) A victim who does not wish to receive any of the 875
notices required to be given to a victim under division (E) (2) 876
or (K) of section 2929.20, division (D) of section 2930.16, 877
division (H) of section 2967.12, division (E) (1) (b) of section 878
2967.19, division ~~(A) (3) (b)~~ (A) (2) (b) of section 2967.26, 879
division (D) (1) of section 2967.28, or division (A) (2) of 880
section 5149.101 of the Revised Code shall make a request to the 881
prosecutor or custodial agency that is to provide the particular 882
notice that the notice not be provided to the victim. Unless the 883
victim makes a request as described in this division, the 884
prosecutor or custodial agency shall provide the notices 885
required to be given to a victim under division (E) (2) or (K) of 886
section 2929.20, division (D) of section 2930.16, division (H) 887
of section 2967.12, division (E) (1) (b) of section 2967.19, 888
division ~~(A) (3) (b)~~ (A) (2) (b) of section 2967.26, division (D) (1) 889
of section 2967.28, or division (A) (2) of section 5149.101 of 890
the Revised Code in any manner, and in accordance with the 891
procedures, specified in the particular division. This division 892
also applies to a victim's representative or a member of a 893
victim's immediate family that is authorized to receive any of 894
the notices specified in this division. 895

(C) A person or agency that is required to furnish notice 896
under this chapter shall give the notice to the victim at the 897
address or telephone number provided to the person or agency by 898
the victim. A victim who requests to receive notice under this 899
chapter as described in division (B) of this section shall 900
inform the person or agency of the name, address, or telephone 901
number of the victim and of any change to that information. 902

(D) A person or agency that has furnished information to a 903
victim in accordance with any requirement or authorization under 904
this chapter shall notify the victim promptly of any significant 905

changes to that information. 906

(E) Divisions (A) to (D) of this section do not apply 907
regarding a notice that a prosecutor is required to provide 908
under section 2930.061 of the Revised Code. A prosecutor 909
required to provide notice under that section shall provide the 910
notice as specified in that section. 911

Sec. 2930.06. (A) The prosecutor in a case, to the extent 912
practicable, shall confer with the victim in the case before 913
pretrial diversion is granted to the defendant or alleged 914
juvenile offender in the case, before amending or dismissing an 915
indictment, information, or complaint against that defendant or 916
alleged juvenile offender, before agreeing to a negotiated plea 917
for that defendant or alleged juvenile offender, before a trial 918
of that defendant by judge or jury, or before the juvenile court 919
conducts an adjudicatory hearing for that alleged juvenile 920
offender. If the juvenile court disposes of a case prior to the 921
prosecutor's involvement in the case, the court or a court 922
employee shall notify the victim in the case that the alleged 923
juvenile offender will be granted pretrial diversion, the 924
complaint against that alleged juvenile offender will be amended 925
or dismissed, or the court will conduct an adjudicatory hearing 926
for that alleged juvenile offender. If the prosecutor fails to 927
confer with the victim at any of those times, the court, if 928
informed of the failure, shall note on the record the failure 929
and the prosecutor's reasons for the failure. A prosecutor's 930
failure to confer with a victim as required by this division and 931
a court's failure to provide the notice as required by this 932
division do not affect the validity of an agreement between the 933
prosecutor and the defendant or alleged juvenile offender in the 934
case, a pretrial diversion of the defendant or alleged juvenile 935
offender, an amendment or dismissal of an indictment, 936

information, or complaint filed against the defendant or alleged 937
juvenile offender, a plea entered by the defendant or alleged 938
juvenile defender, an admission entered by the defendant or 939
alleged juvenile offender, or any other disposition in the case. 940
A court shall not dismiss a criminal complaint, charge, 941
information, or indictment or a delinquent child complaint 942
solely at the request of the victim and over the objection of 943
the prosecuting attorney, village solicitor, city director of 944
law, or other chief legal officer responsible for the 945
prosecution of the case. 946

(B) After a prosecution in a case has been commenced, the 947
prosecutor or a designee of the prosecutor other than a court or 948
court employee, to the extent practicable, promptly shall give 949
the victim all of the following information, except that, if the 950
juvenile court disposes of a case prior to the prosecutor's 951
involvement in the case, the court or a court employee, to the 952
extent practicable, promptly shall give the victim all of the 953
following information: 954

(1) The name of the crime or specified delinquent act with 955
which the defendant or alleged juvenile offender in the case has 956
been charged and the name of the defendant or alleged juvenile 957
offender; 958

(2) The file number of the case; 959

(3) A brief statement regarding the procedural steps in a 960
criminal prosecution or delinquency proceeding involving a crime 961
or specified delinquent act similar to the crime or specified 962
delinquent act with which the defendant or alleged juvenile 963
offender has been charged and the right of the victim to be 964
present during all proceedings held throughout the prosecution 965
of the case; 966

(4) A summary of the rights of a victim under this chapter;	967 968
(5) Procedures the victim or the prosecutor may follow if the victim becomes subject to threats or intimidation by the defendant, alleged juvenile offender, or any other person;	969 970 971
(6) The name and business telephone number of a person to contact for further information with respect to the case;	972 973
(7) The right of the victim to have a victim's representative exercise the victim's rights under this chapter in accordance with section 2930.02 of the Revised Code and the procedure by which a victim's representative may be designated;	974 975 976 977
(8) Notice that any notification under division (C) of this section, sections 2930.07 to 2930.15, division (A), (B), or (C) of section 2930.16, sections 2930.17 to 2930.19, and section 5139.56 of the Revised Code will be given to the victim only if the victim asks to receive the notification and that notice under division (E) (2) or (K) of section 2929.20, division (D) of section 2930.16, division (H) of section 2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) (b) <u>(A) (2) (b)</u> of section 2967.26, division (D) (1) of section 2967.28, or division (A) (2) of section 5149.101 of the Revised Code will be given unless the victim asks that the notification not be provided.	978 979 980 981 982 983 984 985 986 987 988
(C) Upon the request of the victim, the prosecutor or, if it is a delinquency proceeding and a prosecutor is not involved in the case, the court shall give the victim notice of the date, time, and place of any scheduled criminal or juvenile proceedings in the case and notice of any changes in those proceedings or in the schedule in the case.	989 990 991 992 993 994
(D) A victim who requests notice under division (C) of	995

this section and who elects pursuant to division (B) of section 996
2930.03 of the Revised Code to receive any further notice from 997
the prosecutor or, if it is a delinquency proceeding and a 998
prosecutor is not involved in the case, the court under this 999
chapter shall keep the prosecutor or the court informed of the 1000
victim's current address and telephone number until the case is 1001
dismissed or terminated, the defendant is acquitted or 1002
sentenced, the delinquent child complaint is dismissed, the 1003
defendant is adjudicated a delinquent child, or the appellate 1004
process is completed, whichever is the final disposition in the 1005
case. 1006

(E) If a defendant is charged with the commission of a 1007
misdemeanor offense that is not identified in division (A) (2) of 1008
section 2930.01 of the Revised Code and if a police report or a 1009
complaint, indictment, or information that charges the 1010
commission of that offense and provides the basis for a criminal 1011
prosecution of that defendant identifies one or more individuals 1012
as individuals against whom that offense was committed, after a 1013
prosecution in the case has been commenced, the prosecutor or a 1014
designee of the prosecutor other than a court or court employee, 1015
to the extent practicable, promptly shall notify each of the 1016
individuals so identified in the report, complaint, indictment, 1017
or information that, if the defendant is convicted of or pleads 1018
guilty to the offense, the individual may make an oral or 1019
written statement to the court hearing the case regarding the 1020
sentence to be imposed upon the defendant and that the court 1021
must consider any statement so made that is relevant. Before 1022
imposing sentence in the case, the court shall permit the 1023
individuals so identified in the report, complaint, indictment, 1024
or information to make an oral or written statement. Division 1025
(A) of section 2930.14 of the Revised Code applies regarding any 1026

statement so made. The court shall consider a statement so made, 1027
in accordance with division (B) of that section and division (D) 1028
of section 2929.22 of the Revised Code. 1029

Sec. 2930.16. (A) If a defendant is incarcerated, a victim 1030
in a case who has requested to receive notice under this section 1031
shall be given notice of the incarceration of the defendant. If 1032
an alleged juvenile offender is committed to the temporary 1033
custody of a school, camp, institution, or other facility 1034
operated for the care of delinquent children or to the legal 1035
custody of the department of youth services, a victim in a case 1036
who has requested to receive notice under this section shall be 1037
given notice of the commitment. Promptly after sentence is 1038
imposed upon the defendant or the commitment of the alleged 1039
juvenile offender is ordered, the prosecutor in the case shall 1040
notify the victim of the date on which the defendant will be 1041
released, or initially will be eligible for release, from 1042
confinement or the prosecutor's reasonable estimate of that date 1043
or the date on which the alleged juvenile offender will have 1044
served the minimum period of commitment or the prosecutor's 1045
reasonable estimate of that date. The prosecutor also shall 1046
notify the victim of the name of the custodial agency of the 1047
defendant or alleged juvenile offender and tell the victim how 1048
to contact that custodial agency. If the custodial agency is the 1049
department of rehabilitation and correction, the prosecutor 1050
shall notify the victim of the services offered by the office of 1051
victims' services pursuant to section 5120.60 of the Revised 1052
Code. If the custodial agency is the department of youth 1053
services, the prosecutor shall notify the victim of the services 1054
provided by the office of victims' services within the release 1055
authority of the department pursuant to section 5139.55 of the 1056
Revised Code and the victim's right pursuant to section 5139.56 1057

of the Revised Code to submit a written request to the release 1058
authority to be notified of actions the release authority takes 1059
with respect to the alleged juvenile offender. The victim shall 1060
keep the custodial agency informed of the victim's current 1061
address and telephone number. 1062

(B) (1) Upon the victim's request or in accordance with 1063
division (D) of this section, the prosecutor promptly shall 1064
notify the victim of any hearing for judicial release of the 1065
defendant pursuant to section 2929.20 of the Revised Code, of 1066
any hearing for release of the defendant pursuant to section 1067
2967.19 of the Revised Code, or of any hearing for judicial 1068
release or early release of the alleged juvenile offender 1069
pursuant to section 2151.38 of the Revised Code and of the 1070
victim's right to make a statement under those sections. The 1071
court shall notify the victim of its ruling in each of those 1072
hearings and on each of those applications. 1073

(2) If an offender is sentenced to a prison term pursuant 1074
to division (A) (3) or (B) of section 2971.03 of the Revised 1075
Code, upon the request of the victim of the crime or in 1076
accordance with division (D) of this section, the prosecutor 1077
promptly shall notify the victim of any hearing to be conducted 1078
pursuant to section 2971.05 of the Revised Code to determine 1079
whether to modify the requirement that the offender serve the 1080
entire prison term in a state correctional facility in 1081
accordance with division (C) of that section, whether to 1082
continue, revise, or revoke any existing modification of that 1083
requirement, or whether to terminate the prison term in 1084
accordance with division (D) of that section. The court shall 1085
notify the victim of any order issued at the conclusion of the 1086
hearing. 1087

(C) Upon the victim's request made at any time before the particular notice would be due or in accordance with division (D) of this section, the custodial agency of a defendant or alleged juvenile offender shall give the victim any of the following notices that is applicable:

(1) At least sixty days before the adult parole authority recommends a pardon or commutation of sentence for the defendant or at least sixty days prior to a hearing before the adult parole authority regarding a grant of parole to the defendant, notice of the victim's right to submit a statement regarding the impact of the defendant's release in accordance with section 2967.12 of the Revised Code and, if applicable, of the victim's right to appear at a full board hearing of the parole board to give testimony as authorized by section 5149.101 of the Revised Code; and at least sixty days prior to a hearing before the department regarding a determination of whether the inmate must be released under division (C) or (D) (2) of section 2967.271 of the Revised Code if the inmate is serving a non-life felony indefinite prison term, notice of the fact that the inmate will be having a hearing regarding a possible grant of release, the date of any hearing regarding a possible grant of release, and the right of any person to submit a written statement regarding the pending action;

(2) At least sixty days before the defendant is transferred to transitional control under section 2967.26 of the Revised Code, notice of the pendency of the transfer and of the victim's right under that section to submit a statement regarding the impact of the transfer;

(3) At least sixty days before the release authority of the department of youth services holds a release review, release

hearing, or discharge review for the alleged juvenile offender, 1118
notice of the pendency of the review or hearing, of the victim's 1119
right to make an oral or written statement regarding the impact 1120
of the crime upon the victim or regarding the possible release 1121
or discharge, and, if the notice pertains to a hearing, of the 1122
victim's right to attend and make statements or comments at the 1123
hearing as authorized by section 5139.56 of the Revised Code; 1124

(4) Prompt notice of the defendant's or alleged juvenile 1125
offender's escape from a facility of the custodial agency in 1126
which the defendant was incarcerated or in which the alleged 1127
juvenile offender was placed after commitment, of the 1128
defendant's or alleged juvenile offender's absence without leave 1129
from a mental health or developmental disabilities facility or 1130
from other custody, and of the capture of the defendant or 1131
alleged juvenile offender after an escape or absence; 1132

(5) Notice of the defendant's or alleged juvenile 1133
offender's death while in confinement or custody; 1134

(6) Notice of the filing of a petition by the director of 1135
rehabilitation and correction pursuant to section 2967.19 of the 1136
Revised Code requesting the early release under that section of 1137
the defendant; 1138

(7) Notice of the defendant's or alleged juvenile 1139
offender's release from confinement or custody and the terms and 1140
conditions of the release. 1141

(D) (1) If a defendant is incarcerated for the commission 1142
of aggravated murder, murder, or an offense of violence that is 1143
a felony of the first, second, or third degree or is under a 1144
sentence of life imprisonment or if an alleged juvenile offender 1145
has been charged with the commission of an act that would be 1146

aggravated murder, murder, or an offense of violence that is a 1147
felony of the first, second, or third degree or be subject to a 1148
sentence of life imprisonment if committed by an adult, except 1149
as otherwise provided in this division, the notices described in 1150
divisions (B) and (C) of this section shall be given regardless 1151
of whether the victim has requested the notification. The 1152
notices described in divisions (B) and (C) of this section shall 1153
not be given under this division to a victim if the victim has 1154
requested pursuant to division (B)(2) of section 2930.03 of the 1155
Revised Code that the victim not be provided the notice. 1156
Regardless of whether the victim has requested that the notices 1157
described in division (C) of this section be provided or not be 1158
provided, the custodial agency shall give notice similar to 1159
those notices to the prosecutor in the case, to the sentencing 1160
court, to the law enforcement agency that arrested the defendant 1161
or alleged juvenile offender if any officer of that agency was a 1162
victim of the offense, and to any member of the victim's 1163
immediate family who requests notification. If the notice given 1164
under this division to the victim is based on an offense 1165
committed prior to March 22, 2013, and if the prosecutor or 1166
custodial agency has not previously successfully provided any 1167
notice to the victim under this division or division (B) or (C) 1168
of this section with respect to that offense and the offender 1169
who committed it, the notice also shall inform the victim that 1170
the victim may request that the victim not be provided any 1171
further notices with respect to that offense and the offender 1172
who committed it and shall describe the procedure for making 1173
that request. If the notice given under this division to the 1174
victim pertains to a hearing regarding a grant of a parole to 1175
the defendant, the notice also shall inform the victim that the 1176
victim, a member of the victim's immediate family, or the 1177
victim's representative may request a victim conference, as 1178

described in division (E) of this section, and shall provide an explanation of a victim conference.

The prosecutor or custodial agency may give the notices to which this division applies by any reasonable means, including regular mail, telephone, and electronic mail. If the prosecutor or custodial agency attempts to provide notice to a victim under this division but the attempt is unsuccessful because the prosecutor or custodial agency is unable to locate the victim, is unable to provide the notice by its chosen method because it cannot determine the mailing address, telephone number, or electronic mail address at which to provide the notice, or, if the notice is sent by mail, the notice is returned, the prosecutor or custodial agency shall make another attempt to provide the notice to the victim. If the second attempt is unsuccessful, the prosecutor or custodial agency shall make at least one more attempt to provide the notice. If the notice is based on an offense committed prior to March 22, 2013, in each attempt to provide the notice to the victim, the notice shall include the opt-out information described in the preceding paragraph. The prosecutor or custodial agency, in accordance with division (D) (2) of this section, shall keep a record of all attempts to provide the notice, and of all notices provided, under this division.

Division (D) (1) of this section, and the notice-related provisions of divisions (E) (2) and (K) of section 2929.20, division (H) of section 2967.12, division (E) (1) (b) of section 2967.19, division ~~(A) (3) (b)~~ (A) (2) (b) of section 2967.26, division (D) (1) of section 2967.28, and division (A) (2) of section 5149.101 of the Revised Code enacted in the act in which division (D) (1) of this section was enacted, shall be known as "Roberta's Law."

(2) Each prosecutor and custodial agency that attempts to 1210
give any notice to which division (D)(1) of this section applies 1211
shall keep a record of all attempts to give the notice. The 1212
record shall indicate the person who was to be the recipient of 1213
the notice, the date on which the attempt was made, the manner 1214
in which the attempt was made, and the person who made the 1215
attempt. If the attempt is successful and the notice is given, 1216
the record shall indicate that fact. The record shall be kept in 1217
a manner that allows public inspection of attempts and notices 1218
given to persons other than victims without revealing the names, 1219
addresses, or other identifying information relating to victims. 1220
The record of attempts and notices given to victims is not a 1221
public record, but the prosecutor or custodial agency shall 1222
provide upon request a copy of that record to a prosecuting 1223
attorney, judge, law enforcement agency, or member of the 1224
general assembly. The record of attempts and notices given to 1225
persons other than victims is a public record. A record kept 1226
under this division may be indexed by offender name, or in any 1227
other manner determined by the prosecutor or the custodial 1228
agency. Each prosecutor or custodial agency that is required to 1229
keep a record under this division shall determine the procedures 1230
for keeping the record and the manner in which it is to be kept, 1231
subject to the requirements of this division. 1232

(E) The adult parole authority shall adopt rules under 1233
Chapter 119. of the Revised Code providing for a victim 1234
conference, upon request of the victim, a member of the victim's 1235
immediate family, or the victim's representative, prior to a 1236
parole hearing in the case of a prisoner who is incarcerated for 1237
the commission of aggravated murder, murder, or an offense of 1238
violence that is a felony of the first, second, or third degree 1239
or is under a sentence of life imprisonment. The rules shall 1240

provide for, but not be limited to, all of the following: 1241

(1) Subject to division (E) (3) of this section, attendance 1242
by the victim, members of the victim's immediate family, the 1243
victim's representative, and, if practicable, other individuals; 1244

(2) Allotment of up to one hour for the conference; 1245

(3) A specification of the number of persons specified in 1246
division (E) (1) of this section who may be present at any single 1247
victim conference, if limited by the department pursuant to 1248
division (F) of this section. 1249

(F) The department may limit the number of persons 1250
specified in division (E) (1) of this section who may be present 1251
at any single victim conference, provided that the department 1252
shall not limit the number of persons who may be present at any 1253
single conference to fewer than three. If the department limits 1254
the number of persons who may be present at any single victim 1255
conference, the department shall permit and schedule, upon 1256
request of the victim, a member of the victim's immediate 1257
family, or the victim's representative, multiple victim 1258
conferences for the persons specified in division (E) (1) of this 1259
section. 1260

(G) As used in this section, "victim's immediate family" 1261
has the same meaning as in section 2967.12 of the Revised Code. 1262

Sec. 2967.12. (A) Except as provided in division (G) of 1263
this section, at least sixty days before the adult parole 1264
authority recommends any pardon or commutation of sentence, or 1265
grants any parole, the authority shall provide a notice of the 1266
pendency of the pardon, commutation, or parole, setting forth 1267
the name of the person on whose behalf it is made, the offense 1268
of which the person was convicted or to which the person pleaded 1269

guilty, the time of conviction or the guilty plea, and the term 1270
of the person's sentence, to the prosecuting attorney and the 1271
judge of the court of common pleas of the county in which the 1272
indictment against the person was found. If there is more than 1273
one judge of that court of common pleas, the authority shall 1274
provide the notice to the presiding judge. Upon the request of 1275
the prosecuting attorney or of any law enforcement agency, the 1276
authority shall provide to the requesting prosecuting attorney 1277
and law enforcement agencies an institutional summary report 1278
that covers the subject person's participation while confined in 1279
a state correctional institution in training, work, and other 1280
rehabilitative activities and any disciplinary action taken 1281
against the person while so confined. The department of 1282
rehabilitation and correction may utilize electronic means to 1283
provide this notice. The department of rehabilitation and 1284
correction, at the same time that it provides the notice to the 1285
prosecuting attorney and judge under this division, also shall 1286
post on the database it maintains pursuant to section 5120.66 of 1287
the Revised Code the offender's name and all of the information 1288
specified in division (A) (1) (c) (iii) of that section. 1289

(B) If a request for notification has been made pursuant 1290
to section 2930.16 of the Revised Code or if division (H) of 1291
this section applies, the office of victim services or the adult 1292
parole authority also shall provide notice to the victim or the 1293
victim's representative at least sixty days prior to 1294
recommending any pardon or commutation of sentence for, or 1295
granting any parole to, the person. The notice shall include the 1296
information required by division (A) of this section and may be 1297
provided by telephone or through electronic means. The notice 1298
also shall inform the victim or the victim's representative that 1299
the victim or representative may send a written statement 1300

relative to the victimization and the pending action to the 1301
adult parole authority and that, if the authority receives any 1302
written statement prior to recommending a pardon or commutation 1303
or granting a parole for a person, the authority will consider 1304
the statement before it recommends a pardon or commutation or 1305
grants a parole. If the person is being considered for parole, 1306
the notice shall inform the victim or the victim's 1307
representative that a full board hearing of the parole board may 1308
be held and that the victim or victim's representative may 1309
contact the office of victims' services for further information. 1310
If the person being considered for parole was convicted of or 1311
pleaded guilty to a violation of section 2903.01 or 2903.02 of 1312
the Revised Code, an offense of violence that is a felony of the 1313
first, second, or third degree, or an offense punished by a 1314
sentence of life imprisonment, the notice shall inform the 1315
victim of that offense, the victim's representative, or a member 1316
of the victim's immediate family that the victim, the victim's 1317
representative, and the victim's immediate family have the right 1318
to give testimony at a full board hearing of the parole board 1319
and that the victim or victim's representative may contact the 1320
office of victims' services for further information. 1321

(C) When notice of the pendency of any pardon, commutation 1322
of sentence, or parole has been provided to a judge or 1323
prosecutor or posted on the database as required in division (A) 1324
of this section and a hearing on the pardon, commutation, or 1325
parole is continued to a date certain, the authority shall 1326
provide notice of the further consideration of the pardon, 1327
commutation, or parole at least sixty days before the further 1328
consideration. The notice of the further consideration shall be 1329
provided to the proper judge and prosecuting attorney at least 1330
sixty days before the further consideration, and may be provided 1331

using electronic means, and, if the initial notice was posted on 1332
the database as provided in division (A) of this section, the 1333
notice of the further consideration shall be posted on the 1334
database at least sixty days before the further consideration. 1335
If the prosecuting attorney or a law enforcement agency was 1336
provided a copy of the institutional summary report relative to 1337
the subject person under division (A) of this section, the 1338
authority shall include with the notice of the further 1339
consideration sent to the prosecuting attorney any new 1340
information with respect to the person that relates to 1341
activities and actions of the person that are of a type covered 1342
by the report and shall send to the law enforcement agency a 1343
report that provides notice of the further consideration and 1344
includes any such new information with respect to the person. 1345
When notice of the pendency of any pardon, commutation, or 1346
parole has been given as provided in division (B) of this 1347
section and the hearing on it is continued to a date certain, 1348
the authority shall give notice of the further consideration to 1349
the victim or the victim's representative in accordance with 1350
section 2930.03 of the Revised Code. 1351

(D) In case of an application for the pardon or 1352
commutation of sentence of a person sentenced to capital 1353
punishment, the governor may modify the requirements of 1354
notification and publication if there is not sufficient time for 1355
compliance with the requirements before the date fixed for the 1356
execution of sentence. 1357

(E) If an offender is serving a prison term imposed under 1358
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 1359
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 1360
Code and if the parole board terminates its control over the 1361
offender's service of that term pursuant to section 2971.04 of 1362

the Revised Code, the parole board immediately shall provide 1363
written notice of its termination of control or the transfer of 1364
control to the entities and persons specified in section 2971.04 1365
of the Revised Code. 1366

(F) The failure of the adult parole authority to comply 1367
with the notice or posting provisions of division (A), (B), or 1368
(C) of this section or the failure of the parole board to comply 1369
with the notice provisions of division (E) of this section do 1370
not give any rights or any grounds for appeal or post-conviction 1371
relief to the person serving the sentence. 1372

(G) Divisions (A), (B), and (C) of this section do not 1373
apply to any release of a person that is of the type described 1374
in division (B) (2) (b) of section 5120.031 of the Revised Code. 1375

(H) If a defendant is incarcerated for the commission of 1376
aggravated murder, murder, or an offense of violence that is a 1377
felony of the first, second, or third degree or is under a 1378
sentence of life imprisonment, except as otherwise provided in 1379
this division, the notice described in division (B) of this 1380
section shall be given to the victim or victim's representative 1381
regardless of whether the victim or victim's representative has 1382
made a request for notification. The notice described in 1383
division (B) of this section shall not be given under this 1384
division to a victim or victim's representative if the victim or 1385
victim's representative has requested pursuant to division (B) 1386
(2) of section 2930.03 of the Revised Code that the victim or 1387
the victim's representative not be provided the notice. The 1388
notice described in division (B) of this section does not have 1389
to be given under this division to a victim or victim's 1390
representative if notice was given to the victim or victim's 1391
representative with respect to at least two prior considerations 1392

of pardon, commutation, or parole of a person and the victim or 1393
victim's representative did not provide any written statement 1394
relative to the victimization and the pending action, did not 1395
attend any hearing conducted relative to the pending action, and 1396
did not otherwise respond to the office with respect to the 1397
pending action. Regardless of whether the victim or victim's 1398
representative has requested that the notice described in 1399
division (B) of this section be provided or not be provided, the 1400
office of victim services or adult parole authority shall give 1401
similar notice to the law enforcement agency that arrested the 1402
defendant if any officer of that agency was a victim of the 1403
offense and to any member of the victim's immediate family who 1404
requests notification. If notice is to be given under this 1405
division, the office or authority may give the notice by any 1406
reasonable means, including regular mail, telephone, and 1407
electronic mail, in accordance with division (D) (1) of section 1408
2930.16 of the Revised Code. If the notice is based on an 1409
offense committed prior to ~~the effective date of this amendment~~ 1410
March 22, 2013, the notice to the victim or victim's 1411
representative also shall include the opt-out information 1412
described in division (D) (1) of section 2930.16 of the Revised 1413
Code. The office or authority, in accordance with division (D) 1414
(2) of section 2930.16 of the Revised Code, shall keep a record 1415
of all attempts to provide the notice, and of all notices 1416
provided, under this division. 1417

Division (H) of this section, and the notice-related 1418
provisions of divisions (E) (2) and (K) of section 2929.20, 1419
division (D) (1) of section 2930.16, division (E) (1) (b) of 1420
section 2967.19, division ~~(A) (3) (b)~~ (A) (2) (b) of section 1421
2967.26, division (D) (1) of section 2967.28, and division (A) (2) 1422
of section 5149.101 of the Revised Code enacted in the act in 1423

which division (H) of this section was enacted, shall be known 1424
as "Roberta's Law." 1425

(I) In addition to and independent of the right of a 1426
victim to make a statement as described in division (A) of this 1427
section or pursuant to section 2930.17 of the Revised Code or to 1428
otherwise make a statement, the authority for a judge or 1429
prosecuting attorney to furnish statements and information, make 1430
recommendations, and give testimony as described in division (A) 1431
of this section, the right of a prosecuting attorney, judge, or 1432
victim to give testimony or submit a statement at a full parole 1433
board hearing pursuant to section 5149.101 of the Revised Code, 1434
and any other right or duty of a person to present information 1435
or make a statement, any person may send to the adult parole 1436
authority at any time prior to the authority's recommending a 1437
pardon or commutation or granting a parole for the offender a 1438
written statement relative to the offense and the pending 1439
action. 1440

(J) As used in this section, "victim's immediate family" 1441
means the mother, father, spouse, sibling, or child of the 1442
victim, provided that in no case does "victim's immediate 1443
family" include the offender with respect to whom the notice in 1444
question applies. 1445

Sec. 2967.19. (A) As used in this section: 1446

(1) "Deadly weapon" and "dangerous ordnance" have the same 1447
meanings as in section 2923.11 of the Revised Code. 1448

(2) "Disqualifying prison term" means any of the 1449
following: 1450

(a) A prison term imposed for aggravated murder, murder, 1451
voluntary manslaughter, involuntary manslaughter, felonious 1452

assault, kidnapping, rape, aggravated arson, aggravated	1453
burglary, or aggravated robbery;	1454
(b) A prison term imposed for complicity in, an attempt to	1455
commit, or conspiracy to commit any offense listed in division	1456
(A) (2) (a) of this section;	1457
(c) A prison term of life imprisonment, including any term	1458
of life imprisonment that has parole eligibility;	1459
(d) A prison term imposed for any felony other than	1460
carrying a concealed weapon an essential element of which is any	1461
conduct or failure to act expressly involving any deadly weapon	1462
or dangerous ordnance;	1463
(e) A prison term imposed for any violation of section	1464
2925.03 of the Revised Code that is a felony of the first or	1465
second degree;	1466
(f) A prison term imposed for engaging in a pattern of	1467
corrupt activity in violation of section 2923.32 of the Revised	1468
Code;	1469
(g) A prison term imposed pursuant to section 2971.03 of	1470
the Revised Code;	1471
(h) A prison term imposed for any sexually oriented	1472
offense.	1473
(3) "Eligible prison term" means any prison term that is	1474
not a disqualifying prison term and is not a restricting prison	1475
term.	1476
(4) "Restricting prison term" means any of the following:	1477
(a) A mandatory prison term imposed under division (B) (1)	1478
(a), (B) (1) (c), (B) (1) (f), (B) (1) (g), (B) (2), or (B) (7) of	1479

section 2929.14 of the Revised Code for a specification of the type described in that division;

(b) In the case of an offender who has been sentenced to a mandatory prison term for a specification of the type described in division (A) (4) (a) of this section, the prison term imposed for the felony offense for which the specification was stated at the end of the body of the indictment, count in the indictment, or information charging the offense;

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

(d) A prison term imposed for any offense that is described in division (A) (4) (d) (i) of this section if division (A) (4) (d) (ii) of this section applies to the offender:

(i) The offense is a felony of the first or second degree that is an offense of violence and that is not described in division (A) (2) (a) or (b) of this section, an attempt to commit a felony of the first or second degree that is an offense of violence and that is not described in division (A) (2) (a) or (b) of this section if the attempt is a felony of the first or second degree, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to any other offense described in this division.

(ii) The offender previously was convicted of or pleaded guilty to any offense listed in division (A) (2) or (A) (4) (d) (i) of this section.

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

(6) "Stated prison term of one year or more" means a definite prison term of one year or more imposed as a stated

prison term, or a minimum prison term of one year or more 1509
imposed as part of a stated prison term that is a non-life 1510
felony indefinite prison term. 1511

(B) The director of the department of rehabilitation and 1512
correction may recommend in writing to the sentencing court that 1513
the court consider releasing from prison any offender who, on or 1514
after September 30, 2011, is confined in a state correctional 1515
institution, who is serving a stated prison term of one year or 1516
more, and who is eligible under division (C) of this section for 1517
a release under this section. If the director wishes to 1518
recommend that the sentencing court consider releasing an 1519
offender under this section, the director shall notify the 1520
sentencing court in writing of the offender's eligibility not 1521
earlier than ninety days prior to the date on which the offender 1522
becomes eligible as described in division (C) of this section. 1523
The director's submission of the written notice constitutes a 1524
recommendation by the director that the court strongly consider 1525
release of the offender consistent with the purposes and 1526
principles of sentencing set forth in sections 2929.11 and 1527
2929.13 of the Revised Code. Only an offender recommended by the 1528
director under division (B) of this section may be considered 1529
for early release under this section. 1530

(C) (1) An offender serving a stated prison term of one 1531
year or more and who has commenced service of that stated prison 1532
term becomes eligible for release from prison under this section 1533
only as described in this division. An offender serving a stated 1534
prison term that includes a disqualifying prison term is not 1535
eligible for release from prison under this section. An offender 1536
serving a stated prison term that consists solely of one or more 1537
restricting prison terms is not eligible for release under this 1538
section. An offender serving a stated prison term of one year or 1539

more that includes one or more restricting prison terms and one 1540
or more eligible prison terms becomes eligible for release under 1541
this section after having fully served all restricting prison 1542
terms and having served eighty per cent of that stated prison 1543
term that remains to be served after all restricting prison 1544
terms have been fully served. An offender serving a stated 1545
prison term of one year or more that consists solely of one or 1546
more eligible prison terms becomes eligible for release under 1547
this section after having served eighty per cent of that stated 1548
prison term. For purposes of determining an offender's 1549
eligibility for release under this section, if the offender's 1550
stated prison term includes consecutive prison terms, any 1551
restricting prison terms shall be deemed served prior to any 1552
eligible prison terms that run consecutively to the restricting 1553
prison terms, and the eligible prison terms are deemed to 1554
commence after all of the restricting prison terms have been 1555
fully served. 1556

An offender serving a stated prison term of one year or 1557
more that includes a mandatory prison term that is not a 1558
disqualifying prison term and is not a restricting prison term 1559
is not automatically ineligible as a result of the offender's 1560
service of that mandatory term for release from prison under 1561
this section, and the offender's eligibility for release from 1562
prison under this section is determined in accordance with this 1563
division. 1564

(2) If an offender confined in a state correctional 1565
institution under a stated prison term is eligible for release 1566
under this section as described in division (C)(1) of this 1567
section, the director of the department of rehabilitation and 1568
correction may recommend in writing that the sentencing court 1569
consider releasing the offender from prison under this section 1570

by submitting to the sentencing court the written notice 1571
described in division (B) of this section. 1572

(D) The director shall include with any notice submitted 1573
to the sentencing court under division (B) of this section an 1574
institutional summary report that covers the offender's 1575
participation while confined in a state correctional institution 1576
in school, training, work, treatment, and other rehabilitative 1577
activities and any disciplinary action taken against the 1578
offender while so confined. The director shall include with the 1579
notice any other documentation requested by the court, if 1580
available. 1581

(E) (1) When the director submits a written notice to a 1582
sentencing court that an offender is eligible to be considered 1583
for early release under this section, the department promptly 1584
shall provide to the prosecuting attorney of the county in which 1585
the offender was indicted a copy of the written notice, a copy 1586
of the institutional summary report, and any other information 1587
provided to the court and shall provide a copy of the 1588
institutional summary report to any law enforcement agency that 1589
requests the report. The department also promptly shall do 1590
whichever of the following is applicable: 1591

(a) Subject to division (E) (1) (b) of this section, give 1592
written notice of the submission to any victim of the offender 1593
or victim's representative of any victim of the offender who is 1594
registered with the office of victim's services. 1595

(b) If the offense was aggravated murder, murder, an 1596
offense of violence that is a felony of the first, second, or 1597
third degree, or an offense punished by a sentence of life 1598
imprisonment, except as otherwise provided in this division, 1599
notify the victim or the victim's representative of the filing 1600

of the petition regardless of whether the victim or victim's 1601
representative has registered with the office of victim's 1602
services. The notice of the filing of the petition shall not be 1603
given under this division to a victim or victim's representative 1604
if the victim or victim's representative has requested pursuant 1605
to division (B) (2) of section 2930.03 of the Revised Code that 1606
the victim or the victim's representative not be provided the 1607
notice. If notice is to be provided to a victim or victim's 1608
representative under this division, the department may give the 1609
notice by any reasonable means, including regular mail, 1610
telephone, and electronic mail, in accordance with division (D) 1611
(1) of section 2930.16 of the Revised Code. If the notice is 1612
based on an offense committed prior to March 22, 2013, the 1613
notice also shall include the opt-out information described in 1614
division (D) (1) of section 2930.16 of the Revised Code. The 1615
department, in accordance with division (D) (2) of section 1616
2930.16 of the Revised Code, shall keep a record of all attempts 1617
to provide the notice, and of all notices provided, under this 1618
division. 1619

Division (E) (1) (b) of this section, and the notice-related 1620
provisions of divisions (E) (2) and (K) of section 2929.20, 1621
division (D) (1) of section 2930.16, division (H) of section 1622
2967.12, division ~~(A) (3) (b)~~ (A) (2) (b) of section 2967.26, 1623
division (D) (1) of section 2967.28, and division (A) (2) of 1624
section 5149.101 of the Revised Code enacted in the act in which 1625
division (E) (2) of this section was enacted, shall be known as 1626
"Roberta's Law." 1627

(2) When the director submits a petition under this 1628
section, the department also promptly shall post a copy of the 1629
written notice on the database it maintains under section 1630
5120.66 of the Revised Code and include information on where a 1631

person may send comments regarding the recommendation of early 1632
release. 1633

The information provided to the court, the prosecutor, and 1634
the victim or victim's representative under divisions (D) and 1635
(E) of this section shall include the name and contact 1636
information of a specific department of rehabilitation and 1637
correction employee who is available to answer questions about 1638
the offender who is the subject of the written notice submitted 1639
by the director, including, but not limited to, the offender's 1640
institutional conduct and rehabilitative activities while 1641
incarcerated. 1642

(F) Upon receipt of a written notice submitted by the 1643
director under division (B) of this section, the court either 1644
shall, on its own motion, schedule a hearing to consider 1645
releasing the offender who is the subject of the notice or shall 1646
inform the department that it will not be conducting a hearing 1647
relative to the offender. The court shall not grant an early 1648
release to an offender without holding a hearing. If a court 1649
declines to hold a hearing relative to an offender with respect 1650
to a written notice submitted by the director, the court may 1651
later consider release of that offender under this section on 1652
its own motion by scheduling a hearing for that purpose. Within 1653
thirty days after the written notice is submitted, the court 1654
shall inform the department whether or not the court is 1655
scheduling a hearing on the offender who is the subject of the 1656
notice. 1657

(G) If the court schedules a hearing upon receiving a 1658
written notice submitted under division (B) of this section or 1659
upon its own motion under division (F) of this section, the 1660
court shall notify the head of the state correctional 1661

institution in which the offender is confined of the hearing 1662
prior to the hearing. If the court makes a journal entry 1663
ordering the offender to be conveyed to the hearing, except as 1664
otherwise provided in this division, the head of the 1665
correctional institution shall deliver the offender to the 1666
sheriff of the county in which the hearing is to be held, and 1667
the sheriff shall convey the offender to and from the hearing. 1668
Upon the court's own motion or the motion of the offender or the 1669
prosecuting attorney of the county in which the offender was 1670
indicted, the court may permit the offender to appear at the 1671
hearing by video conferencing equipment if equipment of that 1672
nature is available and compatible. 1673

Upon receipt of notice from a court of a hearing on the 1674
release of an offender under this division, the head of the 1675
state correctional institution in which the offender is confined 1676
immediately shall notify the appropriate person at the 1677
department of rehabilitation and correction of the hearing, and 1678
the department within twenty-four hours after receipt of the 1679
notice shall post on the database it maintains pursuant to 1680
section 5120.66 of the Revised Code the offender's name and all 1681
of the information specified in division (A)(1)(c)(i) of that 1682
section. If the court schedules a hearing under this section, 1683
the court promptly shall give notice of the hearing to the 1684
prosecuting attorney of the county in which the offender was 1685
indicted. Upon receipt of the notice from the court, the 1686
prosecuting attorney shall notify pursuant to section 2930.16 of 1687
the Revised Code any victim of the offender or the victim's 1688
representative of the hearing. 1689

(H) If the court schedules a hearing under this section, 1690
at the hearing, the court shall afford the offender and the 1691
offender's attorney an opportunity to present written 1692

information and, if present, oral information relevant to the 1693
offender's early release. The court shall afford a similar 1694
opportunity to the prosecuting attorney, victim or victim's 1695
representative, as defined in section 2930.01 of the Revised 1696
Code, and any other person the court determines is likely to 1697
present additional relevant information. If the court pursuant 1698
to division (G) of this section permits the offender to appear 1699
at the hearing by video conferencing equipment, the offender's 1700
opportunity to present oral information shall be as a part of 1701
the video conferencing. The court shall consider any statement 1702
of a victim made under section 2930.14 or 2930.17 of the Revised 1703
Code, any victim impact statement prepared under section 1704
2947.051 of the Revised Code, and any report and other 1705
documentation submitted by the director under division (D) of 1706
this section. After ruling on whether to grant the offender 1707
early release, the court shall notify the victim in accordance 1708
with sections 2930.03 and 2930.16 of the Revised Code. 1709

(I) If the court grants an offender early release under 1710
this section, it shall order the release of the offender, shall 1711
place the offender under one or more appropriate community 1712
control sanctions, under appropriate conditions, and under the 1713
supervision of the department of probation that serves the 1714
court, and shall reserve the right to reimpose the sentence that 1715
it reduced and from which the offender was released if the 1716
offender violates the sanction. The court shall not make a 1717
release under this section effective prior to the date on which 1718
the offender becomes eligible as described in division (C) of 1719
this section. If the sentence under which the offender is 1720
confined in a state correctional institution and from which the 1721
offender is being released was imposed for a felony of the first 1722
or second degree, the court shall consider ordering that the 1723

offender be monitored by means of a global positioning device. 1724
If the court reimposes the sentence that it reduced and from 1725
which the offender was released and if the violation of the 1726
sanction is a new offense, the court may order that the 1727
reimposed sentence be served either concurrently with, or 1728
consecutive to, any new sentence imposed upon the offender as a 1729
result of the violation that is a new offense. The period of all 1730
community control sanctions imposed under this division shall 1731
not exceed five years. The court, in its discretion, may reduce 1732
the period of community control sanctions by the amount of time 1733
the offender spent in jail or prison for the offense. 1734

If the court grants an offender early release under this 1735
section, it shall notify the appropriate person at the 1736
department of rehabilitation and correction of the release, and 1737
the department shall post notice of the release on the database 1738
it maintains pursuant to section 5120.66 of the Revised Code. 1739

(J) The department shall adopt under Chapter 119. of the 1740
Revised Code any rules necessary to implement this section. 1741

Sec. 2967.26. (A) (1) The department of rehabilitation and 1742
correction, by rule, may establish a transitional control 1743
program for the purpose of closely monitoring a prisoner's 1744
adjustment to community supervision during the final one hundred 1745
eighty days of the prisoner's confinement. If the department 1746
establishes a transitional control program under this division, 1747
the division of parole and community services of the department 1748
of rehabilitation and correction may transfer eligible prisoners 1749
to transitional control status under the program during the 1750
final one hundred eighty days of their confinement and under the 1751
terms and conditions established by the department, shall 1752
provide for the confinement as provided in this division of each 1753

eligible prisoner so transferred, and shall supervise each 1754
eligible prisoner so transferred in one or more community 1755
control sanctions. Each eligible prisoner who is transferred to 1756
transitional control status under the program shall be confined 1757
in a suitable facility that is licensed pursuant to division (C) 1758
of section 2967.14 of the Revised Code, or shall be confined in 1759
a residence the department has approved for this purpose and be 1760
monitored pursuant to an electronic monitoring device, as 1761
defined in section 2929.01 of the Revised Code. If the 1762
department establishes a transitional control program under this 1763
division, the rules establishing the program shall include 1764
criteria that define which prisoners are eligible for the 1765
program, criteria that must be satisfied to be approved as a 1766
residence that may be used for confinement under the program of 1767
a prisoner that is transferred to it and procedures for the 1768
department to approve residences that satisfy those criteria, 1769
and provisions of the type described in division (C) of this 1770
section. At a minimum, the criteria that define which prisoners 1771
are eligible for the program shall provide all of the following: 1772

(a) That a prisoner is eligible for the program if the 1773
prisoner is serving a prison term or term of imprisonment for an 1774
offense committed prior to March 17, 1998, and if, at the time 1775
at which eligibility is being determined, the prisoner would 1776
have been eligible for a furlough under this section as it 1777
existed immediately prior to March 17, 1998, or would have been 1778
eligible for conditional release under former section 2967.23 of 1779
the Revised Code as that section existed immediately prior to 1780
March 17, 1998; 1781

(b) That no prisoner who is serving a mandatory prison 1782
term is eligible for the program until after expiration of the 1783
mandatory term; 1784

(c) That no prisoner who is serving a prison term or term 1785
of life imprisonment without parole imposed pursuant to section 1786
2971.03 of the Revised Code is eligible for the program. 1787

~~(2) At least sixty days prior to transferring to 1788
transitional control under this section a prisoner who is 1789
serving a definite term of imprisonment or definite prison term 1790
of two years or less for an offense committed on or after July 1791
1, 1996, or who is serving a minimum term of two years or less 1792
under a non life felony indefinite prison term, the division of 1793
parole and community services of the department of 1794
rehabilitation and correction shall give notice of the pendency 1795
of the transfer to transitional control to the court of common 1796
pleas of the county in which the indictment against the prisoner 1797
was found and of the fact that the court may disapprove the 1798
transfer of the prisoner to transitional control and shall 1799
include the institutional summary report prepared by the head of 1800
the state correctional institution in which the prisoner is 1801
confined. The head of the state correctional institution in 1802
which the prisoner is confined, upon the request of the division 1803
of parole and community services, shall provide to the division 1804
for inclusion in the notice sent to the court under this 1805
division an institutional summary report on the prisoner's 1806
conduct in the institution and in any institution from which the 1807
prisoner may have been transferred. The institutional summary 1808
report shall cover the prisoner's participation in school, 1809
vocational training, work, treatment, and other rehabilitative 1810
activities and any disciplinary action taken against the 1811
prisoner. If the court disapproves of the transfer of the 1812
prisoner to transitional control, the court shall notify the 1813
division of the disapproval within thirty days after receipt of 1814
the notice. If the court timely disapproves the transfer of the 1815~~

~~prisoner to transitional control, the division shall not proceed~~ 1816
~~with the transfer. If the court does not timely disapprove the~~ 1817
~~transfer of the prisoner to transitional control, the division~~ 1818
~~may transfer the prisoner to transitional control.~~ 1819

~~(3)~~(a) If the victim of an offense for which a prisoner 1820
was sentenced to a prison term or term of imprisonment has 1821
requested notification under section 2930.16 of the Revised Code 1822
and has provided the department of rehabilitation and correction 1823
with the victim's name and address or if division ~~(A) (3) (b)~~ (A) 1824
(2) (b) of this section applies, the division of parole and 1825
community services, at least sixty days prior to transferring 1826
the prisoner to transitional control pursuant to this section, 1827
shall notify the victim of the pendency of the transfer and of 1828
the victim's right to submit a statement to the division 1829
regarding the impact of the transfer of the prisoner to 1830
transitional control. If the victim subsequently submits a 1831
statement of that nature to the division, the division shall 1832
consider the statement in deciding whether to transfer the 1833
prisoner to transitional control. 1834

(b) If a prisoner is incarcerated for the commission of 1835
aggravated murder, murder, or an offense of violence that is a 1836
felony of the first, second, or third degree or under a sentence 1837
of life imprisonment, except as otherwise provided in this 1838
division, the notice described in division ~~(A) (3) (a)~~ (A) (2) (a) 1839
of this section shall be given regardless of whether the victim 1840
has requested the notification. The notice described in division 1841
~~(A) (3) (a)~~ (A) (2) (a) of this section shall not be given under 1842
this division to a victim if the victim has requested pursuant 1843
to division (B) (2) of section 2930.03 of the Revised Code that 1844
the victim not be provided the notice. If notice is to be 1845
provided to a victim under this division, the authority may give 1846

the notice by any reasonable means, including regular mail, 1847
telephone, and electronic mail, in accordance with division (D) 1848
(1) of section 2930.16 of the Revised Code. If the notice is 1849
based on an offense committed prior to March 22, 2013, the 1850
notice also shall include the opt-out information described in 1851
division (D) (1) of section 2930.16 of the Revised Code. The 1852
authority, in accordance with division (D) (2) of section 2930.16 1853
of the Revised Code, shall keep a record of all attempts to 1854
provide the notice, and of all notices provided, under this 1855
division. 1856

Division ~~(A) (3) (b)~~ (A) (2) (b) of this section, and the 1857
notice-related provisions of divisions (E) (2) and (K) of section 1858
2929.20, division (D) (1) of section 2930.16, division (H) of 1859
section 2967.12, division (E) (1) (b) of section 2967.19, division 1860
(D) (1) of section 2967.28, and division (A) (2) of section 1861
5149.101 of the Revised Code enacted in the act in which 1862
division ~~(A) (3) (b)~~ (A) (2) (b) of this section was enacted, shall 1863
be known as "Roberta's Law." 1864

~~(4)~~ (3) The department of rehabilitation and correction, 1865
at least sixty days prior to transferring a prisoner to 1866
transitional control pursuant to this section, shall post on the 1867
database it maintains pursuant to section 5120.66 of the Revised 1868
Code the prisoner's name and all of the information specified in 1869
division (A) (1) (c) (iv) of that section. In addition to and 1870
independent of the right of a victim to submit a statement as 1871
described in division ~~(A) (3)~~ (A) (2) of this section or to 1872
otherwise make a statement and in addition to and independent of 1873
any other right or duty of a person to present information or 1874
make a statement, any person may send to the division of parole 1875
and community services at any time prior to the division's 1876
transfer of the prisoner to transitional control a written 1877

statement regarding the transfer of the prisoner to transitional 1878
control. In addition to the information, reports, and statements 1879
it considers under ~~divisions~~ division (A) (2) ~~and (3)~~ of this 1880
section or that it otherwise considers, the division shall 1881
consider each statement submitted in accordance with this 1882
division in deciding whether to transfer the prisoner to 1883
transitional control. 1884

(B) Each prisoner transferred to transitional control 1885
under this section shall be confined in the manner described in 1886
division (A) of this section during any period of time that the 1887
prisoner is not actually working at the prisoner's approved 1888
employment, engaged in a vocational training or another 1889
educational program, engaged in another program designated by 1890
the director, or engaged in other activities approved by the 1891
department. 1892

(C) The department of rehabilitation and correction shall 1893
adopt rules for transferring eligible prisoners to transitional 1894
control, supervising and confining prisoners so transferred, 1895
administering the transitional control program in accordance 1896
with this section, and using the moneys deposited into the 1897
transitional control fund established under division (E) of this 1898
section. 1899

(D) The department of rehabilitation and correction may 1900
adopt rules for the issuance of passes for the limited purposes 1901
described in this division to prisoners who are transferred to 1902
transitional control under this section. If the department 1903
adopts rules of that nature, the rules shall govern the granting 1904
of the passes and shall provide for the supervision of prisoners 1905
who are temporarily released pursuant to one of those passes. 1906
Upon the adoption of rules under this division, the department 1907

may issue passes to prisoners who are transferred to 1908
transitional control status under this section in accordance 1909
with the rules and the provisions of this division. All passes 1910
issued under this division shall be for a maximum of forty-eight 1911
hours and may be issued only for the following purposes: 1912

(1) To visit a relative in imminent danger of death; 1913

(2) To have a private viewing of the body of a deceased 1914
relative; 1915

(3) To visit with family; 1916

(4) To otherwise aid in the rehabilitation of the 1917
prisoner. 1918

(E) The division of parole and community services may 1919
require a prisoner who is transferred to transitional control to 1920
pay to the division the reasonable expenses incurred by the 1921
division in supervising or confining the prisoner while under 1922
transitional control. Inability to pay those reasonable expenses 1923
shall not be grounds for refusing to transfer an otherwise 1924
eligible prisoner to transitional control. Amounts received by 1925
the division of parole and community services under this 1926
division shall be deposited into the transitional control fund, 1927
which is hereby created in the state treasury and which hereby 1928
replaces and succeeds the furlough services fund that formerly 1929
existed in the state treasury. All moneys that remain in the 1930
furlough services fund on March 17, 1998, shall be transferred 1931
on that date to the transitional control fund. The transitional 1932
control fund shall be used solely to pay costs related to the 1933
operation of the transitional control program established under 1934
this section. The director of rehabilitation and correction 1935
shall adopt rules in accordance with section 111.15 of the 1936

Revised Code for the use of the fund.	1937
(F) A prisoner who violates any rule established by the department of rehabilitation and correction under division (A), (C), or (D) of this section may be transferred to a state correctional institution pursuant to rules adopted under division (A), (C), or (D) of this section, but the prisoner shall receive credit towards completing the prisoner's sentence for the time spent under transitional control.	1938 1939 1940 1941 1942 1943 1944
If a prisoner is transferred to transitional control under this section, upon successful completion of the period of transitional control, the prisoner may be released on parole or under post-release control pursuant to section 2967.13 or 2967.28 of the Revised Code and rules adopted by the department of rehabilitation and correction. If the prisoner is released under post-release control, the duration of the post-release control, the type of post-release control sanctions that may be imposed, the enforcement of the sanctions, and the treatment of prisoners who violate any sanction applicable to the prisoner are governed by section 2967.28 of the Revised Code.	1945 1946 1947 1948 1949 1950 1951 1952 1953 1954 1955
Sec. 2967.28. (A) As used in this section:	1956
(1) "Monitored time" means the monitored time sanction specified in section 2929.17 of the Revised Code.	1957 1958
(2) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.	1959 1960
(3) "Felony sex offense" means a violation of a section contained in Chapter 2907. of the Revised Code that is a felony.	1961 1962
(4) "Risk reduction sentence" means a prison term imposed by a court, when the court recommends pursuant to section 2929.143 of the Revised Code that the offender serve the	1963 1964 1965

sentence under section 5120.036 of the Revised Code, and the 1966
offender may potentially be released from imprisonment prior to 1967
the expiration of the prison term if the offender successfully 1968
completes all assessment and treatment or programming required 1969
by the department of rehabilitation and correction under section 1970
5120.036 of the Revised Code. 1971

(5) "Victim's immediate family" has the same meaning as in 1972
section 2967.12 of the Revised Code. 1973

(6) "Minor drug possession offense" has the same meaning 1974
as in section 2925.11 of the Revised Code. 1975

(B) Each sentence to a prison term, other than a term of 1976
life imprisonment, for a felony of the first degree, for a 1977
felony of the second degree, for a felony sex offense, or for a 1978
felony of the third degree that is an offense of violence and is 1979
not a felony sex offense shall include a requirement that the 1980
offender be subject to a period of post-release control imposed 1981
by the parole board after the offender's release from 1982
imprisonment. This division applies with respect to all prison 1983
terms of a type described in this division, including a term of 1984
any such type that is a risk reduction sentence. If a court 1985
imposes a sentence including a prison term of a type described 1986
in this division on or after July 11, 2006, the failure of a 1987
sentencing court to notify the offender pursuant to division (B) 1988
(2) (d) of section 2929.19 of the Revised Code of this 1989
requirement or to include in the judgment of conviction entered 1990
on the journal a statement that the offender's sentence includes 1991
this requirement does not negate, limit, or otherwise affect the 1992
mandatory period of supervision that is required for the 1993
offender under this division. This division applies with respect 1994
to all prison terms of a type described in this division, 1995

including a non-life felony indefinite prison term. Section 1996
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1997
a court imposed a sentence including a prison term of a type 1998
described in this division and failed to notify the offender 1999
pursuant to division (B)(2)(d) of section 2929.19 of the Revised 2000
Code regarding post-release control or to include in the 2001
judgment of conviction entered on the journal or in the sentence 2002
pursuant to division (D)(1) of section 2929.14 of the Revised 2003
Code a statement regarding post-release control. Unless reduced 2004
by the parole board pursuant to division (D) of this section 2005
when authorized under that division, a period of post-release 2006
control required by this division for an offender shall be of 2007
one of the following periods: 2008

(1) For a felony of the first degree or for a felony sex 2009
offense, five years; 2010

(2) For a felony of the second degree that is not a felony 2011
sex offense, three years; 2012

(3) For a felony of the third degree that is an offense of 2013
violence and is not a felony sex offense, three years. 2014

(C) Any sentence to a prison term for a felony of the 2015
third, fourth, or fifth degree that is not subject to division 2016
(B)(1) or (3) of this section shall include a requirement that 2017
the offender be subject to a period of post-release control of 2018
up to three years after the offender's release from 2019
imprisonment, if the parole board, in accordance with division 2020
(D) of this section, determines that a period of post-release 2021
control is necessary for that offender. This division applies 2022
with respect to all prison terms of a type described in this 2023
division, including a term of any such type that is a risk 2024
reduction sentence. Section 2929.191 of the Revised Code applies 2025

if, prior to July 11, 2006, a court imposed a sentence including 2026
a prison term of a type described in this division and failed to 2027
notify the offender pursuant to division (B) (2) (e) of section 2028
2929.19 of the Revised Code regarding post-release control or to 2029
include in the judgment of conviction entered on the journal or 2030
in the sentence pursuant to division (D) (2) of section 2929.14 2031
of the Revised Code a statement regarding post-release control. 2032
Pursuant to an agreement entered into under section 2967.29 of 2033
the Revised Code, a court of common pleas or parole board may 2034
impose sanctions or conditions on an offender who is placed on 2035
post-release control under this division. 2036

(D) (1) Before the prisoner is released from imprisonment, 2037
the parole board or, pursuant to an agreement under section 2038
2967.29 of the Revised Code, the court shall impose upon a 2039
prisoner described in division (B) of this section, shall impose 2040
upon a prisoner described in division (C) of this section who is 2041
to be released before the expiration of the prisoner's stated 2042
prison term under a risk reduction sentence, may impose upon a 2043
prisoner described in division (C) of this section who is not to 2044
be released before the expiration of the prisoner's stated 2045
prison term under a risk reduction sentence, and shall impose 2046
upon a prisoner described in division (B) (2) (b) of section 2047
5120.031 or in division (B) (1) of section 5120.032 of the 2048
Revised Code, one or more post-release control sanctions to 2049
apply during the prisoner's period of post-release control. 2050
Whenever the board or court imposes one or more post-release 2051
control sanctions upon a prisoner, the board or court, in 2052
addition to imposing the sanctions, also shall include as a 2053
condition of the post-release control that the offender not 2054
leave the state without permission of the court or the 2055
offender's parole or probation officer and that the offender 2056

abide by the law. The board or court may impose any other 2057
conditions of release under a post-release control sanction that 2058
the board or court considers appropriate, and the conditions of 2059
release may include any community residential sanction, 2060
community nonresidential sanction, or financial sanction that 2061
the sentencing court was authorized to impose pursuant to 2062
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 2063
Prior to the release of a prisoner for whom it will impose one 2064
or more post-release control sanctions under this division, the 2065
parole board or court shall review the prisoner's criminal 2066
history, results from the single validated risk assessment tool 2067
selected by the department of rehabilitation and correction 2068
under section 5120.114 of the Revised Code, all juvenile court 2069
adjudications finding the prisoner, while a juvenile, to be a 2070
delinquent child, and the record of the prisoner's conduct while 2071
imprisoned. The parole board or court shall consider any 2072
recommendation regarding post-release control sanctions for the 2073
prisoner made by the office of victims' services. After 2074
considering those materials, the board or court shall determine, 2075
for a prisoner described in division (B) of this section, 2076
division (B) (2) (b) of section 5120.031, or division (B) (1) of 2077
section 5120.032 of the Revised Code and for a prisoner 2078
described in division (C) of this section who is to be released 2079
before the expiration of the prisoner's stated prison term under 2080
a risk reduction sentence, which post-release control sanction 2081
or combination of post-release control sanctions is reasonable 2082
under the circumstances or, for a prisoner described in division 2083
(C) of this section who is not to be released before the 2084
expiration of the prisoner's stated prison term under a risk 2085
reduction sentence, whether a post-release control sanction is 2086
necessary and, if so, which post-release control sanction or 2087
combination of post-release control sanctions is reasonable 2088

under the circumstances. In the case of a prisoner convicted of 2089
a felony of the fourth or fifth degree other than a felony sex 2090
offense, the board or court shall presume that monitored time is 2091
the appropriate post-release control sanction unless the board 2092
or court determines that a more restrictive sanction is 2093
warranted. A post-release control sanction imposed under this 2094
division takes effect upon the prisoner's release from 2095
imprisonment. 2096

Regardless of whether the prisoner was sentenced to the 2097
prison term prior to, on, or after July 11, 2006, prior to the 2098
release of a prisoner for whom it will impose one or more post- 2099
release control sanctions under this division, the parole board 2100
shall notify the prisoner that, if the prisoner violates any 2101
sanction so imposed or any condition of post-release control 2102
described in division (B) of section 2967.131 of the Revised 2103
Code that is imposed on the prisoner, the parole board may 2104
impose a prison term of up to one-half of the stated prison term 2105
originally imposed upon the prisoner. 2106

At least thirty days before the prisoner is released from 2107
imprisonment under post-release control, except as otherwise 2108
provided in this paragraph, the department of rehabilitation and 2109
correction shall notify the victim and the victim's immediate 2110
family of the date on which the prisoner will be released, the 2111
period for which the prisoner will be under post-release control 2112
supervision, and the terms and conditions of the prisoner's 2113
post-release control regardless of whether the victim or 2114
victim's immediate family has requested the notification. The 2115
notice described in this paragraph shall not be given to a 2116
victim or victim's immediate family if the victim or the 2117
victim's immediate family has requested pursuant to division (B) 2118
(2) of section 2930.03 of the Revised Code that the notice not 2119

be provided to the victim or the victim's immediate family. At 2120
least thirty days before the prisoner is released from 2121
imprisonment and regardless of whether the victim or victim's 2122
immediate family has requested that the notice described in this 2123
paragraph be provided or not be provided to the victim or the 2124
victim's immediate family, the department also shall provide 2125
notice of that nature to the prosecuting attorney in the case 2126
and the law enforcement agency that arrested the prisoner if any 2127
officer of that agency was a victim of the offense. 2128

If the notice given under the preceding paragraph to the 2129
victim or the victim's immediate family is based on an offense 2130
committed prior to March 22, 2013, and if the department of 2131
rehabilitation and correction has not previously successfully 2132
provided any notice to the victim or the victim's immediate 2133
family under division (B), (C), or (D) of section 2930.16 of the 2134
Revised Code with respect to that offense and the offender who 2135
committed it, the notice also shall inform the victim or the 2136
victim's immediate family that the victim or the victim's 2137
immediate family may request that the victim or the victim's 2138
immediate family not be provided any further notices with 2139
respect to that offense and the offender who committed it and 2140
shall describe the procedure for making that request. The 2141
department may give the notices to which the preceding paragraph 2142
applies by any reasonable means, including regular mail, 2143
telephone, and electronic mail. If the department attempts to 2144
provide notice to any specified person under the preceding 2145
paragraph but the attempt is unsuccessful because the department 2146
is unable to locate the specified person, is unable to provide 2147
the notice by its chosen method because it cannot determine the 2148
mailing address, electronic mail address, or telephone number at 2149
which to provide the notice, or, if the notice is sent by mail, 2150

the notice is returned, the department shall make another 2151
attempt to provide the notice to the specified person. If the 2152
second attempt is unsuccessful, the department shall make at 2153
least one more attempt to provide the notice. If the notice is 2154
based on an offense committed prior to March 22, 2013, in each 2155
attempt to provide the notice to the victim or victim's 2156
immediate family, the notice shall include the opt-out 2157
information described in this paragraph. The department, in the 2158
manner described in division (D) (2) of section 2930.16 of the 2159
Revised Code, shall keep a record of all attempts to provide the 2160
notice, and of all notices provided, under this paragraph and 2161
the preceding paragraph. The record shall be considered as if it 2162
was kept under division (D) (2) of section 2930.16 of the Revised 2163
Code. This paragraph, the preceding paragraph, and the notice- 2164
related provisions of divisions (E) (2) and (K) of section 2165
2929.20, division (D) (1) of section 2930.16, division (H) of 2166
section 2967.12, division (E) (1) (b) of section 2967.19, division 2167
~~(A) (3) (b)~~ (A) (2) (b) of section 2967.26, and division (A) (2) of 2168
section 5149.101 of the Revised Code enacted in the act in which 2169
this paragraph and the preceding paragraph were enacted, shall 2170
be known as "Roberta's Law." 2171

(2) If a prisoner who is placed on post-release control 2172
under this section is released before the expiration of the 2173
definite term that is the prisoner's stated prison term or the 2174
expiration of the minimum term that is part of the prisoner's 2175
indefinite prison term imposed under a non-life felony 2176
indefinite prison term by reason of credit earned under section 2177
2967.193 or a reduction under division (F) of section 2967.271 2178
of the Revised Code and if the prisoner earned sixty or more 2179
days of credit, the adult parole authority shall supervise the 2180
offender with an active global positioning system device for the 2181

first fourteen days after the offender's release from 2182
imprisonment. This division does not prohibit or limit the 2183
imposition of any post-release control sanction otherwise 2184
authorized by this section. 2185

(3) At any time after a prisoner is released from 2186
imprisonment and during the period of post-release control 2187
applicable to the releasee, the adult parole authority or, 2188
pursuant to an agreement under section 2967.29 of the Revised 2189
Code, the court may review the releasee's behavior under the 2190
post-release control sanctions imposed upon the releasee under 2191
this section. The authority or court may determine, based upon 2192
the review and in accordance with the standards established 2193
under division (E) of this section, that a more restrictive or a 2194
less restrictive sanction is appropriate and may impose a 2195
different sanction. The authority also may recommend that the 2196
parole board or court increase or reduce the duration of the 2197
period of post-release control imposed by the court. If the 2198
authority recommends that the board or court increase the 2199
duration of post-release control, the board or court shall 2200
review the releasee's behavior and may increase the duration of 2201
the period of post-release control imposed by the court up to 2202
eight years. If the authority recommends that the board or court 2203
reduce the duration of control for an offense described in 2204
division (B) or (C) of this section, the board or court shall 2205
review the releasee's behavior and, subject to divisions (D) (3) 2206
(a) to (c) of this section, may reduce the duration of the 2207
period of control imposed by the court or, if the period of 2208
control was imposed for a non-life felony indefinite prison 2209
term, reduce the duration of or terminate the period of control 2210
imposed by the court. In no case shall the board or court do any 2211
of the following: 2212

(a) Reduce the duration of the period of control imposed 2213
for an offense described in division (B) (1) of this section to a 2214
period less than the length of the definite prison term included 2215
in the stated prison term originally imposed on the offender as 2216
part of the sentence or, with respect to a stated non-life 2217
felony indefinite prison term, to a period less than the length 2218
of the minimum prison term imposed as part of that stated prison 2219
term; 2220

(b) Consider any reduction or termination of the duration 2221
of the period of control imposed on a releasee prior to the 2222
expiration of one year after the commencement of the period of 2223
control, if the period of control was imposed for a non-life 2224
felony indefinite prison term and the releasee's minimum prison 2225
term or presumptive earned early release date under that term 2226
was extended for any length of time under division (C) or (D) of 2227
section 2967.271 of the Revised Code. 2228

(c) Permit the releasee to leave the state without 2229
permission of the court or the releasee's parole or probation 2230
officer. 2231

(4) The department of rehabilitation and correction shall 2232
develop factors that the parole board or court shall consider in 2233
determining under division (D) (3) of this section whether to 2234
terminate the period of control imposed on a releasee for a non- 2235
life felony indefinite prison term. 2236

(E) The department of rehabilitation and correction, in 2237
accordance with Chapter 119. of the Revised Code, shall adopt 2238
rules that do all of the following: 2239

(1) Establish standards for the imposition by the parole 2240
board of post-release control sanctions under this section that 2241

are consistent with the overriding purposes and sentencing 2242
principles set forth in section 2929.11 of the Revised Code and 2243
that are appropriate to the needs of releasees; 2244

(2) Establish standards that provide for a period of post- 2245
release control of up to three years for all prisoners described 2246
in division (C) of this section who are to be released before 2247
the expiration of their stated prison term under a risk 2248
reduction sentence and standards by which the parole board can 2249
determine which prisoners described in division (C) of this 2250
section who are not to be released before the expiration of 2251
their stated prison term under a risk reduction sentence should 2252
be placed under a period of post-release control; 2253

(3) Establish standards to be used by the parole board in 2254
reducing the duration of the period of post-release control 2255
imposed by the court when authorized under division (D) of this 2256
section, in imposing a more restrictive post-release control 2257
sanction than monitored time upon a prisoner convicted of a 2258
felony of the fourth or fifth degree other than a felony sex 2259
offense, or in imposing a less restrictive control sanction upon 2260
a releasee based on the releasee's activities including, but not 2261
limited to, remaining free from criminal activity and from the 2262
abuse of alcohol or other drugs, successfully participating in 2263
approved rehabilitation programs, maintaining employment, and 2264
paying restitution to the victim or meeting the terms of other 2265
financial sanctions; 2266

(4) Establish standards to be used by the adult parole 2267
authority in modifying a releasee's post-release control 2268
sanctions pursuant to division (D)(2) of this section; 2269

(5) Establish standards to be used by the adult parole 2270
authority or parole board in imposing further sanctions under 2271

division (F) of this section on releasees who violate post- 2272
release control sanctions, including standards that do the 2273
following: 2274

(a) Classify violations according to the degree of 2275
seriousness; 2276

(b) Define the circumstances under which formal action by 2277
the parole board is warranted; 2278

(c) Govern the use of evidence at violation hearings; 2279

(d) Ensure procedural due process to an alleged violator; 2280

(e) Prescribe nonresidential community control sanctions 2281
for most misdemeanor and technical violations; 2282

(f) Provide procedures for the return of a releasee to 2283
imprisonment for violations of post-release control. 2284

(F) (1) Whenever the parole board imposes one or more post- 2285
release control sanctions upon an offender under this section, 2286
the offender upon release from imprisonment shall be under the 2287
general jurisdiction of the adult parole authority and generally 2288
shall be supervised by the field services section through its 2289
staff of parole and field officers as described in section 2290
5149.04 of the Revised Code, as if the offender had been placed 2291
on parole. If the offender upon release from imprisonment 2292
violates the post-release control sanction or any conditions 2293
described in division (A) of section 2967.131 of the Revised 2294
Code that are imposed on the offender, the public or private 2295
person or entity that operates or administers the sanction or 2296
the program or activity that comprises the sanction shall report 2297
the violation directly to the adult parole authority or to the 2298
officer of the authority who supervises the offender. The 2299
authority's officers may treat the offender as if the offender 2300

were on parole and in violation of the parole, and otherwise 2301
shall comply with this section. 2302

(2) If the adult parole authority or, pursuant to an 2303
agreement under section 2967.29 of the Revised Code, the court 2304
determines that a releasee has violated a post-release control 2305
sanction or any conditions described in division (A) of section 2306
2967.131 of the Revised Code imposed upon the releasee and that 2307
a more restrictive sanction is appropriate, the authority or 2308
court may impose a more restrictive sanction upon the releasee, 2309
in accordance with the standards established under division (E) 2310
of this section or in accordance with the agreement made under 2311
section 2967.29 of the Revised Code, or may report the violation 2312
to the parole board for a hearing pursuant to division (F) (3) of 2313
this section. The authority or court may not, pursuant to this 2314
division, increase the duration of the releasee's post-release 2315
control or impose as a post-release control sanction a 2316
residential sanction that includes a prison term, but the 2317
authority or court may impose on the releasee any other 2318
residential sanction, nonresidential sanction, or financial 2319
sanction that the sentencing court was authorized to impose 2320
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 2321
Revised Code. 2322

(3) The parole board or, pursuant to an agreement under 2323
section 2967.29 of the Revised Code, the court may hold a 2324
hearing on any alleged violation by a releasee of a post-release 2325
control sanction or any conditions described in division (A) of 2326
section 2967.131 of the Revised Code that are imposed upon the 2327
releasee. If after the hearing the board or court finds that the 2328
releasee violated the sanction or condition, the board or court 2329
may increase the duration of the releasee's post-release control 2330
up to the maximum duration authorized by division (B) or (C) of 2331

this section or impose a more restrictive post-release control 2332
sanction. If a releasee was acting pursuant to division (B) (2) 2333
(b) of section 2925.11 of the Revised Code and in so doing 2334
violated the conditions of a post-release control sanction based 2335
on a minor drug possession offense as defined in that section, 2336
the board or the court may consider the releasee's conduct in 2337
seeking or obtaining medical assistance for another in good 2338
faith or for self or may consider the releasee being the subject 2339
of another person seeking or obtaining medical assistance in 2340
accordance with that division as a mitigating factor before 2341
imposing any of the penalties described in this division. When 2342
appropriate, the board or court may impose as a post-release 2343
control sanction a residential sanction that includes a prison 2344
term. The board or court shall consider a prison term as a post- 2345
release control sanction imposed for a violation of post-release 2346
control when the violation involves a deadly weapon or dangerous 2347
ordnance, physical harm or attempted serious physical harm to a 2348
person, or sexual misconduct. Unless a releasee's stated prison 2349
term was reduced pursuant to section 5120.032 of the Revised 2350
Code, the period of a prison term that is imposed as a post- 2351
release control sanction under this division shall not exceed 2352
nine months, and the maximum cumulative prison term for all 2353
violations under this division shall not exceed one-half of the 2354
definite prison term that was the stated prison term originally 2355
imposed upon the offender as part of this sentence or, with 2356
respect to a stated non-life felony indefinite prison term, one- 2357
half of the minimum prison term that was imposed as part of that 2358
stated prison term originally imposed upon the offender. If a 2359
releasee's stated prison term was reduced pursuant to section 2360
5120.032 of the Revised Code, the period of a prison term that 2361
is imposed as a post-release control sanction under this 2362
division and the maximum cumulative prison term for all 2363

violations under this division shall not exceed the period of 2364
time not served in prison under the sentence imposed by the 2365
court. The period of a prison term that is imposed as a post- 2366
release control sanction under this division shall not count as, 2367
or be credited toward, the remaining period of post-release 2368
control. 2369

If an offender is imprisoned for a felony committed while 2370
under post-release control supervision and is again released on 2371
post-release control for a period of time determined by division 2372
(F) (4) (d) of this section, the maximum cumulative prison term 2373
for all violations under this division shall not exceed one-half 2374
of the total stated prison terms of the earlier felony, reduced 2375
by any prison term administratively imposed by the parole board 2376
or court, plus one-half of the total stated prison term of the 2377
new felony. 2378

(4) Any period of post-release control shall commence upon 2379
an offender's actual release from prison. If an offender is 2380
serving an indefinite prison term or a life sentence in addition 2381
to a stated prison term, the offender shall serve the period of 2382
post-release control in the following manner: 2383

(a) If a period of post-release control is imposed upon 2384
the offender and if the offender also is subject to a period of 2385
parole under a life sentence or an indefinite sentence, and if 2386
the period of post-release control ends prior to the period of 2387
parole, the offender shall be supervised on parole. The offender 2388
shall receive credit for post-release control supervision during 2389
the period of parole. The offender is not eligible for final 2390
release under section 2967.16 of the Revised Code until the 2391
post-release control period otherwise would have ended. 2392

(b) If a period of post-release control is imposed upon 2393

the offender and if the offender also is subject to a period of 2394
parole under an indefinite sentence, and if the period of parole 2395
ends prior to the period of post-release control, the offender 2396
shall be supervised on post-release control. The requirements of 2397
parole supervision shall be satisfied during the post-release 2398
control period. 2399

(c) If an offender is subject to more than one period of 2400
post-release control, the period of post-release control for all 2401
of the sentences shall be the period of post-release control 2402
that expires last, as determined by the parole board or court. 2403
Periods of post-release control shall be served concurrently and 2404
shall not be imposed consecutively to each other. 2405

(d) The period of post-release control for a releasee who 2406
commits a felony while under post-release control for an earlier 2407
felony shall be the longer of the period of post-release control 2408
specified for the new felony under division (B) or (C) of this 2409
section or the time remaining under the period of post-release 2410
control imposed for the earlier felony as determined by the 2411
parole board or court. 2412

Sec. 5149.101. (A) (1) A board hearing officer, a board 2413
member, or the office of victims' services may petition the 2414
board for a full board hearing that relates to the proposed 2415
parole or re-parole of a prisoner. At a meeting of the board at 2416
which a majority of board members are present, the majority of 2417
those present shall determine whether a full board hearing shall 2418
be held. 2419

(2) A victim of a violation of section 2903.01 or 2903.02 2420
of the Revised Code, an offense of violence that is a felony of 2421
the first, second, or third degree, or an offense punished by a 2422
sentence of life imprisonment, the victim's representative, or 2423

any person described in division (B) (5) of this section may 2424
request the board to hold a full board hearing that relates to 2425
the proposed parole or re-parole of the person that committed 2426
the violation. If a victim, victim's representative, or other 2427
person requests a full board hearing pursuant to this division, 2428
the board shall hold a full board hearing. 2429

At least thirty days before the full hearing, except as 2430
otherwise provided in this division, the board shall give notice 2431
of the date, time, and place of the hearing to the victim 2432
regardless of whether the victim has requested the notification. 2433
The notice of the date, time, and place of the hearing shall not 2434
be given under this division to a victim if the victim has 2435
requested pursuant to division (B) (2) of section 2930.03 of the 2436
Revised Code that the notice not be provided to the victim. At 2437
least thirty days before the full board hearing and regardless 2438
of whether the victim has requested that the notice be provided 2439
or not be provided under this division to the victim, the board 2440
shall give similar notice to the prosecuting attorney in the 2441
case, the law enforcement agency that arrested the prisoner if 2442
any officer of that agency was a victim of the offense, and, if 2443
different than the victim, the person who requested the full 2444
hearing. If the prosecuting attorney has not previously been 2445
sent an institutional summary report with respect to the 2446
prisoner, upon the request of the prosecuting attorney, the 2447
board shall include with the notice sent to the prosecuting 2448
attorney an institutional summary report that covers the 2449
offender's participation while confined in a state correctional 2450
institution in training, work, and other rehabilitative 2451
activities and any disciplinary action taken against the 2452
offender while so confined. Upon the request of a law 2453
enforcement agency that has not previously been sent an 2454

institutional summary report with respect to the prisoner, the 2455
board also shall send a copy of the institutional summary report 2456
to the law enforcement agency. If notice is to be provided as 2457
described in this division, the board may give the notice by any 2458
reasonable means, including regular mail, telephone, and 2459
electronic mail, in accordance with division (D) (1) of section 2460
2930.16 of the Revised Code. If the notice is based on an 2461
offense committed prior to ~~the effective date of this amendment~~ 2462
March 22, 2013, the notice also shall include the opt-out 2463
information described in division (D) (1) of section 2930.16 of 2464
the Revised Code. The board, in accordance with division (D) (2) 2465
of section 2930.16 of the Revised Code, shall keep a record of 2466
all attempts to provide the notice, and of all notices provided, 2467
under this division. 2468

The preceding paragraph, and the notice-related provisions 2469
of divisions (E) (2) and (K) of section 2929.20, division (D) (1) 2470
of section 2930.16, division (H) of section 2967.12, division 2471
(E) (1) (b) of section 2967.19, division ~~(A) (3) (b)~~ (A) (2) (b) of 2472
section 2967.26, and division (D) (1) of section 2967.28 of the 2473
Revised Code enacted in the act in which this paragraph was 2474
enacted, shall be known as "Roberta's Law." 2475

(B) At a full board hearing that relates to the proposed 2476
parole or re-parole of a prisoner and that has been petitioned 2477
for or requested in accordance with division (A) of this 2478
section, the parole board shall permit the following persons to 2479
appear and to give testimony or to submit written statements: 2480

(1) The prosecuting attorney of the county in which the 2481
original indictment against the prisoner was found and members 2482
of any law enforcement agency that assisted in the prosecution 2483
of the original offense; 2484

(2) The judge of the court of common pleas who imposed the original sentence of incarceration upon the prisoner, or the judge's successor;	2485 2486 2487
(3) The victim of the original offense for which the prisoner is serving the sentence or the victim's representative designated pursuant to section 2930.02 of the Revised Code;	2488 2489 2490
(4) The victim of any behavior that resulted in parole being revoked;	2491 2492
(5) With respect to a full board hearing held pursuant to division (A)(2) of this section, all of the following:	2493 2494
(a) The spouse of the victim of the original offense;	2495
(b) The parent or parents of the victim of the original offense;	2496 2497
(c) The sibling of the victim of the original offense;	2498
(d) The child or children of the victim of the original offense.	2499 2500
(6) Counsel or some other person designated by the prisoner as a representative, as described in division (C) of this section.	2501 2502 2503
(C) Except as otherwise provided in this division, a full board hearing of the parole board is not subject to section 121.22 of the Revised Code. The persons who may attend a full board hearing are the persons described in divisions (B)(1) to (6) of this section, and representatives of the press, radio and television stations, and broadcasting networks who are members of a generally recognized professional media organization.	2504 2505 2506 2507 2508 2509 2510
At the request of a person described in division (B)(3) of	2511

this section, representatives of the news media described in 2512
this division shall be excluded from the hearing while that 2513
person is giving testimony at the hearing. The prisoner being 2514
considered for parole has no right to be present at the hearing, 2515
but may be represented by counsel or some other person 2516
designated by the prisoner. 2517

If there is an objection at a full board hearing to a 2518
recommendation for the parole of a prisoner, the board may 2519
approve or disapprove the recommendation or defer its decision 2520
until a subsequent full board hearing. The board may permit 2521
interested persons other than those listed in this division and 2522
division (B) of this section to attend full board hearings 2523
pursuant to rules adopted by the adult parole authority. 2524

(D) If the victim of the original offense died as a result 2525
of the offense and the offense was aggravated murder, murder, an 2526
offense of violence that is a felony of the first, second, or 2527
third degree, or an offense punished by a sentence of life 2528
imprisonment, the family of the victim may show at a full board 2529
hearing a video recording not exceeding five minutes in length 2530
memorializing the victim. 2531

(E) The adult parole authority shall adopt rules for the 2532
implementation of this section. The rules shall specify 2533
reasonable restrictions on the number of media representatives 2534
that may attend a hearing, based on considerations of space, and 2535
other procedures designed to accomplish an effective, orderly 2536
process for full board hearings. 2537

Section 2. That existing sections 2929.01, 2929.20, 2538
2930.03, 2930.06, 2930.16, 2967.12, 2967.19, 2967.26, 2967.28, 2539
and 5149.101 of the Revised Code are hereby repealed. 2540

Section 3. The General Assembly, applying the principle 2541
stated in division (B) of section 1.52 of the Revised Code that 2542
amendments are to be harmonized if reasonably capable of 2543
simultaneous operation, finds that the following sections, 2544
presented in this act as composites of the sections as amended 2545
by the acts indicated, are the resulting versions of the 2546
sections in effect prior to the effective date of the sections 2547
as presented in this act: 2548

Section 2929.01 of the Revised Code as amended by H.B. 63, 2549
H.B. 411, H.B. 1, S.B. 20, and S.B. 201, all of the 132nd 2550
General Assembly. 2551

Section 2967.28 of the Revised Code as amended by both 2552
S.B. 66 and S.B. 201 of the 132nd General Assembly. 2553