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Sub. H. B. No. 166

Representatives Boggs, Carfagna

Cosponsors: Representatives Russo, Leland, Brown, Ghanbari, O'Brien, Sweeney, Seitz, Weinstein, Lightbody, Gross, Smith, K., Young, T., Liston, Plummer, Miranda, Galonski, Crossman, Crawley, Miller, J., Sheehy, White, Abrams, Baldrige, Blackshear, Brent, Callender, Carruthers, Creech, Denson, Fraizer, Ginter, Hall, Hicks-Hudson, Hillyer, Holmes, Hoops, Humphrey, Ingram, Jarrells, John, Johnson, Jones, Kelly, Lampton, Lanese, LaRe, Lepore-Hagan, Lipps, Loychik, Manning, Miller, A., Miller, K., Oelslager, Patton, Ray, Riedel, Robinson, Schmidt, Skindell, Smith, M., Sobeki, Stein, Upchurch, West, Wilkin, Speaker Cupp

A BILL

To amend sections 181.21, 2152.13, 2152.14, 1
2901.011, 2929.01, 2929.14, 2929.144, 2929.19, 2
2930.16, 2945.37, 2945.401, 2949.08, 2951.03, 3
2953.07, 2967.14, 2967.191, 2967.193, 2967.271, 4
5120.021, 5120.038, 5120.113, 5120.66, and 5
5149.04; to enact new section 2953.08 and 6
section 181.26; and to repeal section 2953.08 of 7
the Revised Code to modify the Criminal 8
Sentencing Law with respect to non-life felony 9
indefinite sentencing, to modify the process for 10
felony appeals as a matter of right, to modify 11
the Corrections Law regarding a Department of 12
Rehabilitation and Correction reentry program 13
for certain offenders, maximum workload and 14
caseload standards for parole and field 15
officers, GPS monitoring of offenders released 16
from prison, and entry into LEADS of specified 17

information about GPS-monitored offenders, and 18
to require the Ohio Criminal Sentencing 19
Commission to appoint an Offender Supervision 20
Study Committee. 21

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

Section 1. That sections 181.21, 2152.13, 2152.14, 22
2901.011, 2929.01, 2929.14, 2929.144, 2929.19, 2930.16, 2945.37, 23
2945.401, 2949.08, 2951.03, 2953.07, 2967.14, 2967.191, 24
2967.193, 2967.271, 5120.021, 5120.038, 5120.113, 5120.66, and 25
5149.04 be amended and new section 2953.08 and section 181.26 of 26
the Revised Code be enacted to read as follows: 27

Sec. 181.21. (A) There is hereby created within the 28
supreme court the state criminal sentencing commission, 29
consisting of thirty-one members. One member shall be the chief 30
justice of the supreme court, who shall be the chairperson of 31
the commission. The following ten members of the commission, no 32
more than six of whom shall be members of the same political 33
party, shall be appointed by the chief justice: one judge of a 34
court of appeals, three judges of courts of common pleas who are 35
not juvenile court judges, three judges of juvenile courts, and 36
three judges of municipal courts or county courts. Four members 37
shall be the superintendent of the state highway patrol, the 38
state public defender, the director of youth services, and the 39
director of rehabilitation and correction, or their individual 40
designees. The following twelve members, no more than seven of 41
whom shall be members of the same political party, shall be 42
appointed by the governor after consulting with the appropriate 43
state associations, if any, that are represented by these 44

members: one sheriff; two county prosecuting attorneys, at least 45
one of whom shall be experienced in the prosecution of cases in 46
juvenile court involving alleged delinquent children, unruly 47
children, and juvenile traffic offenders; two peace officers of 48
a municipal corporation or township, at least one of whom shall 49
be experienced in the investigation of cases involving 50
juveniles; one former victim of a violation of Title XXIX of the 51
Revised Code; one attorney whose practice of law primarily 52
involves the representation of criminal defendants; one member 53
of the Ohio state bar association; one attorney whose practice 54
of law primarily involves the representation in juvenile court 55
of alleged delinquent children, unruly children, and juvenile 56
traffic offenders; one full-time city prosecuting attorney; one 57
county commissioner; and one mayor, city manager, or member of a 58
legislative authority of a municipal corporation. Two members 59
shall be members of the senate, one appointed by the president 60
of the senate and one appointed by the minority leader of the 61
senate. Two members shall be members of the house of 62
representatives, one appointed by the speaker of the house of 63
representatives and one appointed by the minority leader of the 64
house of representatives. 65

The chief justice shall become a member of the commission 66
on August 22, 1990, and the chief justice's successors in office 67
shall become members of the commission on the day that they 68
assume the office of chief justice. The term of office of the 69
chief justice as a member of the commission shall continue for 70
as long as that person holds the office of chief justice. The 71
term of office of the member who is an attorney whose practice 72
of law primarily involves the representation of criminal 73
defendants, the term of office of the member who is an attorney 74
whose practice of law primarily involves the representation in 75

juvenile court of alleged delinquent children, unruly children, 76
and juvenile traffic offenders, and the term of office of the 77
former victim of a violation of Title XXIX of the Revised Code 78
shall be four years. The term of office of the superintendent of 79
the state highway patrol, the state public defender, the 80
director of youth services, and the director of rehabilitation 81
and correction, or their individual designees, as members of the 82
commission shall continue for as long as they hold the office of 83
superintendent of the state highway patrol, state public 84
defender, director of youth services, or director of 85
rehabilitation and correction. The term of office of a municipal 86
corporation or township peace officer as a member of the 87
commission shall be the lesser of four years or until that 88
person ceases to be a peace officer of a municipal corporation 89
or township. Unless the full-time city prosecuting attorney is 90
an elected official, the term of office of the full-time city 91
prosecuting attorney shall be the lesser of four years or until 92
the full-time city prosecuting attorney ceases to be a full-time 93
city prosecuting attorney. All of the members of the commission 94
who are elected officials shall serve the lesser of four years 95
or until the expiration of their term of office. Any vacancy on 96
the commission shall be filled in the same manner as the 97
original appointment. 98

When the chief justice and governor make their 99
appointments to the commission, they shall consider adequate 100
representation by race and gender. 101

(B) The commission shall select a vice-chairperson and any 102
other necessary officers and adopt rules to govern its 103
proceedings. The commission shall meet as necessary at the call 104
of the chairperson or on the written request of eight or more of 105
its members. Sixteen members of the commission constitute a 106

quorum, and the votes of a majority of the quorum present shall 107
be required to validate any action of the commission. All 108
business of the commission shall be conducted in public 109
meetings. 110

The members of the commission shall serve without 111
compensation, but each member shall be reimbursed for the 112
member's actual and necessary expenses incurred in the 113
performance of the member's official duties on the commission. 114
In the absence of the chairperson, the vice-chairperson shall 115
perform the duties of the chairperson. 116

(C) The commission shall establish an office and shall 117
appoint and fix the compensation of a project director and any 118
other employees necessary to assist the commission in the 119
execution of its authority under sections 181.21 to ~~181.25~~ 120
181.26 of the Revised Code. The project director shall have a 121
thorough understanding of the criminal laws of this state and 122
experience in committee-oriented research. The other employees 123
may include a research coordinator with experience and training 124
in policy-oriented research; professional staff employees with 125
backgrounds in criminal law, criminal justice, political 126
science, or related fields of expertise; administrative 127
assistants; and secretaries. The commission also may appoint and 128
fix the compensation of part-time data collectors, clerical 129
employees, and other temporary employees as needed to enable the 130
commission to execute its authority under sections 181.21 to 131
~~181.25~~181.26 of the Revised Code. 132

(D) (1) The sentencing commission shall establish an ad 133
hoc, standing offender supervision study committee. The 134
committee shall consist of one member who is a person appointed 135
by the governor and the following twelve members appointed by 136

the commission: one active parole line officer who is a member 137
of the exclusive representative, as defined in section 4117.01 138
of the Revised Code, with which the state has entered into a 139
collective bargaining agreement that is in effect at the time of 140
the appointment and who has been recommended by the exclusive 141
representative; one active probation officer; two members of the 142
house of representatives who shall not be members of the same 143
political party; two members of the senate who shall not be 144
members of the same political party; one judge of a court of 145
common pleas; one representative of the Ohio community 146
corrections association; the director of rehabilitation and 147
corrections or the director's representative; one county 148
prosecuting attorney; the state public defender, the state 149
public defender's representative, or a county public defender; 150
and one sheriff. The members of the commission may serve on the 151
committee by designation of the chief justice, to the extent 152
that the members satisfy the criteria for service on the 153
committee. The chief justice shall designate a member to serve 154
as chairperson of the committee. The committee shall select a 155
vice-chairperson. The committee shall meet as necessary at the 156
call of the chairperson or on the written request of four or 157
more of the committee's members. In the absence of the 158
chairperson, the vice-chairperson shall perform the duties of 159
the chairperson. A majority of the members of the committee 160
shall constitute a quorum, and the votes of a majority of the 161
quorum present shall be required to validate any action of the 162
committee, including the content of reports and recommendations 163
to the commission. 164

The members of the committee who are not members of the 165
commission shall serve without compensation, but each such 166
member shall be reimbursed for the member's actual and necessary 167

expenses incurred in the performance of the member's official 168
duties on the commission. Section 181.21 of the Revised Code 169
applies to the members of the committee who are members of the 170
commission. 171

(2) The offender supervision study committee shall study 172
and review all issues related to the supervision of offenders, 173
including issues related to parole, community control, 174
probation, community corrections, and transitional control, and 175
issues related to interstate compact policies. The committee 176
shall submit a report to the commission not later than the 177
thirty-first day of December in each even-numbered year that 178
contains its findings with respect to the issues it studies and 179
reviews and recommendations regarding possible changes in the 180
law based on those findings. 181

The commission shall comply with division (D) of section 182
181.26 of the Revised Code with respect to the reports submitted 183
to it under this division. 184

(3) The sentencing commission may appoint persons who are 185
experts in issues related to the supervision of offenders to 186
assist the committee in the performance of its duties under 187
division (D)(2) of this section. No person appointed in a 188
capacity under this division may vote on any action of the 189
committee, including the content of any report or recommendation 190
to the commission. 191

Sec. 181.26. (A) In addition to its duties set forth in 192
sections 181.23 to 181.25 and 181.27 of the Revised Code, the 193
state criminal sentencing commission shall review all reports 194
submitted to it by the offender supervision study committee 195
under division (D)(2) of section 181.21 of the Revised Code and, 196
for each report so received, not later than ninety days after 197

receiving the report, shall submit a report to the general 198
assembly that contains the commission's recommendations 199
regarding possible changes in the law based on the findings of 200
the committee that are set forth in the report. In preparing its 201
report to the general assembly, the commission shall consider 202
all findings and recommendations of the committee contained in 203
the report the committee submitted to the commission, and the 204
commission's report to the general assembly may be, but is not 205
required to be, the same as the report of the committee 206
submitted to the commission. 207

(B) The state criminal sentencing commission, within 208
ninety days after the effective date of this section, pursuant 209
to section 181.23 of the Revised Code, shall study the impact of 210
sections relevant to the Reagan Tokes Law, including those 211
listed in section 2901.011 of the Revised Code as constituting 212
the Reagan Tokes Law. The commission shall submit a report to 213
the general assembly and the governor that contains the results 214
of the study and recommendations on the thirty-first day of 215
December in every even-numbered year beginning on December 31, 216
2024. 217

Sec. 2152.13. (A) A juvenile court shall impose a serious 218
youthful dispositional sentence on a child when required under 219
division (B) (3) of section 2152.121 of the Revised Code. In such 220
a case, the remaining provisions of this division and divisions 221
(B) and (C) do not apply to the child, and the court shall 222
impose the mandatory serious youthful dispositional sentence 223
under division (D) (1) of this section. 224

In all other cases, a juvenile court may impose a serious 225
youthful offender dispositional sentence on a child only if the 226
prosecuting attorney of the county in which the delinquent act 227

allegedly occurred initiates the process against the child in	228
accordance with this division, and the child is an alleged	229
delinquent child who is eligible for the dispositional sentence.	230
The prosecuting attorney may initiate the process in any of the	231
following ways:	232
(1) Obtaining an indictment of the child as a serious	233
youthful offender;	234
(2) The child waives the right to indictment, charging the	235
child in a bill of information as a serious youthful offender;	236
(3) Until an indictment or information is obtained,	237
requesting a serious youthful offender dispositional sentence in	238
the original complaint alleging that the child is a delinquent	239
child;	240
(4) Until an indictment or information is obtained, if the	241
original complaint does not request a serious youthful offender	242
dispositional sentence, filing with the juvenile court a written	243
notice of intent to seek a serious youthful offender	244
dispositional sentence within twenty days after the later of the	245
following, unless the time is extended by the juvenile court for	246
good cause shown:	247
(a) The date of the child's first juvenile court hearing	248
regarding the complaint;	249
(b) The date the juvenile court determines not to transfer	250
the case under section 2152.12 of the Revised Code.	251
After a written notice is filed under division (A) (4) of	252
this section, the juvenile court shall serve a copy of the	253
notice on the child and advise the child of the prosecuting	254
attorney's intent to seek a serious youthful offender	255
dispositional sentence in the case.	256

(B) If an alleged delinquent child is not indicted or 257
charged by information as described in division (A) (1) or (2) of 258
this section and if a notice or complaint as described in 259
division (A) (3) or (4) of this section indicates that the 260
prosecuting attorney intends to pursue a serious youthful 261
offender dispositional sentence in the case, the juvenile court 262
shall hold a preliminary hearing to determine if there is 263
probable cause that the child committed the act charged and is 264
by age eligible for, or required to receive, a serious youthful 265
offender dispositional sentence. 266

(C) (1) A child for whom a serious youthful offender 267
dispositional sentence is sought by a prosecuting attorney has 268
the right to a grand jury determination of probable cause that 269
the child committed the act charged and that the child is 270
eligible by age for a serious youthful offender dispositional 271
sentence. The grand jury may be impaneled by the court of common 272
pleas or the juvenile court. 273

Once a child is indicted, or charged by information or the 274
juvenile court determines that the child is eligible for a 275
serious youthful offender dispositional sentence, the child is 276
entitled to an open and speedy trial by jury in juvenile court 277
and to be provided with a transcript of the proceedings. The 278
time within which the trial is to be held under Title XXIX of 279
the Revised Code commences on whichever of the following dates 280
is applicable: 281

(a) If the child is indicted or charged by information, on 282
the date of the filing of the indictment or information. 283

(b) If the child is charged by an original complaint that 284
requests a serious youthful offender dispositional sentence, on 285
the date of the filing of the complaint. 286

(c) If the child is not charged by an original complaint 287
that requests a serious youthful offender dispositional 288
sentence, on the date that the prosecuting attorney files the 289
written notice of intent to seek a serious youthful offender 290
dispositional sentence. 291

(2) If the child is detained awaiting adjudication, upon 292
indictment or being charged by information, the child has the 293
same right to bail as an adult charged with the offense the 294
alleged delinquent act would be if committed by an adult. Except 295
as provided in division (D) of section 2152.14 of the Revised 296
Code, all provisions of Title XXIX of the Revised Code and the 297
Criminal Rules shall apply in the case and to the child. The 298
juvenile court shall afford the child all rights afforded a 299
person who is prosecuted for committing a crime including the 300
right to counsel and the right to raise the issue of competency. 301
The child may not waive the right to counsel. 302

(D) (1) If a child is adjudicated a delinquent child for 303
committing an act under circumstances that require the juvenile 304
court to impose upon the child a serious youthful offender 305
dispositional sentence under section 2152.11 of the Revised 306
Code, all of the following apply: 307

(a) The juvenile court shall impose upon the child a 308
sentence available for the violation, as if the child were an 309
adult, under Chapter 2929. of the Revised Code, except that the 310
juvenile court shall not impose on the child a sentence of death 311
or life imprisonment without parole. 312

(b) The juvenile court also shall impose upon the child 313
one or more traditional juvenile dispositions under sections 314
2152.16, 2152.19, and 2152.20, and, if applicable, section 315
2152.17 of the Revised Code. 316

(c) The juvenile court shall stay the adult portion of the 317
serious youthful offender dispositional sentence pending the 318
successful completion of the traditional juvenile dispositions 319
imposed. 320

(2) (a) If a child is adjudicated a delinquent child for 321
committing an act under circumstances that allow, but do not 322
require, the juvenile court to impose on the child a serious 323
youthful offender dispositional sentence under section 2152.11 324
of the Revised Code, all of the following apply: 325

(i) If the juvenile court on the record makes a finding 326
that, given the nature and circumstances of the violation and 327
the history of the child, the length of time, level of security, 328
and types of programming and resources available in the juvenile 329
system alone are not adequate to provide the juvenile court with 330
a reasonable expectation that the purposes set forth in section 331
2152.01 of the Revised Code will be met, the juvenile court may 332
impose upon the child a sentence available for the violation, as 333
if the child were an adult, under Chapter 2929. of the Revised 334
Code, except that the juvenile court shall not impose on the 335
child a sentence of death or life imprisonment without parole. 336

(ii) If a sentence is imposed under division (D) (2) (a) (i) 337
of this section, the juvenile court also shall impose upon the 338
child one or more traditional juvenile dispositions under 339
sections 2152.16, 2152.19, and 2152.20 and, if applicable, 340
section 2152.17 of the Revised Code. 341

(iii) The juvenile court shall stay the adult portion of 342
the serious youthful offender dispositional sentence pending the 343
successful completion of the traditional juvenile dispositions 344
imposed. 345

(b) If the juvenile court does not find that a sentence 346
should be imposed under division (D) (2) (a) (i) of this section, 347
the juvenile court may impose one or more traditional juvenile 348
dispositions under sections 2152.16, 2152.19, 2152.20, and, if 349
applicable, section 2152.17 of the Revised Code. 350

(3) A child upon whom a serious youthful offender 351
dispositional sentence is imposed under division (D) (1) or (2) 352
of this section has a right to appeal under ~~division (A) (1),~~ 353
~~(3), (4), or (5)~~ divisions (C) (1) to (7) of section 2953.08 of 354
the Revised Code the adult portion of the serious youthful 355
offender dispositional sentence when any of those divisions 356
apply. The child may appeal the adult portion, and the court 357
shall consider the appeal as if the adult portion were not 358
stayed. 359

Sec. 2152.14. (A) (1) The director of youth services may 360
request the prosecuting attorney of the county in which is 361
located the juvenile court that imposed a serious youthful 362
offender dispositional sentence upon a person under section 363
2152.121 or 2152.13 of the Revised Code to file a motion with 364
that juvenile court to invoke the adult portion of the 365
dispositional sentence if all of the following apply to the 366
person: 367

(a) The person is at least fourteen years of age. 368

(b) The person is in the institutional custody, or an 369
escapee from the custody, of the department of youth services. 370

(c) The person is serving the juvenile portion of the 371
serious youthful offender dispositional sentence. 372

(2) The motion shall state that there is reasonable cause 373
to believe that either of the following misconduct has occurred 374

and shall state that at least one incident of misconduct of that nature occurred after the person reached fourteen years of age:

(a) The person committed an act that is a violation of the rules of the institution and that could be charged as any felony or as a first degree misdemeanor offense of violence if committed by an adult.

(b) The person has engaged in conduct that creates a substantial risk to the safety or security of the institution, the community, or the victim.

(B) If a person is at least fourteen years of age, is serving the juvenile portion of a serious youthful offender dispositional sentence imposed under section 2152.121 or 2152.13 of the Revised Code, and is on parole or aftercare from a department of youth services facility, or on community control, the director of youth services, the juvenile court that imposed the serious youthful offender dispositional sentence on the person, or the probation department supervising the person may request the prosecuting attorney of the county in which is located the juvenile court to file a motion with the juvenile court to invoke the adult portion of the dispositional sentence. The prosecuting attorney may file a motion to invoke the adult portion of the dispositional sentence even if no request is made. The motion shall state that there is reasonable cause to believe that either of the following occurred and shall state that at least one incident of misconduct of that nature occurred after the person reached fourteen years of age:

(1) The person committed an act that is a violation of the conditions of supervision and that could be charged as any felony or as a first degree misdemeanor offense of violence if committed by an adult.

(2) The person has engaged in conduct that creates a 405
substantial risk to the safety or security of the community or 406
of the victim. 407

(C) If the prosecuting attorney declines a request to file 408
a motion that was made by the department of youth services or 409
the supervising probation department under division (A) or (B) 410
of this section or fails to act on a request made under either 411
division by the department within a reasonable time, the 412
department of youth services or the supervising probation 413
department may file a motion of the type described in division 414
(A) or (B) of this section with the juvenile court to invoke the 415
adult portion of the serious youthful offender dispositional 416
sentence. If the prosecuting attorney declines a request to file 417
a motion that was made by the juvenile court under division (B) 418
of this section or fails to act on a request from the court 419
under that division within a reasonable time, the juvenile court 420
may hold the hearing described in division (D) of this section 421
on its own motion. 422

(D) Upon the filing of a motion described in division (A), 423
(B), or (C) of this section, the juvenile court may hold a 424
hearing to determine whether to invoke the adult portion of a 425
person's serious juvenile offender dispositional sentence. The 426
juvenile court shall not invoke the adult portion of the 427
dispositional sentence without a hearing. At the hearing the 428
person who is the subject of the serious youthful offender 429
disposition has the right to be present, to receive notice of 430
the grounds upon which the adult sentence portion is sought to 431
be invoked, to be represented by counsel including counsel 432
appointed under Juvenile Rule 4(A), to be advised on the 433
procedures and protections set forth in the Juvenile Rules, and 434
to present evidence on the person's own behalf, including 435

evidence that the person has a mental illness or intellectual disability. The person may not waive the right to counsel. The hearing shall be open to the public. If the person presents evidence that the person has a mental illness or intellectual disability, the juvenile court shall consider that evidence in determining whether to invoke the adult portion of the serious youthful offender dispositional sentence.

(E) (1) The juvenile court may invoke the adult portion of a person's serious youthful offender dispositional sentence if the juvenile court finds all of the following on the record by clear and convincing evidence:

(a) The person is serving the juvenile portion of a serious youthful offender dispositional sentence.

(b) The person is at least fourteen years of age and has been admitted to a department of youth services facility, or criminal charges are pending against the person.

(c) The person engaged in the conduct or acts charged under division (A), (B), or (C) of this section, and the person's conduct demonstrates that the person is unlikely to be rehabilitated during the remaining period of juvenile jurisdiction.

(2) The court may modify the adult sentence the court invokes to consist of any lesser prison term that could be imposed for the offense and, in addition to the prison term or in lieu of the prison term if the prison term was not mandatory, any community control sanction that the offender was eligible to receive at sentencing.

(F) If a juvenile court issues an order invoking the adult portion of a serious youthful offender dispositional sentence

under division (E) of this section, the juvenile portion of the 465
dispositional sentence shall terminate, and the department of 466
youth services shall transfer the person to the department of 467
rehabilitation and correction or place the person under another 468
sanction imposed as part of the sentence. The juvenile court 469
shall state in its order the total number of days that the 470
person has been held in detention or in a facility operated by, 471
or under contract with, the department of youth services under 472
the juvenile portion of the dispositional sentence. The time the 473
person must serve on a prison term imposed under the adult 474
portion of the dispositional sentence shall be reduced by the 475
total number of days specified in the order plus any additional 476
days the person is held in a juvenile facility or in detention 477
after the order is issued and before the person is transferred 478
to the custody of the department of rehabilitation and 479
correction. In no case shall the total prison term as calculated 480
under this division exceed the maximum prison term available for 481
an adult who is convicted of violating the same sections of the 482
Revised Code, including, for an offense that would be a felony 483
of the first or second degree that was committed on or after 484
March 22, 2019, both the longest minimum prison term that the 485
defendant or person could have received for the offense if 486
convicted plus the corresponding maximum prison term that would 487
be required for the offense. 488

Any community control imposed as part of the adult 489
sentence or as a condition of a judicial release from prison 490
shall be under the supervision of the entity that provides adult 491
probation services in the county. Any post-release control 492
imposed after the offender otherwise is released from prison 493
shall be supervised by the adult parole authority. 494

(G) As used in division (F) of this section, "minimum 495

prison term" and "maximum prison term" have the same meanings as 496
in section 2929.01 of the Revised Code. 497

Sec. 2901.011. The amendments to sections 109.42, 121.22, 498
149.43, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 499
2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 500
2921.36, 2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 501
2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 502
2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 503
2967.03, 2967.13, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 504
2971.03, 3719.99, 5120.021, 5120.53, 5120.66, and 5120.80 and 505
the enactment of sections 2901.011, 2929.144, 2967.271, and 506
5120.038 of the Revised Code by S.B. 201 of the 132nd general 507
assembly and amendments to those sections made by the act in 508
which this amendment was made constitute the Reagan Tokes Law. 509

The amendments to sections 2901.01, 2929.011, 2929.14, 510
2929.144, 2929.19, 2930.16, 2945.37, 2945.401, 2949.08, 511
2967.191, 2967.193, and 2967.271 of the Revised Code by the act 512
in which this amendment was made are intended to be remedial in 513
nature and apply to any individual sentenced for an offense 514
committed on or after March 22, 2019. 515

Sec. 2929.01. As used in this chapter: 516

(A) (1) "Alternative residential facility" means, subject 517
to division (A) (2) of this section, any facility other than an 518
offender's home or residence in which an offender is assigned to 519
live and that satisfies all of the following criteria: 520

(a) It provides programs through which the offender may 521
seek or maintain employment or may receive education, training, 522
treatment, or habilitation. 523

(b) It has received the appropriate license or certificate 524

for any specialized education, training, treatment, 525
habilitation, or other service that it provides from the 526
government agency that is responsible for licensing or 527
certifying that type of education, training, treatment, 528
habilitation, or service. 529

(2) "Alternative residential facility" does not include a 530
community-based correctional facility, jail, halfway house, or 531
prison. 532

(B) "Basic probation supervision" means a requirement that 533
the offender maintain contact with a person appointed to 534
supervise the offender in accordance with sanctions imposed by 535
the court or imposed by the parole board pursuant to section 536
2967.28 of the Revised Code. "Basic probation supervision" 537
includes basic parole supervision and basic post-release control 538
supervision. 539

(C) "Cocaine," "fentanyl-related compound," "hashish," 540
"L.S.D.," and "unit dose" have the same meanings as in section 541
2925.01 of the Revised Code. 542

(D) "Community-based correctional facility" means a 543
community-based correctional facility and program or district 544
community-based correctional facility and program developed 545
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 546

(E) "Community control sanction" means a sanction that is 547
not a prison term and that is described in section 2929.15, 548
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 549
that is not a jail term and that is described in section 550
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 551
control sanction" includes probation if the sentence involved 552
was imposed for a felony that was committed prior to July 1, 553

1996, or if the sentence involved was imposed for a misdemeanor 554
that was committed prior to January 1, 2004. 555

(F) "Controlled substance," "marihuana," "schedule I," and 556
"schedule II" have the same meanings as in section 3719.01 of 557
the Revised Code. 558

(G) "Curfew" means a requirement that an offender during a 559
specified period of time be at a designated place. 560

(H) "Day reporting" means a sanction pursuant to which an 561
offender is required each day to report to and leave a center or 562
other approved reporting location at specified times in order to 563
participate in work, education or training, treatment, and other 564
approved programs at the center or outside the center. 565

(I) "Deadly weapon" has the same meaning as in section 566
2923.11 of the Revised Code. 567

(J) "Drug and alcohol use monitoring" means a program 568
under which an offender agrees to submit to random chemical 569
analysis of the offender's blood, breath, or urine to determine 570
whether the offender has ingested any alcohol or other drugs. 571

(K) "Drug treatment program" means any program under which 572
a person undergoes assessment and treatment designed to reduce 573
or completely eliminate the person's physical or emotional 574
reliance upon alcohol, another drug, or alcohol and another drug 575
and under which the person may be required to receive assessment 576
and treatment on an outpatient basis or may be required to 577
reside at a facility other than the person's home or residence 578
while undergoing assessment and treatment. 579

(L) "Economic loss" means any economic detriment suffered 580
by a victim as a direct and proximate result of the commission 581
of an offense and includes any loss of income due to lost time 582

at work because of any injury caused to the victim, any property 583
loss, medical cost, or funeral expense incurred as a result of 584
the commission of the offense, and the cost of any accounting or 585
auditing done to determine the extent of loss if the cost is 586
incurred and payable by the victim. "Economic loss" does not 587
include non-economic loss or any punitive or exemplary damages. 588

(M) "Education or training" includes study at, or in 589
conjunction with a program offered by, a university, college, or 590
technical college or vocational study and also includes the 591
completion of primary school, secondary school, and literacy 592
curricula or their equivalent. 593

(N) "Firearm" has the same meaning as in section 2923.11 594
of the Revised Code. 595

(O) "Halfway house" means a facility licensed by the 596
division of parole and community services of the department of 597
rehabilitation and correction pursuant to section 2967.14 of the 598
Revised Code as a suitable facility for the care and treatment 599
of adult offenders. 600

(P) "House arrest" means a period of confinement of an 601
offender that is in the offender's home or in other premises 602
specified by the sentencing court or by the parole board 603
pursuant to section 2967.28 of the Revised Code and during which 604
all of the following apply: 605

(1) The offender is required to remain in the offender's 606
home or other specified premises for the specified period of 607
confinement, except for periods of time during which the 608
offender is at the offender's place of employment or at other 609
premises as authorized by the sentencing court or by the parole 610
board. 611

(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, 641
division (B) of section 4510.14 of the Revised Code, or division 642
(G) of section 4511.19 of the Revised Code or pursuant to any 643
other provision of the Revised Code that requires a term in a 644
jail for a misdemeanor conviction. 645

(U) "Delinquent child" has the same meaning as in section 646
2152.02 of the Revised Code. 647

(V) "License violation report" means a report that is made 648
by a sentencing court, or by the parole board pursuant to 649
section 2967.28 of the Revised Code, to the regulatory or 650
licensing board or agency that issued an offender a professional 651
license or a license or permit to do business in this state and 652
that specifies that the offender has been convicted of or 653
pleaded guilty to an offense that may violate the conditions 654
under which the offender's professional license or license or 655
permit to do business in this state was granted or an offense 656
for which the offender's professional license or license or 657
permit to do business in this state may be revoked or suspended. 658

(W) "Major drug offender" means an offender who is 659
convicted of or pleads guilty to the possession of, sale of, or 660
offer to sell any drug, compound, mixture, preparation, or 661
substance that consists of or contains at least one thousand 662
grams of hashish; at least one hundred grams of cocaine; at 663
least one thousand unit doses or one hundred grams of heroin; at 664
least five thousand unit doses of L.S.D. or five hundred grams 665
of L.S.D. in a liquid concentrate, liquid extract, or liquid 666
distillate form; at least fifty grams of a controlled substance 667
analog; at least one thousand unit doses or one hundred grams of 668
a fentanyl-related compound; or at least one hundred times the 669
amount of any other schedule I or II controlled substance other 670

than marihuana that is necessary to commit a felony of the third 671
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 672
of the Revised Code that is based on the possession of, sale of, 673
or offer to sell the controlled substance. 674

(X) "Mandatory prison term" means any of the following: 675

(1) Subject to division (X) (2) of this section, the term 676
in prison that must be imposed for the offenses or circumstances 677
set forth in divisions (F) (1) to (8) or (F) (12) to (21) of 678
section 2929.13 and division (B) of section 2929.14 of the 679
Revised Code. Except as provided in sections 2925.02, 2925.03, 680
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 681
maximum or another specific term is required under section 682
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 683
described in this division may be any prison term authorized for 684
the level of offense except that if the offense is a felony of 685
the first or second degree committed on or after March 22, 2019, 686
a mandatory prison term described in this division may be one of 687
the terms prescribed in division (A) (1) (a) or (2) (a) of section 688
2929.14 of the Revised Code, whichever is applicable, that is 689
authorized as the minimum prison term for the offense. 690

(2) The term of sixty or one hundred twenty days in prison 691
that a sentencing court is required to impose for a third or 692
fourth degree felony OVI offense pursuant to division (G) (2) of 693
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 694
of the Revised Code or the term of one, two, three, four, or 695
five years in prison that a sentencing court is required to 696
impose pursuant to division (G) (2) of section 2929.13 of the 697
Revised Code. 698

(3) The term in prison imposed pursuant to division (A) of 699
section 2971.03 of the Revised Code for the offenses and in the 700

circumstances described in division (F) (11) of section 2929.13 701
of the Revised Code or pursuant to division (B) (1) (a), (b), or 702
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 703
section 2971.03 of the Revised Code and that term as modified or 704
terminated pursuant to section 2971.05 of the Revised Code. 705

(Y) "Monitored time" means a period of time during which 706
an offender continues to be under the control of the sentencing 707
court or parole board, subject to no conditions other than 708
leading a law-abiding life. 709

(Z) "Offender" means a person who, in this state, is 710
convicted of or pleads guilty to a felony or a misdemeanor. 711

(AA) "Prison" means a residential facility used for the 712
confinement of convicted felony offenders that is under the 713
control of the department of rehabilitation and correction and 714
includes a violation sanction center operated under authority of 715
section 2967.141 of the Revised Code. 716

(BB) (1) "Prison term" includes either of the following 717
sanctions for an offender: 718

(a) A stated prison term; 719

(b) A term in a prison shortened by, or with the approval 720
of, the sentencing court pursuant to section 2929.143, 2929.20, 721
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 722

(2) With respect to a non-life felony indefinite prison 723
term, references in any provision of law to a reduction of, or 724
deduction from, the prison term mean a reduction in, or 725
deduction from, the minimum prison term imposed as part of the 726
indefinite term. 727

(CC) "Repeat violent offender" means a person about whom 728

both of the following apply:	729
(1) The person is being sentenced for committing or for complicity in committing any of the following:	730 731
(a) Aggravated murder, murder, any felony of the first or second degree that is an offense of violence, or an attempt to commit any of these offenses if the attempt is a felony of the first or second degree;	732 733 734 735
(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense described in division (CC) (1) (a) of this section.	736 737 738 739
(2) The person previously was convicted of or pleaded guilty to an offense described in division (CC) (1) (a) or (b) of this section.	740 741 742
(DD) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 or 2929.24 to 2929.28 of the Revised Code.	743 744 745 746 747
(EE) "Sentence" means the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to an offense.	748 749 750
(FF) (1) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory prison terms imposed by the sentencing court pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised Code or under section 2919.25 of the Revised Code. "Stated prison term" includes any credit received by the offender for time spent in jail awaiting trial, sentencing, or transfer to prison for the	751 752 753 754 755 756 757

offense and any time spent under house arrest or house arrest 758
with electronic monitoring imposed after earning credits 759
pursuant to section 2967.193 of the Revised Code. If an offender 760
is serving a prison term as a risk reduction sentence under 761
sections 2929.143 and 5120.036 of the Revised Code, "stated 762
prison term" includes any period of time by which the prison 763
term imposed upon the offender is shortened by the offender's 764
successful completion of all assessment and treatment or 765
programming pursuant to those sections. 766

(2) As used in the definition of "stated prison term" set 767
forth in division (FF)(1) of this section, a prison term is a 768
definite prison term imposed under section 2929.14 of the 769
Revised Code or any other provision of law, is ~~the a minimum and~~ 770
prison term imposed under section 2929.14 of the Revised Code 771
for a non-life felony indefinite prison term plus any maximum 772
prison terms under a term imposed as part of the non-life felony 773
indefinite prison term under section 2929.144 of the Revised 774
Code, or is a term of life imprisonment except to the extent 775
that the use of that definition in a section of the Revised Code 776
clearly is not intended to include a term of life imprisonment. 777
With respect to an offender sentenced to a non-life felony 778
indefinite prison term, references in section 2967.191 or 779
2967.193 of the Revised Code or any other provision of law to a 780
reduction of, or deduction from, the offender's stated prison 781
term or to release of the offender before the expiration of the 782
offender's stated prison term mean a reduction in, or deduction 783
from, the minimum prison term imposed as part of the indefinite 784
term or a release of the offender before the expiration of that 785
minimum prison term, references in section 2929.19 or 2967.28 of 786
the Revised Code to a stated prison term with respect to a 787
prison term imposed for a violation of a post-release control 788

sanction mean the minimum prison term so imposed, and references 789
in any provision of law to an offender's service of the 790
offender's stated prison term or the expiration of the 791
offender's stated prison term mean service or expiration of the 792
minimum prison term so imposed plus any additional period of 793
incarceration under the sentence that is required under section 794
2967.271 of the Revised Code. 795

(GG) "Victim-offender mediation" means a reconciliation or 796
mediation program that involves an offender and the victim of 797
the offense committed by the offender and that includes a 798
meeting in which the offender and the victim may discuss the 799
offense, discuss restitution, and consider other sanctions for 800
the offense. 801

(HH) "Fourth degree felony OVI offense" means a violation 802
of division (A) of section 4511.19 of the Revised Code that, 803
under division (G) of that section, is a felony of the fourth 804
degree. 805

(II) "Mandatory term of local incarceration" means the 806
term of sixty or one hundred twenty days in a jail, a community- 807
based correctional facility, a halfway house, or an alternative 808
residential facility that a sentencing court may impose upon a 809
person who is convicted of or pleads guilty to a fourth degree 810
felony OVI offense pursuant to division (G)(1) of section 811
2929.13 of the Revised Code and division (G)(1)(d) or (e) of 812
section 4511.19 of the Revised Code. 813

(JJ) "Designated homicide, assault, or kidnapping 814
offense," "violent sex offense," "sexual motivation 815
specification," "sexually violent offense," "sexually violent 816
predator," and "sexually violent predator specification" have 817
the same meanings as in section 2971.01 of the Revised Code. 818

(KK) "Sexually oriented offense," "child-victim oriented offense," and "tier III sex offender/child-victim offender" have the same meanings as in section 2950.01 of the Revised Code.

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

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

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

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

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

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

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

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

(TT) "Electronic monitoring" means monitoring through the

use of an electronic monitoring device. 847

(UU) "Electronic monitoring device" means any of the 848
following: 849

(1) Any device that can be operated by electrical or 850
battery power and that conforms with all of the following: 851

(a) The device has a transmitter that can be attached to a 852
person, that will transmit a specified signal to a receiver of 853
the type described in division (UU) (1) (b) of this section if the 854
transmitter is removed from the person, turned off, or altered 855
in any manner without prior court approval in relation to 856
electronic monitoring or without prior approval of the 857
department of rehabilitation and correction in relation to the 858
use of an electronic monitoring device for an inmate on 859
transitional control or otherwise is tampered with, that can 860
transmit continuously and periodically a signal to that receiver 861
when the person is within a specified distance from the 862
receiver, and that can transmit an appropriate signal to that 863
receiver if the person to whom it is attached travels a 864
specified distance from that receiver. 865

(b) The device has a receiver that can receive 866
continuously the signals transmitted by a transmitter of the 867
type described in division (UU) (1) (a) of this section, can 868
transmit continuously those signals by a wireless or landline 869
telephone connection to a central monitoring computer of the 870
type described in division (UU) (1) (c) of this section, and can 871
transmit continuously an appropriate signal to that central 872
monitoring computer if the device has been turned off or altered 873
without prior court approval or otherwise tampered with. The 874
device is designed specifically for use in electronic 875
monitoring, is not a converted wireless phone or another 876

tracking device that is clearly not designed for electronic 877
monitoring, and provides a means of text-based or voice 878
communication with the person. 879

(c) The device has a central monitoring computer that can 880
receive continuously the signals transmitted by a wireless or 881
landline telephone connection by a receiver of the type 882
described in division (UU) (1) (b) of this section and can monitor 883
continuously the person to whom an electronic monitoring device 884
of the type described in division (UU) (1) (a) of this section is 885
attached. 886

(2) Any device that is not a device of the type described 887
in division (UU) (1) of this section and that conforms with all 888
of the following: 889

(a) The device includes a transmitter and receiver that 890
can monitor and determine the location of a subject person at 891
any time, or at a designated point in time, through the use of a 892
central monitoring computer or through other electronic means. 893

(b) The device includes a transmitter and receiver that 894
can determine at any time, or at a designated point in time, 895
through the use of a central monitoring computer or other 896
electronic means the fact that the transmitter is turned off or 897
altered in any manner without prior approval of the court in 898
relation to the electronic monitoring or without prior approval 899
of the department of rehabilitation and correction in relation 900
to the use of an electronic monitoring device for an inmate on 901
transitional control or otherwise is tampered with. 902

(3) Any type of technology that can adequately track or 903
determine the location of a subject person at any time and that 904
is approved by the director of rehabilitation and correction, 905

including, but not limited to, any satellite technology, voice 906
tracking system, or retinal scanning system that is so approved. 907

(VV) "Non-economic loss" means nonpecuniary harm suffered 908
by a victim of an offense as a result of or related to the 909
commission of the offense, including, but not limited to, pain 910
and suffering; loss of society, consortium, companionship, care, 911
assistance, attention, protection, advice, guidance, counsel, 912
instruction, training, or education; mental anguish; and any 913
other intangible loss. 914

(WW) "Prosecutor" has the same meaning as in section 915
2935.01 of the Revised Code. 916

(XX) "Continuous alcohol monitoring" means the ability to 917
automatically test and periodically transmit alcohol consumption 918
levels and tamper attempts at least every hour, regardless of 919
the location of the person who is being monitored. 920

(YY) A person is "adjudicated a sexually violent predator" 921
if the person is convicted of or pleads guilty to a violent sex 922
offense and also is convicted of or pleads guilty to a sexually 923
violent predator specification that was included in the 924
indictment, count in the indictment, or information charging 925
that violent sex offense or if the person is convicted of or 926
pleads guilty to a designated homicide, assault, or kidnapping 927
offense and also is convicted of or pleads guilty to both a 928
sexual motivation specification and a sexually violent predator 929
specification that were included in the indictment, count in the 930
indictment, or information charging that designated homicide, 931
assault, or kidnapping offense. 932

(ZZ) An offense is "committed in proximity to a school" if 933
the offender commits the offense in a school safety zone or 934

within five hundred feet of any school building or the 935
boundaries of any school premises, regardless of whether the 936
offender knows the offense is being committed in a school safety 937
zone or within five hundred feet of any school building or the 938
boundaries of any school premises. 939

(AAA) "Human trafficking" means a scheme or plan to which 940
all of the following apply: 941

(1) Its object is one or both of the following: 942

(a) To subject a victim or victims to involuntary 943
servitude, as defined in section 2905.31 of the Revised Code or 944
to compel a victim or victims to engage in sexual activity for 945
hire, to engage in a performance that is obscene, sexually 946
oriented, or nudity oriented, or to be a model or participant in 947
the production of material that is obscene, sexually oriented, 948
or nudity oriented; 949

(b) To facilitate, encourage, or recruit a victim who is a 950
minor or is a person with a developmental disability, or victims 951
who are minors or are persons with developmental disabilities, 952
for any purpose listed in divisions (A) (2) (a) to (c) of section 953
2905.32 of the Revised Code. 954

(2) It involves at least two felony offenses, whether or 955
not there has been a prior conviction for any of the felony 956
offenses, to which all of the following apply: 957

(a) Each of the felony offenses is a violation of section 958
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 959
division (A) (1) or (2) of section 2907.323, or division (B) (1), 960
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 961
is a violation of a law of any state other than this state that 962
is substantially similar to any of the sections or divisions of 963

the Revised Code identified in this division. 964

(b) At least one of the felony offenses was committed in 965
this state. 966

(c) The felony offenses are related to the same scheme or 967
plan and are not isolated instances. 968

(BBB) "Material," "nudity," "obscene," "performance," and 969
"sexual activity" have the same meanings as in section 2907.01 970
of the Revised Code. 971

(CCC) "Material that is obscene, sexually oriented, or 972
nudity oriented" means any material that is obscene, that shows 973
a person participating or engaging in sexual activity, 974
masturbation, or bestiality, or that shows a person in a state 975
of nudity. 976

(DDD) "Performance that is obscene, sexually oriented, or 977
nudity oriented" means any performance that is obscene, that 978
shows a person participating or engaging in sexual activity, 979
masturbation, or bestiality, or that shows a person in a state 980
of nudity. 981

(EEE) "Accelerant" means a fuel or oxidizing agent, such 982
as an ignitable liquid, used to initiate a fire or increase the 983
rate of growth or spread of a fire. 984

(FFF) "Permanent disabling harm" means serious physical 985
harm that results in permanent injury to the intellectual, 986
physical, or sensory functions and that permanently and 987
substantially impairs a person's ability to meet one or more of 988
the ordinary demands of life, including the functions of caring 989
for one's self, performing manual tasks, walking, seeing, 990
hearing, speaking, breathing, learning, and working. 991

(GGG) "Non-life felony indefinite prison term" means a 992
prison term imposed under division (A) (1) (a) or (2) (a) of 993
section 2929.14 and section 2929.144 of the Revised Code for a 994
felony of the first or second degree committed on or after March 995
22, 2019 that consists of both a minimum prison term and a 996
maximum prison term. 997

(HHH) "Minimum prison term" means the minimum term of 998
years imposed under division (A) (1) (a) or (2) (a) of section 999
2929.14 of the Revised Code as part of a non-life felony 1000
indefinite prison term. 1001

(III) "Maximum prison term" means the potential additional 1002
prison term imposed as part of a non-life felony indefinite 1003
prison term as calculated under section 2929.144 of the Revised 1004
Code that must be served by the offender at the conclusion of 1005
the offender's minimum prison term or aggregate minimum prison 1006
term, to the extent that the presumption of release under 1007
division (C) of section 2967.271 of the Revised Code has been 1008
rebutted. 1009

(JJJ) "Aggregate minimum prison term" means the sum of all 1010
minimum prison terms and definite terms sentenced to be served 1011
consecutively to one another or combined under division (C) (10) 1012
of section 2929.14 of the Revised Code as part of a non-life 1013
felony indefinite sentence. 1014

Sec. 2929.14. (A) Except as provided in division (B) (1), 1015
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 1016
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 1017
in division (D) (6) of section 2919.25 of the Revised Code and 1018
except in relation to an offense for which a sentence of death 1019
or life imprisonment is to be imposed, if the court imposing a 1020
sentence upon an offender for a felony elects or is required to 1021

impose a prison term on the offender pursuant to this chapter, 1022
the court shall impose a prison term that shall be one of the 1023
following: 1024

~~(1)(a) For (1)(a)(i) Except as provided in division (A)(1)~~ 1025
~~(a)(ii) of this section, for a felony of the first degree~~ 1026
~~committed on or after the effective date of this amendment March~~ 1027
~~22, 2019, the prison term shall be an a non-life felony~~ 1028
indefinite prison term ~~with that consists of a stated~~ minimum 1029
prison term selected by the court of three, four, five, six, 1030
seven, eight, nine, ten, or eleven years ~~and followed by a~~ 1031
single maximum prison term that ~~is shall be~~ determined pursuant 1032
to section 2929.144 of the Revised Code, ~~except that if.~~ 1033

(ii) If the section that criminalizes the conduct 1034
constituting the felony specifies a different minimum prison 1035
term or penalty for the offense, the specific language of that 1036
section shall control over division (A)(1)(a)(i) of this section 1037
in determining the minimum prison term or otherwise sentencing 1038
the offender but the minimum prison term or sentence imposed 1039
under that specific language shall be considered for purposes of 1040
the Revised Code as if it had been imposed under ~~this~~ division 1041
(A)(1)(a)(i) of this section. 1042

(b) For a felony of the first degree committed prior to 1043
~~the effective date of this amendment March 22, 2019,~~ the prison 1044
term shall be a definite prison term of three, four, five, six, 1045
seven, eight, nine, ten, or eleven years. 1046

~~(2)(a) For (2)(a)(i) Except as provided in division (A)(2)~~ 1047
~~(a)(ii) of this section, for a felony of the second degree~~ 1048
~~committed on or after the effective date of this amendment March~~ 1049
~~22, 2019, the prison term shall be an a non-life felony~~ 1050
indefinite prison term ~~with that consists of a stated~~ minimum 1051

prison term selected by the court of two, three, four, five, 1052
six, seven, or eight years ~~and followed by a single~~ maximum 1053
prison term that ~~is shall be~~ determined pursuant to section 1054
2929.144 of the Revised Code, ~~except that if.~~ 1055

(ii) If the section that criminalizes the conduct 1056
constituting the felony specifies a different minimum prison 1057
term or penalty for the offense, the specific language of that 1058
section shall control over division (A) (2) (a) (i) of this section 1059
in determining the minimum prison term or otherwise sentencing 1060
the offender but the minimum prison term or sentence imposed 1061
under that specific language shall be considered for purposes of 1062
the Revised Code as if it had been imposed under ~~this~~ division 1063
(A) (2) (a) (i) of this section. 1064

(b) For a felony of the second degree committed prior to 1065
~~the effective date of this amendment~~ March 22, 2019, the prison 1066
term shall be a definite term of two, three, four, five, six, 1067
seven, or eight years. 1068

(3) (a) For a felony of the third degree that is a 1069
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 1070
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 1071
Code or that is a violation of section 2911.02 or 2911.12 of the 1072
Revised Code if the offender previously has been convicted of or 1073
pleaded guilty in two or more separate proceedings to two or 1074
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 1075
of the Revised Code, the prison term shall be a definite term of 1076
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 1077
forty-eight, fifty-four, or sixty months. 1078

(b) For a felony of the third degree that is not an 1079
offense for which division (A) (3) (a) of this section applies, 1080
the prison term shall be a definite term of nine, twelve, 1081

eighteen, twenty-four, thirty, or thirty-six months. 1082

(4) For a felony of the fourth degree, the prison term 1083
shall be a definite term of six, seven, eight, nine, ten, 1084
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 1085
or eighteen months. 1086

(5) For a felony of the fifth degree, the prison term 1087
shall be a definite term of six, seven, eight, nine, ten, 1088
eleven, or twelve months. 1089

(B) (1) (a) Except as provided in division (B) (1) (e) of this 1090
section, if an offender who is convicted of or pleads guilty to 1091
a felony also is convicted of or pleads guilty to a 1092
specification of the type described in section 2941.141, 1093
2941.144, or 2941.145 of the Revised Code, the court shall 1094
impose on the offender one of the following prison terms: 1095

(i) A prison term of six years if the specification is of 1096
the type described in division (A) of section 2941.144 of the 1097
Revised Code that charges the offender with having a firearm 1098
that is an automatic firearm or that was equipped with a firearm 1099
muffler or suppressor on or about the offender's person or under 1100
the offender's control while committing the offense; 1101

(ii) A prison term of three years if the specification is 1102
of the type described in division (A) of section 2941.145 of the 1103
Revised Code that charges the offender with having a firearm on 1104
or about the offender's person or under the offender's control 1105
while committing the offense and displaying the firearm, 1106
brandishing the firearm, indicating that the offender possessed 1107
the firearm, or using it to facilitate the offense; 1108

(iii) A prison term of one year if the specification is of 1109
the type described in division (A) of section 2941.141 of the 1110

Revised Code that charges the offender with having a firearm on 1111
or about the offender's person or under the offender's control 1112
while committing the offense; 1113

(iv) A prison term of nine years if the specification is 1114
of the type described in division (D) of section 2941.144 of the 1115
Revised Code that charges the offender with having a firearm 1116
that is an automatic firearm or that was equipped with a firearm 1117
muffler or suppressor on or about the offender's person or under 1118
the offender's control while committing the offense and 1119
specifies that the offender previously has been convicted of or 1120
pleaded guilty to a specification of the type described in 1121
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1122
the Revised Code; 1123

(v) A prison term of fifty-four months if the 1124
specification is of the type described in division (D) of 1125
section 2941.145 of the Revised Code that charges the offender 1126
with having a firearm on or about the offender's person or under 1127
the offender's control while committing the offense and 1128
displaying the firearm, brandishing the firearm, indicating that 1129
the offender possessed the firearm, or using the firearm to 1130
facilitate the offense and that the offender previously has been 1131
convicted of or pleaded guilty to a specification of the type 1132
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1133
2941.1412 of the Revised Code; 1134

(vi) A prison term of eighteen months if the specification 1135
is of the type described in division (D) of section 2941.141 of 1136
the Revised Code that charges the offender with having a firearm 1137
on or about the offender's person or under the offender's 1138
control while committing the offense and that the offender 1139
previously has been convicted of or pleaded guilty to a 1140

specification of the type described in section 2941.141, 1141
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1142

(b) If a court imposes a prison term on an offender under 1143
division (B)(1)(a) of this section, the prison term shall not be 1144
reduced pursuant to section 2967.19, section 2929.20, section 1145
2967.193, or any other provision of Chapter 2967. or Chapter 1146
5120. of the Revised Code. Except as provided in division (B)(1) 1147
(g) of this section, a court shall not impose more than one 1148
prison term on an offender under division (B)(1)(a) of this 1149
section for felonies committed as part of the same act or 1150
transaction. 1151

(c)(i) Except as provided in division (B)(1)(e) of this 1152
section, if an offender who is convicted of or pleads guilty to 1153
a violation of section 2923.161 of the Revised Code or to a 1154
felony that includes, as an essential element, purposely or 1155
knowingly causing or attempting to cause the death of or 1156
physical harm to another, also is convicted of or pleads guilty 1157
to a specification of the type described in division (A) of 1158
section 2941.146 of the Revised Code that charges the offender 1159
with committing the offense by discharging a firearm from a 1160
motor vehicle other than a manufactured home, the court, after 1161
imposing a prison term on the offender for the violation of 1162
section 2923.161 of the Revised Code or for the other felony 1163
offense under division (A), (B)(2), or (B)(3) of this section, 1164
shall impose an additional prison term of five years upon the 1165
offender that shall not be reduced pursuant to section 2929.20, 1166
section 2967.19, section 2967.193, or any other provision of 1167
Chapter 2967. or Chapter 5120. of the Revised Code. 1168

(ii) Except as provided in division (B)(1)(e) of this 1169
section, if an offender who is convicted of or pleads guilty to 1170

a violation of section 2923.161 of the Revised Code or to a 1171
felony that includes, as an essential element, purposely or 1172
knowingly causing or attempting to cause the death of or 1173
physical harm to another, also is convicted of or pleads guilty 1174
to a specification of the type described in division (C) of 1175
section 2941.146 of the Revised Code that charges the offender 1176
with committing the offense by discharging a firearm from a 1177
motor vehicle other than a manufactured home and that the 1178
offender previously has been convicted of or pleaded guilty to a 1179
specification of the type described in section 2941.141, 1180
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1181
the court, after imposing a prison term on the offender for the 1182
violation of section 2923.161 of the Revised Code or for the 1183
other felony offense under division (A), (B) (2), or (3) of this 1184
section, shall impose an additional prison term of ninety months 1185
upon the offender that shall not be reduced pursuant to section 1186
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1187
2967. or Chapter 5120. of the Revised Code. 1188

(iii) A court shall not impose more than one additional 1189
prison term on an offender under division (B) (1) (c) of this 1190
section for felonies committed as part of the same act or 1191
transaction. If a court imposes an additional prison term on an 1192
offender under division (B) (1) (c) of this section relative to an 1193
offense, the court also shall impose a prison term under 1194
division (B) (1) (a) of this section relative to the same offense, 1195
provided the criteria specified in that division for imposing an 1196
additional prison term are satisfied relative to the offender 1197
and the offense. 1198

(d) If an offender who is convicted of or pleads guilty to 1199
an offense of violence that is a felony also is convicted of or 1200
pleads guilty to a specification of the type described in 1201

section 2941.1411 of the Revised Code that charges the offender 1202
with wearing or carrying body armor while committing the felony 1203
offense of violence, the court shall impose on the offender an 1204
additional prison term of two years. The prison term so imposed, 1205
subject to divisions (C) to (I) of section 2967.19 of the 1206
Revised Code, shall not be reduced pursuant to section 2929.20, 1207
section 2967.19, section 2967.193, or any other provision of 1208
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1209
shall not impose more than one prison term on an offender under 1210
division (B)(1)(d) of this section for felonies committed as 1211
part of the same act or transaction. If a court imposes an 1212
additional prison term under division (B)(1)(a) or (c) of this 1213
section, the court is not precluded from imposing an additional 1214
prison term under division (B)(1)(d) of this section. 1215

(e) The court shall not impose any of the prison terms 1216
described in division (B)(1)(a) of this section or any of the 1217
additional prison terms described in division (B)(1)(c) of this 1218
section upon an offender for a violation of section 2923.12 or 1219
2923.123 of the Revised Code. The court shall not impose any of 1220
the prison terms described in division (B)(1)(a) or (b) of this 1221
section upon an offender for a violation of section 2923.122 1222
that involves a deadly weapon that is a firearm other than a 1223
dangerous ordnance, section 2923.16, or section 2923.121 of the 1224
Revised Code. The court shall not impose any of the prison terms 1225
described in division (B)(1)(a) of this section or any of the 1226
additional prison terms described in division (B)(1)(c) of this 1227
section upon an offender for a violation of section 2923.13 of 1228
the Revised Code unless all of the following apply: 1229

(i) The offender previously has been convicted of 1230
aggravated murder, murder, or any felony of the first or second 1231
degree. 1232

(ii) Less than five years have passed since the offender 1233
was released from prison or post-release control, whichever is 1234
later, for the prior offense. 1235

(f)(i) If an offender is convicted of or pleads guilty to 1236
a felony that includes, as an essential element, causing or 1237
attempting to cause the death of or physical harm to another and 1238
also is convicted of or pleads guilty to a specification of the 1239
type described in division (A) of section 2941.1412 of the 1240
Revised Code that charges the offender with committing the 1241
offense by discharging a firearm at a peace officer as defined 1242
in section 2935.01 of the Revised Code or a corrections officer, 1243
as defined in section 2941.1412 of the Revised Code, the court, 1244
after imposing a prison term on the offender for the felony 1245
offense under division (A), (B)(2), or (B)(3) of this section, 1246
shall impose an additional prison term of seven years upon the 1247
offender that shall not be reduced pursuant to section 2929.20, 1248
section 2967.19, section 2967.193, or any other provision of 1249
Chapter 2967. or Chapter 5120. of the Revised Code. 1250

(ii) If an offender is convicted of or pleads guilty to a 1251
felony that includes, as an essential element, causing or 1252
attempting to cause the death of or physical harm to another and 1253
also is convicted of or pleads guilty to a specification of the 1254
type described in division (B) of section 2941.1412 of the 1255
Revised Code that charges the offender with committing the 1256
offense by discharging a firearm at a peace officer, as defined 1257
in section 2935.01 of the Revised Code, or a corrections 1258
officer, as defined in section 2941.1412 of the Revised Code, 1259
and that the offender previously has been convicted of or 1260
pleaded guilty to a specification of the type described in 1261
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1262
the Revised Code, the court, after imposing a prison term on the 1263

offender for the felony offense under division (A), (B) (2), or 1264
(3) of this section, shall impose an additional prison term of 1265
one hundred twenty-six months upon the offender that shall not 1266
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1267
any other provision of Chapter 2967. or 5120. of the Revised 1268
Code. 1269

(iii) If an offender is convicted of or pleads guilty to 1270
two or more felonies that include, as an essential element, 1271
causing or attempting to cause the death or physical harm to 1272
another and also is convicted of or pleads guilty to a 1273
specification of the type described under division (B) (1) (f) of 1274
this section in connection with two or more of the felonies of 1275
which the offender is convicted or to which the offender pleads 1276
guilty, the sentencing court shall impose on the offender the 1277
prison term specified under division (B) (1) (f) of this section 1278
for each of two of the specifications of which the offender is 1279
convicted or to which the offender pleads guilty and, in its 1280
discretion, also may impose on the offender the prison term 1281
specified under that division for any or all of the remaining 1282
specifications. If a court imposes an additional prison term on 1283
an offender under division (B) (1) (f) of this section relative to 1284
an offense, the court shall not impose a prison term under 1285
division (B) (1) (a) or (c) of this section relative to the same 1286
offense. 1287

(g) If an offender is convicted of or pleads guilty to two 1288
or more felonies, if one or more of those felonies are 1289
aggravated murder, murder, attempted aggravated murder, 1290
attempted murder, aggravated robbery, felonious assault, or 1291
rape, and if the offender is convicted of or pleads guilty to a 1292
specification of the type described under division (B) (1) (a) of 1293
this section in connection with two or more of the felonies, the 1294

sentencing court shall impose on the offender the prison term 1295
specified under division (B) (1) (a) of this section for each of 1296
the two most serious specifications of which the offender is 1297
convicted or to which the offender pleads guilty and, in its 1298
discretion, also may impose on the offender the prison term 1299
specified under that division for any or all of the remaining 1300
specifications. 1301

(2) (a) If division (B) (2) (b) of this section does not 1302
apply, the court may impose on an offender, in addition to the 1303
longest prison term authorized or required for the offense or, 1304
for offenses for which division (A) (1) (a) or (2) (a) of this 1305
section applies, in addition to the longest minimum prison term 1306
authorized or required for the offense, an additional definite 1307
prison term of one, two, three, four, five, six, seven, eight, 1308
nine, or ten years if all of the following criteria are met: 1309

(i) The offender is convicted of or pleads guilty to a 1310
specification of the type described in section 2941.149 of the 1311
Revised Code that the offender is a repeat violent offender. 1312

(ii) The offense of which the offender currently is 1313
convicted or to which the offender currently pleads guilty is 1314
aggravated murder and the court does not impose a sentence of 1315
death or life imprisonment without parole, murder, terrorism and 1316
the court does not impose a sentence of life imprisonment 1317
without parole, any felony of the first degree that is an 1318
offense of violence and the court does not impose a sentence of 1319
life imprisonment without parole, or any felony of the second 1320
degree that is an offense of violence and the trier of fact 1321
finds that the offense involved an attempt to cause or a threat 1322
to cause serious physical harm to a person or resulted in 1323
serious physical harm to a person. 1324

(iii) The court imposes the longest prison term for the 1325
offense or the longest minimum prison term for the offense, 1326
whichever is applicable, that is not life imprisonment without 1327
parole. 1328

(iv) The court finds that the prison terms imposed 1329
pursuant to division (B) (2) (a) (iii) of this section and, if 1330
applicable, division (B) (1) or (3) of this section are 1331
inadequate to punish the offender and protect the public from 1332
future crime, because the applicable factors under section 1333
2929.12 of the Revised Code indicating a greater likelihood of 1334
recidivism outweigh the applicable factors under that section 1335
indicating a lesser likelihood of recidivism. 1336

(v) The court finds that the prison terms imposed pursuant 1337
to division (B) (2) (a) (iii) of this section and, if applicable, 1338
division (B) (1) or (3) of this section are demeaning to the 1339
seriousness of the offense, because one or more of the factors 1340
under section 2929.12 of the Revised Code indicating that the 1341
offender's conduct is more serious than conduct normally 1342
constituting the offense are present, and they outweigh the 1343
applicable factors under that section indicating that the 1344
offender's conduct is less serious than conduct normally 1345
constituting the offense. 1346

(b) The court shall impose on an offender the longest 1347
prison term authorized or required for the offense or, for 1348
offenses for which division (A) (1) (a) or (2) (a) of this section 1349
applies, the longest minimum prison term authorized or required 1350
for the offense, and shall impose on the offender an additional 1351
definite prison term of one, two, three, four, five, six, seven, 1352
eight, nine, or ten years if all of the following criteria are 1353
met: 1354

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

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

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

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

(d) A sentence imposed under division (B) (2) (a) or (b) of this section shall not be reduced pursuant to section 2929.20,

section 2967.19, or section 2967.193, or any other provision of 1385
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1386
shall serve an additional prison term imposed under division (B) 1387
(2) (a) or (b) of this section consecutively to and prior to the 1388
prison term imposed for the underlying offense. 1389

(e) When imposing a sentence pursuant to division (B) (2) 1390
(a) or (b) of this section, the court shall state its findings 1391
explaining the imposed sentence. 1392

(3) Except when an offender commits a violation of section 1393
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1394
for the violation is life imprisonment or commits a violation of 1395
section 2903.02 of the Revised Code, if the offender commits a 1396
violation of section 2925.03 or 2925.11 of the Revised Code and 1397
that section classifies the offender as a major drug offender, 1398
if the offender commits a violation of section 2925.05 of the 1399
Revised Code and division (E) (1) of that section classifies the 1400
offender as a major drug offender, if the offender commits a 1401
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1402
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1403
division (C) or (D) of section 3719.172, division (E) of section 1404
4729.51, or division (J) of section 4729.54 of the Revised Code 1405
that includes the sale, offer to sell, or possession of a 1406
schedule I or II controlled substance, with the exception of 1407
marihuana, and the court imposing sentence upon the offender 1408
finds that the offender is guilty of a specification of the type 1409
described in division (A) of section 2941.1410 of the Revised 1410
Code charging that the offender is a major drug offender, if the 1411
court imposing sentence upon an offender for a felony finds that 1412
the offender is guilty of corrupt activity with the most serious 1413
offense in the pattern of corrupt activity being a felony of the 1414
first degree, or if the offender is guilty of an attempted 1415

violation of section 2907.02 of the Revised Code and, had the 1416
offender completed the violation of section 2907.02 of the 1417
Revised Code that was attempted, the offender would have been 1418
subject to a sentence of life imprisonment or life imprisonment 1419
without parole for the violation of section 2907.02 of the 1420
Revised Code, the court shall impose upon the offender for the 1421
felony violation a mandatory prison term determined as described 1422
in this division that, subject to divisions (C) to (I) of 1423
section 2967.19 of the Revised Code, cannot be reduced pursuant 1424
to section 2929.20, section 2967.19, or any other provision of 1425
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 1426
term shall be the maximum definite prison term prescribed in 1427
division (A) (1) (b) of this section for a felony of the first 1428
degree, except that for offenses for which division (A) (1) (a) of 1429
this section applies, the mandatory prison term shall be the 1430
longest minimum prison term prescribed in that division for the 1431
offense. 1432

(4) If the offender is being sentenced for a third or 1433
fourth degree felony OVI offense under division (G) (2) of 1434
section 2929.13 of the Revised Code, the sentencing court shall 1435
impose upon the offender a mandatory prison term in accordance 1436
with that division. In addition to the mandatory prison term, if 1437
the offender is being sentenced for a fourth degree felony OVI 1438
offense, the court, notwithstanding division (A) (4) of this 1439
section, may sentence the offender to a definite prison term of 1440
not less than six months and not more than thirty months, and if 1441
the offender is being sentenced for a third degree felony OVI 1442
offense, the sentencing court may sentence the offender to an 1443
additional prison term of any duration specified in division (A) 1444
(3) of this section. In either case, the additional prison term 1445
imposed shall be reduced by the sixty or one hundred twenty days 1446

imposed upon the offender as the mandatory prison term. The 1447
total of the additional prison term imposed under division (B) 1448
(4) of this section plus the sixty or one hundred twenty days 1449
imposed as the mandatory prison term shall equal a definite term 1450
in the range of six months to thirty months for a fourth degree 1451
felony OVI offense and shall equal one of the authorized prison 1452
terms specified in division (A) (3) of this section for a third 1453
degree felony OVI offense. If the court imposes an additional 1454
prison term under division (B) (4) of this section, the offender 1455
shall serve the additional prison term after the offender has 1456
served the mandatory prison term required for the offense. In 1457
addition to the mandatory prison term or mandatory and 1458
additional prison term imposed as described in division (B) (4) 1459
of this section, the court also may sentence the offender to a 1460
community control sanction under section 2929.16 or 2929.17 of 1461
the Revised Code, but the offender shall serve all of the prison 1462
terms so imposed prior to serving the community control 1463
sanction. 1464

If the offender is being sentenced for a fourth degree 1465
felony OVI offense under division (G) (1) of section 2929.13 of 1466
the Revised Code and the court imposes a mandatory term of local 1467
incarceration, the court may impose a prison term as described 1468
in division (A) (1) of that section. 1469

(5) If an offender is convicted of or pleads guilty to a 1470
violation of division (A) (1) or (2) of section 2903.06 of the 1471
Revised Code and also is convicted of or pleads guilty to a 1472
specification of the type described in section 2941.1414 of the 1473
Revised Code that charges that the victim of the offense is a 1474
peace officer, as defined in section 2935.01 of the Revised 1475
Code, or an investigator of the bureau of criminal 1476
identification and investigation, as defined in section 2903.11 1477

of the Revised Code, the court shall impose on the offender a 1478
prison term of five years. If a court imposes a prison term on 1479
an offender under division (B) (5) of this section, the prison 1480
term, subject to divisions (C) to (I) of section 2967.19 of the 1481
Revised Code, shall not be reduced pursuant to section 2929.20, 1482
section 2967.19, section 2967.193, or any other provision of 1483
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1484
shall not impose more than one prison term on an offender under 1485
division (B) (5) of this section for felonies committed as part 1486
of the same act. 1487

(6) If an offender is convicted of or pleads guilty to a 1488
violation of division (A) (1) or (2) of section 2903.06 of the 1489
Revised Code and also is convicted of or pleads guilty to a 1490
specification of the type described in section 2941.1415 of the 1491
Revised Code that charges that the offender previously has been 1492
convicted of or pleaded guilty to three or more violations of 1493
division (A) or (B) of section 4511.19 of the Revised Code or an 1494
equivalent offense, as defined in section 2941.1415 of the 1495
Revised Code, or three or more violations of any combination of 1496
those divisions and offenses, the court shall impose on the 1497
offender a prison term of three years. If a court imposes a 1498
prison term on an offender under division (B) (6) of this 1499
section, the prison term, subject to divisions (C) to (I) of 1500
section 2967.19 of the Revised Code, shall not be reduced 1501
pursuant to section 2929.20, section 2967.19, section 2967.193, 1502
or any other provision of Chapter 2967. or Chapter 5120. of the 1503
Revised Code. A court shall not impose more than one prison term 1504
on an offender under division (B) (6) of this section for 1505
felonies committed as part of the same act. 1506

(7) (a) If an offender is convicted of or pleads guilty to 1507
a felony violation of section 2905.01, 2905.02, 2907.21, 1508

2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1509
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1510
section 2919.22 of the Revised Code and also is convicted of or 1511
pleads guilty to a specification of the type described in 1512
section 2941.1422 of the Revised Code that charges that the 1513
offender knowingly committed the offense in furtherance of human 1514
trafficking, the court shall impose on the offender a mandatory 1515
prison term that is one of the following: 1516

(i) If the offense is a felony of the first degree, a 1517
definite prison term of not less than five years and not greater 1518
than eleven years, except that if the offense is a felony of the 1519
first degree committed on or after ~~the effective date of this~~ 1520
~~amendment~~ March 22, 2019, the court shall impose as the minimum 1521
prison term a mandatory term of not less than five years and not 1522
greater than eleven years; 1523

(ii) If the offense is a felony of the second or third 1524
degree, a definite prison term of not less than three years and 1525
not greater than the maximum prison term allowed for the offense 1526
by division (A) (2) (b) or (3) of this section, except that if the 1527
offense is a felony of the second degree committed on or after 1528
~~the effective date of this amendment~~ March 22, 2019, the court 1529
shall impose as the minimum prison term a mandatory term of not 1530
less than three years and not greater than eight years; 1531

(iii) If the offense is a felony of the fourth or fifth 1532
degree, a definite prison term that is the maximum prison term 1533
allowed for the offense by division (A) of section 2929.14 of 1534
the Revised Code. 1535

(b) Subject to divisions (C) to (I) of section 2967.19 of 1536
the Revised Code, the prison term imposed under division (B) (7) 1537
(a) of this section shall not be reduced pursuant to section 1538

2929.20, section 2967.19, section 2967.193, or any other 1539
provision of Chapter 2967. of the Revised Code. A court shall 1540
not impose more than one prison term on an offender under 1541
division (B) (7) (a) of this section for felonies committed as 1542
part of the same act, scheme, or plan. 1543

(8) If an offender is convicted of or pleads guilty to a 1544
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1545
Revised Code and also is convicted of or pleads guilty to a 1546
specification of the type described in section 2941.1423 of the 1547
Revised Code that charges that the victim of the violation was a 1548
woman whom the offender knew was pregnant at the time of the 1549
violation, notwithstanding the range prescribed in division (A) 1550
of this section as the definite prison term or minimum prison 1551
term for felonies of the same degree as the violation, the court 1552
shall impose on the offender a mandatory prison term that is 1553
either a definite prison term of six months or one of the prison 1554
terms prescribed in division (A) of this section for felonies of 1555
the same degree as the violation, except that if the violation 1556
is a felony of the first or second degree committed on or after 1557
~~the effective date of this amendment~~ March 22, 2019, the court 1558
shall impose as the minimum prison term under division (A) (1) (a) 1559
or (2) (a) of this section a mandatory term that is one of the 1560
terms prescribed in that division, whichever is applicable, for 1561
the offense. 1562

(9) (a) If an offender is convicted of or pleads guilty to 1563
a violation of division (A) (1) or (2) of section 2903.11 of the 1564
Revised Code and also is convicted of or pleads guilty to a 1565
specification of the type described in section 2941.1425 of the 1566
Revised Code, the court shall impose on the offender a mandatory 1567
prison term of six years if either of the following applies: 1568

(i) The violation is a violation of division (A) (1) of 1569
section 2903.11 of the Revised Code and the specification 1570
charges that the offender used an accelerant in committing the 1571
violation and the serious physical harm to another or to 1572
another's unborn caused by the violation resulted in a 1573
permanent, serious disfigurement or permanent, substantial 1574
incapacity; 1575

(ii) The violation is a violation of division (A) (2) of 1576
section 2903.11 of the Revised Code and the specification 1577
charges that the offender used an accelerant in committing the 1578
violation, that the violation caused physical harm to another or 1579
to another's unborn, and that the physical harm resulted in a 1580
permanent, serious disfigurement or permanent, substantial 1581
incapacity. 1582

(b) If a court imposes a prison term on an offender under 1583
division (B) (9) (a) of this section, the prison term shall not be 1584
reduced pursuant to section 2929.20, section 2967.19, section 1585
2967.193, or any other provision of Chapter 2967. or Chapter 1586
5120. of the Revised Code. A court shall not impose more than 1587
one prison term on an offender under division (B) (9) of this 1588
section for felonies committed as part of the same act. 1589

(c) The provisions of divisions (B) (9) and (C) (6) of this 1590
section and of division (D) (2) of section 2903.11, division (F) 1591
(20) of section 2929.13, and section 2941.1425 of the Revised 1592
Code shall be known as "Judy's Law." 1593

(10) If an offender is convicted of or pleads guilty to a 1594
violation of division (A) of section 2903.11 of the Revised Code 1595
and also is convicted of or pleads guilty to a specification of 1596
the type described in section 2941.1426 of the Revised Code that 1597
charges that the victim of the offense suffered permanent 1598

disabling harm as a result of the offense and that the victim 1599
was under ten years of age at the time of the offense, 1600
regardless of whether the offender knew the age of the victim, 1601
the court shall impose upon the offender an additional definite 1602
prison term of six years. A prison term imposed on an offender 1603
under division (B) (10) of this section shall not be reduced 1604
pursuant to section 2929.20, section 2967.193, or any other 1605
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1606
If a court imposes an additional prison term on an offender 1607
under this division relative to a violation of division (A) of 1608
section 2903.11 of the Revised Code, the court shall not impose 1609
any other additional prison term on the offender relative to the 1610
same offense. 1611

(11) If an offender is convicted of or pleads guilty to a 1612
felony violation of section 2925.03 or 2925.05 of the Revised 1613
Code or a felony violation of section 2925.11 of the Revised 1614
Code for which division (C) (11) of that section applies in 1615
determining the sentence for the violation, if the drug involved 1616
in the violation is a fentanyl-related compound or a compound, 1617
mixture, preparation, or substance containing a fentanyl-related 1618
compound, and if the offender also is convicted of or pleads 1619
guilty to a specification of the type described in division (B) 1620
of section 2941.1410 of the Revised Code that charges that the 1621
offender is a major drug offender, in addition to any other 1622
penalty imposed for the violation, the court shall impose on the 1623
offender a mandatory prison term of three, four, five, six, 1624
seven, or eight years. If a court imposes a prison term on an 1625
offender under division (B) (11) of this section, the prison 1626
term, subject to divisions (C) to (I) of section 2967.19 of the 1627
Revised Code, shall not be reduced pursuant to section 2929.20, 1628
2967.19, or 2967.193, or any other provision of Chapter 2967. or 1629

5120. of the Revised Code. A court shall not impose more than 1630
one prison term on an offender under division (B) (11) of this 1631
section for felonies committed as part of the same act. 1632

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1633
if a mandatory prison term is imposed upon an offender pursuant 1634
to division (B) (1) (a) of this section for having a firearm on or 1635
about the offender's person or under the offender's control 1636
while committing a felony, if a mandatory prison term is imposed 1637
upon an offender pursuant to division (B) (1) (c) of this section 1638
for committing a felony specified in that division by 1639
discharging a firearm from a motor vehicle, or if both types of 1640
mandatory prison terms are imposed, the offender shall serve any 1641
mandatory prison term imposed under either division 1642
consecutively to any other mandatory prison term imposed under 1643
either division or under division (B) (1) (d) of this section, 1644
consecutively to and prior to any prison term imposed for the 1645
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1646
this section or any other section of the Revised Code, and 1647
consecutively to any other prison term or mandatory prison term 1648
previously or subsequently imposed upon the offender. 1649

(b) If a mandatory prison term is imposed upon an offender 1650
pursuant to division (B) (1) (d) of this section for wearing or 1651
carrying body armor while committing an offense of violence that 1652
is a felony, the offender shall serve the mandatory term so 1653
imposed consecutively to any other mandatory prison term imposed 1654
under that division or under division (B) (1) (a) or (c) of this 1655
section, consecutively to and prior to any prison term imposed 1656
for the underlying felony under division (A), (B) (2), or (B) (3) 1657
of this section or any other section of the Revised Code, and 1658
consecutively to any other prison term or mandatory prison term 1659
previously or subsequently imposed upon the offender. 1660

(c) If a mandatory prison term is imposed upon an offender 1661
pursuant to division (B) (1) (f) of this section, the offender 1662
shall serve the mandatory prison term so imposed consecutively 1663
to and prior to any prison term imposed for the underlying 1664
felony under division (A), (B) (2), or (B) (3) of this section or 1665
any other section of the Revised Code, and consecutively to any 1666
other prison term or mandatory prison term previously or 1667
subsequently imposed upon the offender. 1668

(d) If a mandatory prison term is imposed upon an offender 1669
pursuant to division (B) (7) or (8) of this section, the offender 1670
shall serve the mandatory prison term so imposed consecutively 1671
to any other mandatory prison term imposed under that division 1672
or under any other provision of law and consecutively to any 1673
other prison term or mandatory prison term previously or 1674
subsequently imposed upon the offender. 1675

(e) If a mandatory prison term is imposed upon an offender 1676
pursuant to division (B) (11) of this section, the offender shall 1677
serve the mandatory prison term consecutively to any other 1678
mandatory prison term imposed under that division, consecutively 1679
to and prior to any prison term imposed for the underlying 1680
felony, and consecutively to any other prison term or mandatory 1681
prison term previously or subsequently imposed upon the 1682
offender. 1683

(2) If an offender who is an inmate in a jail, prison, or 1684
other residential detention facility violates section 2917.02, 1685
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1686
(2) of section 2921.34 of the Revised Code, if an offender who 1687
is under detention at a detention facility commits a felony 1688
violation of section 2923.131 of the Revised Code, or if an 1689
offender who is an inmate in a jail, prison, or other 1690

residential detention facility or is under detention at a 1691
detention facility commits another felony while the offender is 1692
an escapee in violation of division (A) (1) or (2) of section 1693
2921.34 of the Revised Code, any prison term imposed upon the 1694
offender for one of those violations shall be served by the 1695
offender consecutively to the prison term or term of 1696
imprisonment the offender was serving when the offender 1697
committed that offense and to any other prison term previously 1698
or subsequently imposed upon the offender. 1699

(3) If a prison term is imposed for a violation of 1700
division (B) of section 2911.01 of the Revised Code, a violation 1701
of division (A) of section 2913.02 of the Revised Code in which 1702
the stolen property is a firearm or dangerous ordnance, or a 1703
felony violation of division (B) of section 2921.331 of the 1704
Revised Code, the offender shall serve that prison term 1705
consecutively to any other prison term or mandatory prison term 1706
previously or subsequently imposed upon the offender. 1707

(4) If multiple prison terms are imposed on an offender 1708
for convictions of multiple offenses, the court may require the 1709
offender to serve the prison terms consecutively if the court 1710
finds that the consecutive service is necessary to protect the 1711
public from future crime or to punish the offender and that 1712
consecutive sentences are not disproportionate to the 1713
seriousness of the offender's conduct and to the danger the 1714
offender poses to the public, and if the court also finds any of 1715
the following: 1716

(a) The offender committed one or more of the multiple 1717
offenses while the offender was awaiting trial or sentencing, 1718
was under a sanction imposed pursuant to section 2929.16, 1719
2929.17, or 2929.18 of the Revised Code, or was under post- 1720

release control for a prior offense. 1721

(b) At least two of the multiple offenses were committed 1722
as part of one or more courses of conduct, and the harm caused 1723
by two or more of the multiple offenses so committed was so 1724
great or unusual that no single prison term for any of the 1725
offenses committed as part of any of the courses of conduct 1726
adequately reflects the seriousness of the offender's conduct. 1727

(c) The offender's history of criminal conduct 1728
demonstrates that consecutive sentences are necessary to protect 1729
the public from future crime by the offender. 1730

(5) If a mandatory prison term is imposed upon an offender 1731
pursuant to division (B) (5) or (6) of this section, the offender 1732
shall serve the mandatory prison term consecutively to and prior 1733
to any prison term imposed for the underlying violation of 1734
division (A) (1) or (2) of section 2903.06 of the Revised Code 1735
pursuant to division (A) of this section or section 2929.142 of 1736
the Revised Code. If a mandatory prison term is imposed upon an 1737
offender pursuant to division (B) (5) of this section, and if a 1738
mandatory prison term also is imposed upon the offender pursuant 1739
to division (B) (6) of this section in relation to the same 1740
violation, the offender shall serve the mandatory prison term 1741
imposed pursuant to division (B) (5) of this section 1742
consecutively to and prior to the mandatory prison term imposed 1743
pursuant to division (B) (6) of this section and consecutively to 1744
and prior to any prison term imposed for the underlying 1745
violation of division (A) (1) or (2) of section 2903.06 of the 1746
Revised Code pursuant to division (A) of this section or section 1747
2929.142 of the Revised Code. 1748

(6) If a mandatory prison term is imposed on an offender 1749
pursuant to division (B) (9) of this section, the offender shall 1750

serve the mandatory prison term consecutively to and prior to 1751
any prison term imposed for the underlying violation of division 1752
(A) (1) or (2) of section 2903.11 of the Revised Code and 1753
consecutively to and prior to any other prison term or mandatory 1754
prison term previously or subsequently imposed on the offender. 1755

(7) If a mandatory prison term is imposed on an offender 1756
pursuant to division (B) (10) of this section, the offender shall 1757
serve that mandatory prison term consecutively to and prior to 1758
any prison term imposed for the underlying felonious assault. 1759
Except as otherwise provided in division (C) of this section, 1760
any other prison term or mandatory prison term previously or 1761
subsequently imposed upon the offender may be served 1762
concurrently with, or consecutively to, the prison term imposed 1763
pursuant to division (B) (10) of this section. 1764

(8) Any prison term imposed for a violation of section 1765
2903.04 of the Revised Code that is based on a violation of 1766
section 2925.03 or 2925.11 of the Revised Code or on a violation 1767
of section 2925.05 of the Revised Code that is not funding of 1768
marihuana trafficking shall run consecutively to any prison term 1769
imposed for the violation of section 2925.03 or 2925.11 of the 1770
Revised Code or for the violation of section 2925.05 of the 1771
Revised Code that is not funding of marihuana trafficking. 1772

(9) When consecutive prison terms are imposed pursuant to 1773
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 1774
division (H) (1) or (2) of this section, subject to division (C) 1775
(10) of this section, the term to be served is the aggregate of 1776
all of the terms so imposed. 1777

~~(10)~~ (10) (a) When a court sentences an offender to a non- 1778
life felony indefinite prison term, to be served consecutively 1779
with any definite prison term or mandatory definite prison term 1780

previously ~~or~~, subsequently, or contemporaneously imposed on the 1781
offender ~~in addition to that indefinite sentence that is~~ 1782
~~required to be served consecutively to that indefinite sentence,~~ 1783
the definite prison term or mandatory definite prison term shall 1784
be served prior to the non-life felony indefinite ~~sentence~~ prison 1785
term. 1786

(b) When a court sentences an offender to a non-life 1787
felony indefinite prison term for an offense committed on or 1788
after March 22, 2019, to be served consecutively with any other 1789
non-life felony indefinite prison term previously, subsequently, 1790
or contemporaneously imposed on the offender in another case for 1791
an offense committed on or after March 22, 2019, the minimum 1792
prison term portions of each non-life felony indefinite prison 1793
term shall be aggregated and treated as one aggregate minimum 1794
prison term and the maximum prison term portions of each non- 1795
life felony indefinite prison term shall be aggregated and 1796
treated as one aggregate maximum prison term to be served in 1797
accordance with section 2967.271 of the Revised Code. 1798

(c) When a court sentences an offender to a non-life 1799
felony indefinite prison term for an offense committed on or 1800
after March 22, 2019, to be served consecutively to any 1801
indefinite prison term for an offense committed before July 1, 1802
1996, the non-life felony indefinite prison term for the offense 1803
committed on or after March 22, 2019, shall be served prior to 1804
the indefinite prison term for the offense committed prior to 1805
July 1, 1996. 1806

(11) If a court is sentencing an offender for a felony of 1807
the first or second degree, if division (A) (1) (a) or (2) (a) of 1808
this section applies with respect to the sentencing for the 1809
offense, and if the court is required under the Revised Code 1810

section that sets forth the offense or any other Revised Code 1811
provision to impose a mandatory prison term for the offense, the 1812
court shall impose the required mandatory prison term as the 1813
minimum prison term imposed under division (A)(1)(a) or (2)(a) 1814
of this section, whichever is applicable. 1815

(D)(1) If a court imposes a prison term, other than a term 1816
of life imprisonment, for a felony of the first degree, for a 1817
felony of the second degree, for a felony sex offense, or for a 1818
felony of the third degree that is an offense of violence and 1819
that is not a felony sex offense, it shall include in the 1820
sentence a requirement that the offender be subject to a period 1821
of post-release control after the offender's release from 1822
imprisonment, in accordance with section 2967.28 of the Revised 1823
Code. If a court imposes a sentence including a prison term of a 1824
type described in this division on or after July 11, 2006, the 1825
failure of a court to include a post-release control requirement 1826
in the sentence pursuant to this division does not negate, 1827
limit, or otherwise affect the mandatory period of post-release 1828
control that is required for the offender under division (B) of 1829
section 2967.28 of the Revised Code. Section 2929.191 of the 1830
Revised Code applies if, prior to July 11, 2006, a court imposed 1831
a sentence including a prison term of a type described in this 1832
division and failed to include in the sentence pursuant to this 1833
division a statement regarding post-release control. 1834

(2) If a court imposes a prison term for a felony of the 1835
third, fourth, or fifth degree that is not subject to division 1836
(D)(1) of this section, it shall include in the sentence a 1837
requirement that the offender be subject to a period of post- 1838
release control after the offender's release from imprisonment, 1839
in accordance with that division, if the parole board determines 1840
that a period of post-release control is necessary. Section 1841

2929.191 of the Revised Code applies if, prior to July 11, 2006, 1842
a court imposed a sentence including a prison term of a type 1843
described in this division and failed to include in the sentence 1844
pursuant to this division a statement regarding post-release 1845
control. 1846

(E) The court shall impose sentence upon the offender in 1847
accordance with section 2971.03 of the Revised Code, and Chapter 1848
2971. of the Revised Code applies regarding the prison term or 1849
term of life imprisonment without parole imposed upon the 1850
offender and the service of that term of imprisonment if any of 1851
the following apply: 1852

(1) A person is convicted of or pleads guilty to a violent 1853
sex offense or a designated homicide, assault, or kidnapping 1854
offense, and, in relation to that offense, the offender is 1855
adjudicated a sexually violent predator. 1856

(2) A person is convicted of or pleads guilty to a 1857
violation of division (A) (1) (b) of section 2907.02 of the 1858
Revised Code committed on or after January 2, 2007, and either 1859
the court does not impose a sentence of life without parole when 1860
authorized pursuant to division (B) of section 2907.02 of the 1861
Revised Code, or division (B) of section 2907.02 of the Revised 1862
Code provides that the court shall not sentence the offender 1863
pursuant to section 2971.03 of the Revised Code. 1864

(3) A person is convicted of or pleads guilty to attempted 1865
rape committed on or after January 2, 2007, and a specification 1866
of the type described in section 2941.1418, 2941.1419, or 1867
2941.1420 of the Revised Code. 1868

(4) A person is convicted of or pleads guilty to a 1869
violation of section 2905.01 of the Revised Code committed on or 1870

after January 1, 2008, and that section requires the court to 1871
sentence the offender pursuant to section 2971.03 of the Revised 1872
Code. 1873

(5) A person is convicted of or pleads guilty to 1874
aggravated murder committed on or after January 1, 2008, and 1875
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1876
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1877
(a) (iv) of section 2929.03, or division (A) or (B) of section 1878
2929.06 of the Revised Code requires the court to sentence the 1879
offender pursuant to division (B) (3) of section 2971.03 of the 1880
Revised Code. 1881

(6) A person is convicted of or pleads guilty to murder 1882
committed on or after January 1, 2008, and division (B) (2) of 1883
section 2929.02 of the Revised Code requires the court to 1884
sentence the offender pursuant to section 2971.03 of the Revised 1885
Code. 1886

(F) If a person who has been convicted of or pleaded 1887
guilty to a felony is sentenced to a prison term or term of 1888
imprisonment under this section, sections 2929.02 to 2929.06 of 1889
the Revised Code, section 2929.142 of the Revised Code, section 1890
2971.03 of the Revised Code, or any other provision of law, 1891
section 5120.163 of the Revised Code applies regarding the 1892
person while the person is confined in a state correctional 1893
institution. 1894

(G) If an offender who is convicted of or pleads guilty to 1895
a felony that is an offense of violence also is convicted of or 1896
pleads guilty to a specification of the type described in 1897
section 2941.142 of the Revised Code that charges the offender 1898
with having committed the felony while participating in a 1899
criminal gang, the court shall impose upon the offender an 1900

additional prison term of one, two, or three years. 1901

(H) (1) If an offender who is convicted of or pleads guilty 1902
to aggravated murder, murder, or a felony of the first, second, 1903
or third degree that is an offense of violence also is convicted 1904
of or pleads guilty to a specification of the type described in 1905
section 2941.143 of the Revised Code that charges the offender 1906
with having committed the offense in a school safety zone or 1907
towards a person in a school safety zone, the court shall impose 1908
upon the offender an additional prison term of two years. The 1909
offender shall serve the additional two years consecutively to 1910
and prior to the prison term imposed for the underlying offense. 1911

(2) (a) If an offender is convicted of or pleads guilty to 1912
a felony violation of section 2907.22, 2907.24, 2907.241, or 1913
2907.25 of the Revised Code and to a specification of the type 1914
described in section 2941.1421 of the Revised Code and if the 1915
court imposes a prison term on the offender for the felony 1916
violation, the court may impose upon the offender an additional 1917
prison term as follows: 1918

(i) Subject to division (H) (2) (a) (ii) of this section, an 1919
additional prison term of one, two, three, four, five, or six 1920
months; 1921

(ii) If the offender previously has been convicted of or 1922
pleaded guilty to one or more felony or misdemeanor violations 1923
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1924
the Revised Code and also was convicted of or pleaded guilty to 1925
a specification of the type described in section 2941.1421 of 1926
the Revised Code regarding one or more of those violations, an 1927
additional prison term of one, two, three, four, five, six, 1928
seven, eight, nine, ten, eleven, or twelve months. 1929

(b) In lieu of imposing an additional prison term under 1930
division (H) (2) (a) of this section, the court may directly 1931
impose on the offender a sanction that requires the offender to 1932
wear a real-time processing, continual tracking electronic 1933
monitoring device during the period of time specified by the 1934
court. The period of time specified by the court shall equal the 1935
duration of an additional prison term that the court could have 1936
imposed upon the offender under division (H) (2) (a) of this 1937
section. A sanction imposed under this division shall commence 1938
on the date specified by the court, provided that the sanction 1939
shall not commence until after the offender has served the 1940
prison term imposed for the felony violation of section 2907.22, 1941
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1942
residential sanction imposed for the violation under section 1943
2929.16 of the Revised Code. A sanction imposed under this 1944
division shall be considered to be a community control sanction 1945
for purposes of section 2929.15 of the Revised Code, and all 1946
provisions of the Revised Code that pertain to community control 1947
sanctions shall apply to a sanction imposed under this division, 1948
except to the extent that they would by their nature be clearly 1949
inapplicable. The offender shall pay all costs associated with a 1950
sanction imposed under this division, including the cost of the 1951
use of the monitoring device. 1952

(I) At the time of sentencing, the court may recommend the 1953
offender for placement in a program of shock incarceration under 1954
section 5120.031 of the Revised Code or for placement in an 1955
intensive program prison under section 5120.032 of the Revised 1956
Code, disapprove placement of the offender in a program of shock 1957
incarceration or an intensive program prison of that nature, or 1958
make no recommendation on placement of the offender. In no case 1959
shall the department of rehabilitation and correction place the 1960

offender in a program or prison of that nature unless the 1961
department determines as specified in section 5120.031 or 1962
5120.032 of the Revised Code, whichever is applicable, that the 1963
offender is eligible for the placement. 1964

If the court disapproves placement of the offender in a 1965
program or prison of that nature, the department of 1966
rehabilitation and correction shall not place the offender in 1967
any program of shock incarceration or intensive program prison. 1968

If the court recommends placement of the offender in a 1969
program of shock incarceration or in an intensive program 1970
prison, and if the offender is subsequently placed in the 1971
recommended program or prison, the department shall notify the 1972
court of the placement and shall include with the notice a brief 1973
description of the placement. 1974

If the court recommends placement of the offender in a 1975
program of shock incarceration or in an intensive program prison 1976
and the department does not subsequently place the offender in 1977
the recommended program or prison, the department shall send a 1978
notice to the court indicating why the offender was not placed 1979
in the recommended program or prison. 1980

If the court does not make a recommendation under this 1981
division with respect to an offender and if the department 1982
determines as specified in section 5120.031 or 5120.032 of the 1983
Revised Code, whichever is applicable, that the offender is 1984
eligible for placement in a program or prison of that nature, 1985
the department shall screen the offender and determine if there 1986
is an available program of shock incarceration or an intensive 1987
program prison for which the offender is suited. If there is an 1988
available program of shock incarceration or an intensive program 1989
prison for which the offender is suited, the department shall 1990

notify the court of the proposed placement of the offender as 1991
specified in section 5120.031 or 5120.032 of the Revised Code 1992
and shall include with the notice a brief description of the 1993
placement. The court shall have ten days from receipt of the 1994
notice to disapprove the placement. 1995

(J) If a person is convicted of or pleads guilty to 1996
aggravated vehicular homicide in violation of division (A) (1) of 1997
section 2903.06 of the Revised Code and division (B) (2) (c) of 1998
that section applies, the person shall be sentenced pursuant to 1999
section 2929.142 of the Revised Code. 2000

(K) (1) The court shall impose an additional mandatory 2001
prison term of two, three, four, five, six, seven, eight, nine, 2002
ten, or eleven years on an offender who is convicted of or 2003
pleads guilty to a violent felony offense if the offender also 2004
is convicted of or pleads guilty to a specification of the type 2005
described in section 2941.1424 of the Revised Code that charges 2006
that the offender is a violent career criminal and had a firearm 2007
on or about the offender's person or under the offender's 2008
control while committing the presently charged violent felony 2009
offense and displayed or brandished the firearm, indicated that 2010
the offender possessed a firearm, or used the firearm to 2011
facilitate the offense. The offender shall serve the prison term 2012
imposed under this division consecutively to and prior to the 2013
prison term imposed for the underlying offense. The prison term 2014
shall not be reduced pursuant to section 2929.20 or 2967.19 or 2015
any other provision of Chapter 2967. or 5120. of the Revised 2016
Code. A court may not impose more than one sentence under 2017
division (B) (2) (a) of this section and this division for acts 2018
committed as part of the same act or transaction. 2019

(2) As used in division (K) (1) of this section, "violent 2020

career criminal" and "violent felony offense" have the same 2021
meanings as in section 2923.132 of the Revised Code. 2022

(L) If an offender receives or received a sentence of life 2023
imprisonment without parole, a sentence of life imprisonment, a 2024
definite sentence, or a sentence to an indefinite prison term 2025
under this chapter for a felony offense that was committed when 2026
the offender was under eighteen years of age, the offender's 2027
parole eligibility shall be determined under section 2967.132 of 2028
the Revised Code. 2029

Sec. 2929.144. (A) As used in this section, ~~"qualifying:~~ 2030

(1) "Most serious qualifying felony being sentenced" 2031
means, with respect to one or more indictments, informations, or 2032
complaints that contain more than one qualifying felony of the 2033
first or second degree, the qualifying felony of the first or 2034
second degree carrying the highest degree of felony of all the 2035
qualifying felonies of the first or second degree contained in 2036
the indictments, informations, or complaints for which sentence 2037
is being imposed. 2038

(2) "Qualifying felony of the first or second degree" 2039
means a felony of the first or second degree committed on or 2040
~~after the effective date of this section~~ March 22, 2019. 2041

(B) The court imposing a prison term on an offender under 2042
division (A) (1) (a) or (2) (a) of section 2929.14 of the Revised 2043
Code for ~~a one or more qualifying felony felonies~~ of the first 2044
or second degree contained in one or more indictments, 2045
informations, or complaints shall determine ~~the a single~~ maximum 2046
prison term that is part of the sentence for all of the 2047
qualifying felonies of the first or second degree contained in 2048
the indictments, informations, or complaints in accordance with 2049

the following:

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(1) If the offender is being sentenced for one felony and
the felony is a qualifying felony of the first or second degree,
the maximum prison term shall be equal to fifty per cent of the
minimum prison term imposed on the offender under division (A)
(1) (a) or (2) (a) of section 2929.14 of the Revised Code ~~plus~~
~~fifty per cent of that term.~~

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(2) If the offender is being sentenced for more than one
felony, and if one or more of the felonies is a qualifying
felony of the first or second degree, ~~and if the court orders~~
~~that some or all of the prison terms imposed are to be served~~
~~consecutively, the court shall add all of the minimum terms~~
~~imposed on the offender under division (A) (1) (a) or (2) (a) of~~
~~section 2929.14 of the Revised Code for a qualifying felony of~~
~~the first or second degree that are to be served consecutively~~
~~and all of the definite terms of the felonies that are not~~
~~qualifying felonies of the first or second degree that are to be~~
~~served consecutively, and the maximum term shall be equal to the~~
~~total of those terms so added by the court plus fifty per cent~~
~~of the longest minimum term or definite term for the most~~
~~serious felony being sentenced.~~

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~~(3) If the offender is being sentenced for more than one~~
~~felony, if one or more of the felonies is a qualifying felony of~~
~~the first or second degree, and if the court orders that all of~~
~~the prison terms imposed are to run concurrently, the maximum~~
prison term shall be equal to ~~the longest of the minimum terms~~
~~imposed on the offender under division (A) (1) (a) or (2) (a) of~~
~~section 2929.14 of the Revised Code for a qualifying felony of~~
~~the first or second degree for which the sentence is being~~
~~imposed plus~~ fifty per cent of the longest minimum prison term

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for the most serious qualifying felony being sentenced. 2080

~~(4)~~ (3) Any mandatory prison term, or portion of a 2081
mandatory prison term, that is imposed or to be imposed on the 2082
offender under division (B), (G), or (H) of section 2929.14 of 2083
the Revised Code or under any other provision of the Revised 2084
Code, with respect to a conviction of or plea of guilty to a 2085
specification, and that is in addition to the sentence imposed 2086
for the underlying offense ~~is~~: 2087

(a) Is separate from the non-life felony indefinite 2088
sentence being imposed for the qualifying first or second degree 2089
felony committed on or after ~~the effective date of this section~~ 2090
~~and shall March 22, 2019;~~ 2091

(b) Shall not be considered or included in determining a 2092
maximum prison term for the offender under divisions (B) (1) to 2093
(3) of this section; and 2094

(c) Is to be imposed separately from the non-life felony 2095
indefinite sentence being imposed under this section. 2096

(C) The court imposing a prison term on an offender 2097
pursuant to division (A) (1) (a) or (2) (a) of section 2929.14 of 2098
the Revised Code for a qualifying felony of the first or second 2099
degree shall sentence the offender, as part of the sentence, to 2100
~~the~~ a maximum prison term determined under division (B) of this 2101
section. The court shall impose this maximum term at sentencing 2102
as part of the sentence it imposes under section 2929.14 of the 2103
Revised Code, and shall state the minimum prison term it imposes 2104
under division (A) (1) (a) or (2) (a) of that section for each 2105
qualifying felony of the first or second degree, and this 2106
maximum term, in the sentencing entry. 2107

(D) If a court imposes a prison term on an offender 2108

pursuant to division (A) (1) (a) or (2) (a) of section 2929.14 of 2109
the Revised Code for a qualifying felony of the first or second 2110
degree, section 2967.271 of the Revised Code applies with 2111
respect to the offender's service of the prison term. 2112

Sec. 2929.19. (A) The court shall hold a sentencing 2113
hearing before imposing a sentence under this chapter upon an 2114
offender who was convicted of or pleaded guilty to a felony and 2115
before resentencing an offender who was convicted of or pleaded 2116
guilty to a felony and whose case was remanded pursuant to 2117
section 2953.07 or 2953.08 of the Revised Code. At the hearing, 2118
the offender, the prosecuting attorney, the victim or the 2119
victim's representative in accordance with section 2930.14 of 2120
the Revised Code, and, with the approval of the court, any other 2121
person may present information relevant to the imposition of 2122
sentence in the case. The court shall inform the offender of the 2123
verdict of the jury or finding of the court and ask the offender 2124
whether the offender has anything to say as to why sentence 2125
should not be imposed upon the offender. 2126

(B) (1) At the sentencing hearing, the court, before 2127
imposing sentence, shall do all of the following: 2128

(a) Consider the record, any information presented at the 2129
hearing by any person pursuant to division (A) of this section, 2130
and, if one was prepared, the presentence investigation report 2131
made pursuant to section 2951.03 of the Revised Code or Criminal 2132
Rule 32.2, and any victim impact statement made pursuant to 2133
section 2947.051 of the Revised Code; 2134

(b) If the offense was committed when the offender was 2135
under eighteen years of age, in addition to other factors 2136
considered, consider youth and its characteristics as mitigating 2137
factors, including: 2138

(i) The chronological age of the offender at the time of 2139
the offense and that age's hallmark features, including 2140
intellectual capacity, immaturity, impetuosity, and a failure to 2141
appreciate risks and consequences; 2142

(ii) The family and home environment of the offender at 2143
the time of the offense, the offender's inability to control the 2144
offender's surroundings, a history of trauma regarding the 2145
offender, and the offender's school and special education 2146
history; 2147

(iii) The circumstances of the offense, including the 2148
extent of the offender's participation in the conduct and the 2149
way familial and peer pressures may have impacted the offender's 2150
conduct; 2151

(iv) Whether the offender might have been charged and 2152
convicted of a lesser offense if not for the incompetencies 2153
associated with youth, such as the offender's inability to deal 2154
with police officers and prosecutors during the offender's 2155
interrogation or possible plea agreement or the offender's 2156
inability to assist the offender's own attorney; 2157

(v) Examples of the offender's rehabilitation, including 2158
any subsequent growth or increase in maturity during 2159
confinement. 2160

(2) Subject to division (B)(3) of this section, if the 2161
sentencing court determines at the sentencing hearing that a 2162
prison term is necessary or required, the court shall do all of 2163
the following: 2164

(a) Impose a stated prison term and, if the court imposes 2165
a mandatory prison term, notify the offender that the prison 2166
term is a mandatory prison term; 2167

(b) In addition to any other information, include in the 2168
sentencing entry the name and section reference to the offense 2169
or offenses, the sentence or sentences imposed and whether the 2170
sentence or sentences contain mandatory prison terms, if 2171
sentences are imposed for multiple counts whether the sentences 2172
are to be served concurrently or consecutively, and the name and 2173
section reference of any specification or specifications for 2174
which sentence is imposed and the sentence or sentences imposed 2175
for the specification or specifications; 2176

(c) If the prison term is a non-life felony indefinite 2177
prison term, notify the offender of all of the following: 2178

(i) That the non-life felony indefinite prison term to 2179
which the offender is subject consists of a minimum prison term 2180
followed by a maximum prison term. 2181

(ii) That it is rebuttably presumed that the offender will 2182
be released from service of the sentence on the expiration of 2183
the minimum prison term imposed as part of the sentence or on 2184
the offender's presumptive earned early release date, as defined 2185
in section 2967.271 of the Revised Code, whichever is earlier; 2186

~~(ii)~~ (iii) That the department of rehabilitation and 2187
correction may rebut the presumption described in division ~~(B)~~ 2188
~~(2)(e)(i)~~ (B)(2)(c)(ii) of this section if, at a hearing held 2189
under section 2967.271 of the Revised Code, the department makes 2190
specified determinations regarding the offender's conduct while 2191
confined, the offender's rehabilitation, the offender's threat 2192
to society, the offender's restrictive housing, if any, while 2193
confined, and the offender's security classification; 2194

~~(iii)~~ (iv) That if, as described in division ~~(B)(2)(e)(ii)~~ 2195
(B)(2)(c)(iii) of this section, the department at the hearing 2196

makes the specified determinations and rebuts the presumption, 2197
the department may maintain the offender's incarceration after 2198
the expiration of that minimum term or after that presumptive 2199
earned early release date for the length of time the department 2200
determines to be reasonable, subject to the limitation specified 2201
in section 2967.271 of the Revised Code; 2202

~~(iv)~~ (v) That the department may make the specified 2203
determinations and maintain the offender's incarceration under 2204
the provisions described in divisions ~~(B) (2) (e) (i) and (ii)~~ (B) 2205
(2) (c) (ii) and (iii) of this section more than one time, subject 2206
to the limitation specified in section 2967.271 of the Revised 2207
Code; 2208

~~(v)~~ (vi) That if the offender has not been released prior 2209
to the expiration of the offender's maximum prison term imposed 2210
as part of the sentence, the offender must be released upon the 2211
expiration of that term. 2212

(d) Notify the offender that the offender will be 2213
supervised under section 2967.28 of the Revised Code after the 2214
offender leaves prison if the offender is being sentenced, other 2215
than to a sentence of life imprisonment, for a felony of the 2216
first degree or second degree, for a felony sex offense, or for 2217
a felony of the third degree that is an offense of violence and 2218
is not a felony sex offense. This division applies with respect 2219
to all prison terms imposed for an offense of a type described 2220
in this division, including a non-life felony indefinite prison 2221
term and including a term imposed for any offense of a type 2222
described in this division that is a risk reduction sentence, as 2223
defined in section 2967.28 of the Revised Code. If a court 2224
imposes a sentence including a prison term of a type described 2225
in division (B) (2) (d) of this section on or after July 11, 2006, 2226

the failure of a court to notify the offender pursuant to 2227
division (B) (2) (d) of this section that the offender will be 2228
supervised under section 2967.28 of the Revised Code after the 2229
offender leaves prison or to include in the judgment of 2230
conviction entered on the journal a statement to that effect 2231
does not negate, limit, or otherwise affect the mandatory period 2232
of supervision that is required for the offender under division 2233
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 2234
the Revised Code applies if, prior to July 11, 2006, a court 2235
imposed a sentence including a prison term of a type described 2236
in division (B) (2) (d) of this section and failed to notify the 2237
offender pursuant to division (B) (2) (d) of this section 2238
regarding post-release control or to include in the judgment of 2239
conviction entered on the journal or in the sentence a statement 2240
regarding post-release control. 2241

(e) Notify the offender that the offender may be 2242
supervised under section 2967.28 of the Revised Code after the 2243
offender leaves prison if the offender is being sentenced for a 2244
felony of the third, fourth, or fifth degree that is not subject 2245
to division (B) (2) (d) of this section. This division applies 2246
with respect to all prison terms imposed for an offense of a 2247
type described in this division, including a term imposed for 2248
any such offense that is a risk reduction sentence, as defined 2249
in section 2967.28 of the Revised Code. Section 2929.191 of the 2250
Revised Code applies if, prior to July 11, 2006, a court imposed 2251
a sentence including a prison term of a type described in 2252
division (B) (2) (e) of this section and failed to notify the 2253
offender pursuant to division (B) (2) (e) of this section 2254
regarding post-release control or to include in the judgment of 2255
conviction entered on the journal or in the sentence a statement 2256
regarding post-release control. 2257

(f) Notify the offender that, if a period of supervision 2258
is imposed following the offender's release from prison, as 2259
described in division (B) (2) (d) or (e) of this section, and if 2260
the offender violates that supervision or a condition of post- 2261
release control imposed under division (B) of section 2967.131 2262
of the Revised Code, the parole board may impose a prison term, 2263
as part of the sentence, of up to one-half of the definite 2264
prison term originally imposed upon the offender as the 2265
offender's stated prison term or up to one-half of the minimum 2266
prison term originally imposed upon the offender as part of the 2267
offender's stated non-life felony indefinite prison term. If a 2268
court imposes a sentence including a prison term on or after 2269
July 11, 2006, the failure of a court to notify the offender 2270
pursuant to division (B) (2) (f) of this section that the parole 2271
board may impose a prison term as described in division (B) (2) 2272
(f) of this section for a violation of that supervision or a 2273
condition of post-release control imposed under division (B) of 2274
section 2967.131 of the Revised Code or to include in the 2275
judgment of conviction entered on the journal a statement to 2276
that effect does not negate, limit, or otherwise affect the 2277
authority of the parole board to so impose a prison term for a 2278
violation of that nature if, pursuant to division (D) (1) of 2279
section 2967.28 of the Revised Code, the parole board notifies 2280
the offender prior to the offender's release of the board's 2281
authority to so impose a prison term. Section 2929.191 of the 2282
Revised Code applies if, prior to July 11, 2006, a court imposed 2283
a sentence including a prison term and failed to notify the 2284
offender pursuant to division (B) (2) (f) of this section 2285
regarding the possibility of the parole board imposing a prison 2286
term for a violation of supervision or a condition of post- 2287
release control. 2288

(g) (i) Determine, notify the offender of, and include in 2289
the sentencing entry the total number of days, including the 2290
sentencing date but excluding conveyance time, that the offender 2291
has been confined for any reason arising out of the offense for 2292
which the offender is being sentenced and by which the 2293
department of rehabilitation and correction must reduce the 2294
definite prison term imposed on the offender as the offender's 2295
stated prison term or, if the offense is an offense for which a 2296
non-life felony indefinite prison term is imposed under division 2297
(A) (1) (a) or (2) (a) of section 2929.14 of the Revised Code, the 2298
minimum ~~and maximum~~ prison ~~terms~~ term imposed on the offender as 2299
part of that non-life felony indefinite prison term, under 2300
section 2967.191 of the Revised Code. The court's calculation 2301
shall not include the number of days, if any, that the offender 2302
served in the custody of the department of rehabilitation and 2303
correction arising out of any prior offense for which the 2304
prisoner was convicted and sentenced. 2305

(ii) In making a determination under division (B) (2) (g) (i) 2306
of this section, the court shall consider the arguments of the 2307
parties and conduct a hearing if one is requested. 2308

(iii) The sentencing court retains continuing jurisdiction 2309
to correct any error not previously raised at sentencing in 2310
making a determination under division (B) (2) (g) (i) of this 2311
section. The offender may, at any time after sentencing, file a 2312
motion in the sentencing court to correct any error made in 2313
making a determination under division (B) (2) (g) (i) of this 2314
section, and the court may in its discretion grant or deny that 2315
motion. If the court changes the number of days in its 2316
determination or redetermination, the court shall cause the 2317
entry granting that change to be delivered to the department of 2318
rehabilitation and correction without delay. Sections 2931.15 2319

and 2953.21 of the Revised Code do not apply to a motion made 2320
under this section. 2321

(iv) An inaccurate determination under division (B) (2) (g) 2322
(i) of this section is not grounds for setting aside the 2323
offender's conviction or sentence and does not otherwise render 2324
the sentence void or voidable. 2325

(v) The department of rehabilitation and correction shall 2326
rely upon the latest journal entry of the court in determining 2327
the total days of local confinement for purposes of division (B) 2328
(2) (g) (i) to (iii) of this section and section 2967.191 of the 2329
Revised Code. 2330

(3) (a) The court shall include in the offender's sentence 2331
a statement that the offender is a tier III sex offender/child- 2332
victim offender, and the court shall comply with the 2333
requirements of section 2950.03 of the Revised Code if any of 2334
the following apply: 2335

(i) The offender is being sentenced for a violent sex 2336
offense or designated homicide, assault, or kidnapping offense 2337
that the offender committed on or after January 1, 1997, and the 2338
offender is adjudicated a sexually violent predator in relation 2339
to that offense. 2340

(ii) The offender is being sentenced for a sexually 2341
oriented offense that the offender committed on or after January 2342
1, 1997, and the offender is a tier III sex offender/child- 2343
victim offender relative to that offense. 2344

(iii) The offender is being sentenced on or after July 31, 2345
2003, for a child-victim oriented offense, and the offender is a 2346
tier III sex offender/child-victim offender relative to that 2347
offense. 2348

(iv) The offender is being sentenced under section 2971.03 2349
of the Revised Code for a violation of division (A) (1) (b) of 2350
section 2907.02 of the Revised Code committed on or after 2351
January 2, 2007. 2352

(v) The offender is sentenced to a term of life without 2353
parole under division (B) of section 2907.02 of the Revised 2354
Code. 2355

(vi) The offender is being sentenced for attempted rape 2356
committed on or after January 2, 2007, and a specification of 2357
the type described in section 2941.1418, 2941.1419, or 2941.1420 2358
of the Revised Code. 2359

(vii) The offender is being sentenced under division (B) 2360
(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code 2361
for an offense described in those divisions committed on or 2362
after January 1, 2008. 2363

(b) Additionally, if any criterion set forth in divisions 2364
(B) (3) (a) (i) to (vii) of this section is satisfied, in the 2365
circumstances described in division (E) of section 2929.14 of 2366
the Revised Code, the court shall impose sentence on the 2367
offender as described in that division. 2368

(4) If the sentencing court determines at the sentencing 2369
hearing that a community control sanction should be imposed and 2370
the court is not prohibited from imposing a community control 2371
sanction, the court shall impose a community control sanction. 2372
The court shall notify the offender that, if the conditions of 2373
the sanction are violated, if the offender commits a violation 2374
of any law, or if the offender leaves this state without the 2375
permission of the court or the offender's probation officer, the 2376
court may impose a longer time under the same sanction, may 2377

impose a more restrictive sanction, or may impose a prison term 2378
on the offender and shall indicate the range from which the 2379
prison term may be imposed as a sanction for the violation, 2380
which shall be the range of prison terms for the offense that is 2381
specified pursuant to section 2929.14 of the Revised Code and as 2382
described in section 2929.15 of the Revised Code." 2383

(5) Before imposing a financial sanction under section 2384
2929.18 of the Revised Code or a fine under section 2929.32 of 2385
the Revised Code, the court shall consider the offender's 2386
present and future ability to pay the amount of the sanction or 2387
fine. 2388

(6) If the sentencing court sentences the offender to a 2389
sanction of confinement pursuant to section 2929.14 or 2929.16 2390
of the Revised Code that is to be served in a local detention 2391
facility, as defined in section 2929.36 of the Revised Code, and 2392
if the local detention facility is covered by a policy adopted 2393
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 2394
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 2395
and section 2929.37 of the Revised Code, both of the following 2396
apply: 2397

(a) The court shall specify both of the following as part 2398
of the sentence: 2399

(i) If the offender is presented with an itemized bill 2400
pursuant to section 2929.37 of the Revised Code for payment of 2401
the costs of confinement, the offender is required to pay the 2402
bill in accordance with that section. 2403

(ii) If the offender does not dispute the bill described 2404
in division (B) (6) (a) (i) of this section and does not pay the 2405
bill by the times specified in section 2929.37 of the Revised 2406

Code, the clerk of the court may issue a certificate of judgment 2407
against the offender as described in that section. 2408

(b) The sentence automatically includes any certificate of 2409
judgment issued as described in division (B) (6) (a) (ii) of this 2410
section. 2411

(7) The failure of the court to notify the offender that a 2412
prison term is a mandatory prison term pursuant to division (B) 2413
(2) (a) of this section or to include in the sentencing entry any 2414
information required by division (B) (2) (b) of this section does 2415
not affect the validity of the imposed sentence or sentences. If 2416
the sentencing court notifies the offender at the sentencing 2417
hearing that a prison term is mandatory but the sentencing entry 2418
does not specify that the prison term is mandatory, the court 2419
may complete a corrected journal entry and send copies of the 2420
corrected entry to the offender and the department of 2421
rehabilitation and correction, or, at the request of the state, 2422
the court shall complete a corrected journal entry and send 2423
copies of the corrected entry to the offender and department of 2424
rehabilitation and correction. 2425

(C) (1) If the offender is being sentenced for a fourth 2426
degree felony OVI offense under division (G) (1) of section 2427
2929.13 of the Revised Code, the court shall impose the 2428
mandatory term of local incarceration in accordance with that 2429
division, shall impose a mandatory fine in accordance with 2430
division (B) (3) of section 2929.18 of the Revised Code, and, in 2431
addition, may impose additional sanctions as specified in 2432
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 2433
Code. The court shall not impose a prison term on the offender 2434
except that the court may impose a prison term upon the offender 2435
as provided in division (A) (1) of section 2929.13 of the Revised 2436

Code. 2437

(2) If the offender is being sentenced for a third or 2438
fourth degree felony OVI offense under division (G) (2) of 2439
section 2929.13 of the Revised Code, the court shall impose the 2440
mandatory prison term in accordance with that division, shall 2441
impose a mandatory fine in accordance with division (B) (3) of 2442
section 2929.18 of the Revised Code, and, in addition, may 2443
impose an additional prison term as specified in section 2929.14 2444
of the Revised Code. In addition to the mandatory prison term or 2445
mandatory prison term and additional prison term the court 2446
imposes, the court also may impose a community control sanction 2447
on the offender, but the offender shall serve all of the prison 2448
terms so imposed prior to serving the community control 2449
sanction. 2450

(D) The sentencing court, pursuant to division (I) (1) of 2451
section 2929.14 of the Revised Code, may recommend placement of 2452
the offender in a program of shock incarceration under section 2453
5120.031 of the Revised Code or an intensive program prison 2454
under section 5120.032 of the Revised Code, disapprove placement 2455
of the offender in a program or prison of that nature, or make 2456
no recommendation. If the court recommends or disapproves 2457
placement, it shall make a finding that gives its reasons for 2458
its recommendation or disapproval. 2459

Sec. 2930.16. (A) If a defendant is incarcerated, a victim 2460
in a case who has requested to receive notice under this section 2461
shall be given notice of the incarceration of the defendant. If 2462
an alleged juvenile offender is committed to the temporary 2463
custody of a school, camp, institution, or other facility 2464
operated for the care of delinquent children or to the legal 2465
custody of the department of youth services, a victim in a case 2466

who has requested to receive notice under this section shall be 2467
given notice of the commitment. Promptly after sentence is 2468
imposed upon the defendant or the commitment of the alleged 2469
juvenile offender is ordered, the prosecutor in the case shall 2470
notify the victim of the date on which the defendant will be 2471
released, or initially will be eligible for release, from 2472
confinement or the prosecutor's reasonable estimate of that date 2473
or the date on which the alleged juvenile offender will have 2474
served the minimum period of commitment or the prosecutor's 2475
reasonable estimate of that date. The prosecutor also shall 2476
notify the victim of the name of the custodial agency of the 2477
defendant or alleged juvenile offender and tell the victim how 2478
to contact that custodial agency. If the custodial agency is the 2479
department of rehabilitation and correction, the prosecutor 2480
shall notify the victim of the services offered by the office of 2481
victims' services pursuant to section 5120.60 of the Revised 2482
Code. If the custodial agency is the department of youth 2483
services, the prosecutor shall notify the victim of the services 2484
provided by the office of victims' services within the release 2485
authority of the department pursuant to section 5139.55 of the 2486
Revised Code and the victim's right pursuant to section 5139.56 2487
of the Revised Code to submit a written request to the release 2488
authority to be notified of actions the release authority takes 2489
with respect to the alleged juvenile offender. The victim shall 2490
keep the custodial agency informed of the victim's current 2491
address and telephone number. 2492

(B) (1) Upon the victim's request or in accordance with 2493
division (D) of this section, the prosecutor promptly shall 2494
notify the victim of any hearing for judicial release of the 2495
defendant pursuant to section 2929.20 of the Revised Code, of 2496
any hearing for release of the defendant pursuant to section 2497

2967.19 of the Revised Code, or of any hearing for judicial 2498
release or early release of the alleged juvenile offender 2499
pursuant to section 2151.38 of the Revised Code and of the 2500
victim's right to make a statement under those sections. The 2501
court shall notify the victim of its ruling in each of those 2502
hearings and on each of those applications. 2503

(2) If an offender is sentenced to a prison term pursuant 2504
to division (A) (3) or (B) of section 2971.03 of the Revised 2505
Code, upon the request of the victim of the crime or in 2506
accordance with division (D) of this section, the prosecutor 2507
promptly shall notify the victim of any hearing to be conducted 2508
pursuant to section 2971.05 of the Revised Code to determine 2509
whether to modify the requirement that the offender serve the 2510
entire prison term in a state correctional facility in 2511
accordance with division (C) of that section, whether to 2512
continue, revise, or revoke any existing modification of that 2513
requirement, or whether to terminate the prison term in 2514
accordance with division (D) of that section. The court shall 2515
notify the victim of any order issued at the conclusion of the 2516
hearing. 2517

(C) Upon the victim's request made at any time before the 2518
particular notice would be due or in accordance with division 2519
(D) of this section, the custodial agency of a defendant or 2520
alleged juvenile offender shall give the victim any of the 2521
following notices that is applicable: 2522

(1) At least sixty days before the adult parole authority 2523
recommends a pardon or commutation of sentence for the defendant 2524
or at least sixty days prior to a hearing before the adult 2525
parole authority regarding a grant of parole to the defendant, 2526
notice of the victim's right to submit a statement regarding the 2527

impact of the defendant's release in accordance with section 2528
2967.12 of the Revised Code and, if applicable, of the victim's 2529
right to appear at a full board hearing of the parole board to 2530
give testimony as authorized by section 5149.101 of the Revised 2531
Code; and at least sixty days prior to a hearing before the 2532
department regarding a determination of whether the inmate must 2533
be released under division (C) or (D)~~(2)~~ of section 2967.271 of 2534
the Revised Code if the inmate is serving a non-life felony 2535
indefinite prison term, notice of the fact that the inmate will 2536
be having a hearing regarding a possible grant of release, the 2537
date of any hearing regarding a possible grant of release, and 2538
the right of any person to submit a written statement regarding 2539
the pending action; 2540

(2) At least sixty days before the defendant is 2541
transferred to transitional control under section 2967.26 of the 2542
Revised Code, notice of the pendency of the transfer and of the 2543
victim's right under that section to submit a statement 2544
regarding the impact of the transfer; 2545

(3) At least sixty days before the release authority of 2546
the department of youth services holds a release review, release 2547
hearing, or discharge review for the alleged juvenile offender, 2548
notice of the pendency of the review or hearing, of the victim's 2549
right to make an oral or written statement regarding the impact 2550
of the crime upon the victim or regarding the possible release 2551
or discharge, and, if the notice pertains to a hearing, of the 2552
victim's right to attend and make statements or comments at the 2553
hearing as authorized by section 5139.56 of the Revised Code; 2554

(4) Prompt notice of the defendant's or alleged juvenile 2555
offender's escape from a facility of the custodial agency in 2556
which the defendant was incarcerated or in which the alleged 2557

juvenile offender was placed after commitment, of the 2558
defendant's or alleged juvenile offender's absence without leave 2559
from a mental health or developmental disabilities facility or 2560
from other custody, and of the capture of the defendant or 2561
alleged juvenile offender after an escape or absence; 2562

(5) Notice of the defendant's or alleged juvenile 2563
offender's death while in confinement or custody; 2564

(6) Notice of the filing of a petition by the director of 2565
rehabilitation and correction pursuant to section 2967.19 of the 2566
Revised Code requesting the early release under that section of 2567
the defendant; 2568

(7) Notice of the defendant's or alleged juvenile 2569
offender's release from confinement or custody and the terms and 2570
conditions of the release. 2571

(D) (1) If a defendant is incarcerated for the commission 2572
of aggravated murder, murder, or an offense of violence that is 2573
a felony of the first, second, or third degree or is under a 2574
sentence of life imprisonment or if an alleged juvenile offender 2575
has been charged with the commission of an act that would be 2576
aggravated murder, murder, or an offense of violence that is a 2577
felony of the first, second, or third degree or be subject to a 2578
sentence of life imprisonment if committed by an adult, except 2579
as otherwise provided in this division, the notices described in 2580
divisions (B) and (C) of this section shall be given regardless 2581
of whether the victim has requested the notification. The 2582
notices described in divisions (B) and (C) of this section shall 2583
not be given under this division to a victim if the victim has 2584
requested pursuant to division (B) (2) of section 2930.03 of the 2585
Revised Code that the victim not be provided the notice. 2586
Regardless of whether the victim has requested that the notices 2587

described in division (C) of this section be provided or not be 2588
provided, the custodial agency shall give notice similar to 2589
those notices to the prosecutor in the case, to the sentencing 2590
court, to the law enforcement agency that arrested the defendant 2591
or alleged juvenile offender if any officer of that agency was a 2592
victim of the offense, and to any member of the victim's 2593
immediate family who requests notification. If the notice given 2594
under this division to the victim is based on an offense 2595
committed prior to March 22, 2013, and if the prosecutor or 2596
custodial agency has not previously successfully provided any 2597
notice to the victim under this division or division (B) or (C) 2598
of this section with respect to that offense and the offender 2599
who committed it, the notice also shall inform the victim that 2600
the victim may request that the victim not be provided any 2601
further notices with respect to that offense and the offender 2602
who committed it and shall describe the procedure for making 2603
that request. If the notice given under this division to the 2604
victim pertains to a hearing regarding a grant of a parole to 2605
the defendant, the notice also shall inform the victim that the 2606
victim, a member of the victim's immediate family, or the 2607
victim's representative may request a victim conference, as 2608
described in division (E) of this section, and shall provide an 2609
explanation of a victim conference. 2610

The prosecutor or custodial agency may give the notices to 2611
which this division applies by any reasonable means, including 2612
regular mail, telephone, and electronic mail. If the prosecutor 2613
or custodial agency attempts to provide notice to a victim under 2614
this division but the attempt is unsuccessful because the 2615
prosecutor or custodial agency is unable to locate the victim, 2616
is unable to provide the notice by its chosen method because it 2617
cannot determine the mailing address, telephone number, or 2618

electronic mail address at which to provide the notice, or, if 2619
the notice is sent by mail, the notice is returned, the 2620
prosecutor or custodial agency shall make another attempt to 2621
provide the notice to the victim. If the second attempt is 2622
unsuccessful, the prosecutor or custodial agency shall make at 2623
least one more attempt to provide the notice. If the notice is 2624
based on an offense committed prior to March 22, 2013, in each 2625
attempt to provide the notice to the victim, the notice shall 2626
include the opt-out information described in the preceding 2627
paragraph. The prosecutor or custodial agency, in accordance 2628
with division (D) (2) of this section, shall keep a record of all 2629
attempts to provide the notice, and of all notices provided, 2630
under this division. 2631

Division (D) (1) of this section, and the notice-related 2632
provisions of divisions (E) (2) and (K) of section 2929.20, 2633
division (H) of section 2967.12, division (E) (1) (b) of section 2634
2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) 2635
of section 2967.28, and division (A) (2) of section 5149.101 of 2636
the Revised Code enacted in the act in which division (D) (1) of 2637
this section was enacted, shall be known as "Roberta's Law." 2638

(2) Each prosecutor and custodial agency that attempts to 2639
give any notice to which division (D) (1) of this section applies 2640
shall keep a record of all attempts to give the notice. The 2641
record shall indicate the person who was to be the recipient of 2642
the notice, the date on which the attempt was made, the manner 2643
in which the attempt was made, and the person who made the 2644
attempt. If the attempt is successful and the notice is given, 2645
the record shall indicate that fact. The record shall be kept in 2646
a manner that allows public inspection of attempts and notices 2647
given to persons other than victims without revealing the names, 2648
addresses, or other identifying information relating to victims. 2649

The record of attempts and notices given to victims is not a public record, but the prosecutor or custodial agency shall provide upon request a copy of that record to a prosecuting attorney, judge, law enforcement agency, or member of the general assembly. The record of attempts and notices given to persons other than victims is a public record. A record kept under this division may be indexed by offender name, or in any other manner determined by the prosecutor or the custodial agency. Each prosecutor or custodial agency that is required to keep a record under this division shall determine the procedures for keeping the record and the manner in which it is to be kept, subject to the requirements of this division.

(E) The adult parole authority shall adopt rules under Chapter 119. of the Revised Code providing for a victim conference, upon request of the victim, a member of the victim's immediate family, or the victim's representative, prior to a parole hearing in the case of a prisoner who is incarcerated for the commission of aggravated murder, murder, or an offense of violence that is a felony of the first, second, or third degree or is under a sentence of life imprisonment. The rules shall provide for, but not be limited to, all of the following:

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

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

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

(F) The department may limit the number of persons 2679
specified in division (E) (1) of this section who may be present 2680
at any single victim conference, provided that the department 2681
shall not limit the number of persons who may be present at any 2682
single conference to fewer than three. If the department limits 2683
the number of persons who may be present at any single victim 2684
conference, the department shall permit and schedule, upon 2685
request of the victim, a member of the victim's immediate 2686
family, or the victim's representative, multiple victim 2687
conferences for the persons specified in division (E) (1) of this 2688
section. 2689

(G) As used in this section, "victim's immediate family" 2690
has the same meaning as in section 2967.12 of the Revised Code. 2691

Sec. 2945.37. (A) As used in sections 2945.37 to 2945.402 2692
of the Revised Code: 2693

(1) "Prosecutor" means a prosecuting attorney or a city 2694
director of law, village solicitor, or similar chief legal 2695
officer of a municipal corporation who has authority to 2696
prosecute a criminal case that is before the court or the 2697
criminal case in which a defendant in a criminal case has been 2698
found incompetent to stand trial or not guilty by reason of 2699
insanity. 2700

(2) "Examiner" means either of the following: 2701

(a) A psychiatrist or a licensed clinical psychologist who 2702
satisfies the criteria of division (I) of section 5122.01 of the 2703
Revised Code or is employed by a certified forensic center 2704
designated by the department of mental health and addiction 2705
services to conduct examinations or evaluations. 2706

(b) For purposes of a separate intellectual disability 2707

evaluation that is ordered by a court pursuant to division (I) 2708
of section 2945.371 of the Revised Code, a psychologist 2709
designated by the director of developmental disabilities 2710
pursuant to that section to conduct that separate intellectual 2711
disability evaluation. 2712

(3) "Nonsecured status" means any unsupervised, off- 2713
grounds movement or trial visit from a hospital or institution, 2714
or any conditional release, that is granted to a person who is 2715
found incompetent to stand trial and is committed pursuant to 2716
section 2945.39 of the Revised Code or to a person who is found 2717
not guilty by reason of insanity and is committed pursuant to 2718
section 2945.40 of the Revised Code. 2719

(4) "Unsupervised, off-grounds movement" includes only 2720
off-grounds privileges that are unsupervised and that have an 2721
expectation of return to the hospital or institution on a daily 2722
basis. 2723

(5) "Trial visit" means a patient privilege of a longer 2724
stated duration of unsupervised community contact with an 2725
expectation of return to the hospital or institution at 2726
designated times. 2727

(6) "Conditional release" means a commitment status ~~under~~ 2728
to which both of the following apply: 2729

(a) Under the status, the trial court at any time may 2730
revoke a person's conditional release and order the 2731
rehospitalization or reinstitutionalization of the person as 2732
described in division (A) of section 2945.402 of the Revised 2733
Code ~~and pursuant to which.~~ 2734

(b) Pursuant to the status, a person who is found 2735
incompetent to stand trial or a person who is found not guilty 2736

by reason of insanity lives and receives treatment in the 2737
community for a period of time that does not exceed the ~~maximum~~ 2738
longest prison term or term of imprisonment that the person 2739
could have received for the offense in question had the person 2740
been convicted of the offense instead of being found incompetent 2741
to stand trial on the charge of the offense or being found not 2742
guilty by reason of insanity relative to the offense. The 2743
longest prison term includes, for an offense that would be a 2744
felony of the first or second degree that occurred on or after 2745
March 22, 2019, both the longest minimum prison term that the 2746
defendant or person could have received if convicted plus the 2747
corresponding maximum prison term that would be required. 2748

(7) "Licensed clinical psychologist," "mentally ill person 2749
subject to court order," and "psychiatrist" have the same 2750
meanings as in section 5122.01 of the Revised Code. 2751

(8) "Person with an intellectual disability subject to 2752
institutionalization by court order" has the same meaning as in 2753
section 5123.01 of the Revised Code. 2754

(9) "Minimum prison term" and "maximum prison term" have 2755
the same meanings as in section 2929.01 of the Revised Code. 2756

(B) In a criminal action in a court of common pleas, a 2757
county court, or a municipal court, the court, prosecutor, or 2758
defense may raise the issue of the defendant's competence to 2759
stand trial. If the issue is raised before the trial has 2760
commenced, the court shall hold a hearing on the issue as 2761
provided in this section. If the issue is raised after the trial 2762
has commenced, the court shall hold a hearing on the issue only 2763
for good cause shown or on the court's own motion. 2764

(C) The court shall conduct the hearing required or 2765

authorized under division (B) of this section within thirty days 2766
after the issue is raised, unless the defendant has been 2767
referred for evaluation in which case the court shall conduct 2768
the hearing within ten days after the filing of the report of 2769
the evaluation or, in the case of a defendant who is ordered by 2770
the court pursuant to division (I) of section 2945.371 of the 2771
Revised Code to undergo a separate intellectual disability 2772
evaluation conducted by a psychologist designated by the 2773
director of developmental disabilities, within ten days after 2774
the filing of the report of the separate intellectual disability 2775
evaluation under that division. A hearing may be continued for 2776
good cause. 2777

(D) The defendant shall be represented by counsel at the 2778
hearing conducted under division (C) of this section. If the 2779
defendant is unable to obtain counsel, the court shall appoint 2780
counsel under Chapter 120. of the Revised Code or under the 2781
authority recognized in division (C) of section 120.06, division 2782
(E) of section 120.16, division (E) of section 120.26, or 2783
section 2941.51 of the Revised Code before proceeding with the 2784
hearing. 2785

(E) The prosecutor and defense counsel may submit evidence 2786
on the issue of the defendant's competence to stand trial. A 2787
written report of the evaluation of the defendant may be 2788
admitted into evidence at the hearing by stipulation, but, if 2789
either the prosecution or defense objects to its admission, the 2790
report may be admitted under sections 2317.36 to 2317.38 of the 2791
Revised Code or any other applicable statute or rule. 2792

(F) The court shall not find a defendant incompetent to 2793
stand trial solely because the defendant is receiving or has 2794
received treatment as a voluntary or involuntary mentally ill 2795

patient under Chapter 5122. or a voluntary or involuntary 2796
resident with an intellectual disability under Chapter 5123. of 2797
the Revised Code or because the defendant is receiving or has 2798
received psychotropic drugs or other medication, even if the 2799
defendant might become incompetent to stand trial without the 2800
drugs or medication. 2801

(G) A defendant is presumed to be competent to stand 2802
trial. If, after a hearing, the court finds by a preponderance 2803
of the evidence that, because of the defendant's present mental 2804
condition, the defendant is incapable of understanding the 2805
nature and objective of the proceedings against the defendant or 2806
of assisting in the defendant's defense, the court shall find 2807
the defendant incompetent to stand trial and shall enter an 2808
order authorized by section 2945.38 of the Revised Code. 2809

(H) Municipal courts shall follow the procedures set forth 2810
in sections 2945.37 to 2945.402 of the Revised Code. Except as 2811
provided in section 2945.371 of the Revised Code, a municipal 2812
court shall not order an evaluation of the defendant's 2813
competence to stand trial or the defendant's mental condition at 2814
the time of the commission of the offense to be conducted at any 2815
hospital operated by the department of mental health and 2816
addiction services. Those evaluations shall be performed through 2817
community resources including, but not limited to, certified 2818
forensic centers, court probation departments, and community 2819
mental health services providers. All expenses of the 2820
evaluations shall be borne by the legislative authority of the 2821
municipal court, as defined in section 1901.03 of the Revised 2822
Code, and shall be taxed as costs in the case. If a defendant is 2823
found incompetent to stand trial or not guilty by reason of 2824
insanity, a municipal court may commit the defendant as provided 2825
in sections 2945.38 to 2945.402 of the Revised Code. 2826

Sec. 2945.401. (A) A defendant found incompetent to stand 2827
trial and committed pursuant to section 2945.39 of the Revised 2828
Code or a person found not guilty by reason of insanity and 2829
committed pursuant to section 2945.40 of the Revised Code shall 2830
remain subject to the jurisdiction of the trial court pursuant 2831
to that commitment, and to the provisions of this section, until 2832
the final termination of the commitment as described in division 2833
(J) (1) of this section. If the jurisdiction is terminated under 2834
this division because of the final termination of the commitment 2835
resulting from the expiration of the maximum prison term or term 2836
of imprisonment described in division (J) (1) (b) of this section, 2837
the court or prosecutor may file an affidavit for the civil 2838
commitment of the defendant or person pursuant to Chapter 5122. 2839
or 5123. of the Revised Code. 2840

(B) A hearing conducted under any provision of sections 2841
2945.37 to 2945.402 of the Revised Code shall not be conducted 2842
in accordance with Chapters 5122. and 5123. of the Revised Code. 2843
Any person who is committed pursuant to section 2945.39 or 2844
2945.40 of the Revised Code shall not voluntarily admit the 2845
person or be voluntarily admitted to a hospital or institution 2846
pursuant to section 5122.02, 5122.15, 5123.69, or 5123.76 of the 2847
Revised Code. All other provisions of Chapters 5122. and 5123. 2848
of the Revised Code regarding hospitalization or 2849
institutionalization shall apply to the extent they are not in 2850
conflict with this chapter. A commitment under section 2945.39 2851
or 2945.40 of the Revised Code shall not be terminated and the 2852
conditions of the commitment shall not be changed except as 2853
otherwise provided in division (D) (2) of this section with 2854
respect to a person with an intellectual disability subject to 2855
institutionalization by court order or except by order of the 2856
trial court. 2857

(C) The department of mental health and addiction services 2858
or the institution, facility, or program to which a defendant or 2859
person has been committed under section 2945.39 or 2945.40 of 2860
the Revised Code shall report in writing to the trial court, at 2861
the times specified in this division, as to whether the 2862
defendant or person remains a mentally ill person subject to 2863
court order or a person with an intellectual disability subject 2864
to institutionalization by court order and, in the case of a 2865
defendant committed under section 2945.39 of the Revised Code, 2866
as to whether the defendant remains incompetent to stand trial. 2867
The department, institution, facility, or program shall make the 2868
reports after the initial six months of treatment and every two 2869
years after the initial report is made. The trial court shall 2870
provide copies of the reports to the prosecutor and to the 2871
counsel for the defendant or person. Within thirty days after 2872
its receipt pursuant to this division of a report from the 2873
department, institution, facility, or program, the trial court 2874
shall hold a hearing on the continued commitment of the 2875
defendant or person or on any changes in the conditions of the 2876
commitment of the defendant or person. The defendant or person 2877
may request a change in the conditions of confinement, and the 2878
trial court shall conduct a hearing on that request if six 2879
months or more have elapsed since the most recent hearing was 2880
conducted under this section. 2881

(D) (1) Except as otherwise provided in division (D) (2) of 2882
this section, when a defendant or person has been committed 2883
under section 2945.39 or 2945.40 of the Revised Code, at any 2884
time after evaluating the risks to public safety and the welfare 2885
of the defendant or person, the designee of the department of 2886
mental health and addiction services or the managing officer of 2887
the institution or director of the facility or program to which 2888

the defendant or person is committed may recommend a termination 2889
of the defendant's or person's commitment or a change in the 2890
conditions of the defendant's or person's commitment. 2891

Except as otherwise provided in division (D)(2) of this 2892
section, if the designee of the department of mental health and 2893
addiction services recommends on-grounds unsupervised movement, 2894
off-grounds supervised movement, or nonsecured status for the 2895
defendant or person or termination of the defendant's or 2896
person's commitment, the following provisions apply: 2897

(a) If the department's designee recommends on-grounds 2898
unsupervised movement or off-grounds supervised movement, the 2899
department's designee shall file with the trial court an 2900
application for approval of the movement and shall send a copy 2901
of the application to the prosecutor. Within fifteen days after 2902
receiving the application, the prosecutor may request a hearing 2903
on the application and, if a hearing is requested, shall so 2904
inform the department's designee. If the prosecutor does not 2905
request a hearing within the fifteen-day period, the trial court 2906
shall approve the application by entering its order approving 2907
the requested movement or, within five days after the expiration 2908
of the fifteen-day period, shall set a date for a hearing on the 2909
application. If the prosecutor requests a hearing on the 2910
application within the fifteen-day period, the trial court shall 2911
hold a hearing on the application within thirty days after the 2912
hearing is requested. If the trial court, within five days after 2913
the expiration of the fifteen-day period, sets a date for a 2914
hearing on the application, the trial court shall hold the 2915
hearing within thirty days after setting the hearing date. At 2916
least fifteen days before any hearing is held under this 2917
division, the trial court shall give the prosecutor written 2918
notice of the date, time, and place of the hearing. At the 2919

conclusion of each hearing conducted under this division, the 2920
trial court either shall approve or disapprove the application 2921
and shall enter its order accordingly. 2922

(b) If the department's designee recommends termination of 2923
the defendant's or person's commitment at any time or if the 2924
department's designee recommends the first of any nonsecured 2925
status for the defendant or person, the department's designee 2926
shall send written notice of this recommendation to the trial 2927
court and to the local forensic center. The local forensic 2928
center shall evaluate the committed defendant or person and, 2929
within thirty days after its receipt of the written notice, 2930
shall submit to the trial court and the department's designee a 2931
written report of the evaluation. The trial court shall provide 2932
a copy of the department's designee's written notice and of the 2933
local forensic center's written report to the prosecutor and to 2934
the counsel for the defendant or person. Upon the local forensic 2935
center's submission of the report to the trial court and the 2936
department's designee, all of the following apply: 2937

(i) If the forensic center disagrees with the 2938
recommendation of the department's designee, it shall inform the 2939
department's designee and the trial court of its decision and 2940
the reasons for the decision. The department's designee, after 2941
consideration of the forensic center's decision, shall either 2942
withdraw, proceed with, or modify and proceed with the 2943
recommendation. If the department's designee proceeds with, or 2944
modifies and proceeds with, the recommendation, the department's 2945
designee shall proceed in accordance with division (D) (1) (b) 2946
(iii) of this section. 2947

(ii) If the forensic center agrees with the recommendation 2948
of the department's designee, it shall inform the department's 2949

designee and the trial court of its decision and the reasons for 2950
the decision, and the department's designee shall proceed in 2951
accordance with division (D) (1) (b) (iii) of this section. 2952

(iii) If the forensic center disagrees with the 2953
recommendation of the department's designee and the department's 2954
designee proceeds with, or modifies and proceeds with, the 2955
recommendation or if the forensic center agrees with the 2956
recommendation of the department's designee, the department's 2957
designee shall work with community mental health services 2958
providers, programs, facilities, or boards of alcohol, drug 2959
addiction, and mental health services or community mental health 2960
boards to develop a plan to implement the recommendation. If the 2961
defendant or person is on medication, the plan shall include, 2962
but shall not be limited to, a system to monitor the defendant's 2963
or person's compliance with the prescribed medication treatment 2964
plan. The system shall include a schedule that clearly states 2965
when the defendant or person shall report for a medication 2966
compliance check. The medication compliance checks shall be 2967
based upon the effective duration of the prescribed medication, 2968
taking into account the route by which it is taken, and shall be 2969
scheduled at intervals sufficiently close together to detect a 2970
potential increase in mental illness symptoms that the 2971
medication is intended to prevent. 2972

The department's designee, after consultation with the 2973
board of alcohol, drug addiction, and mental health services or 2974
the community mental health board serving the area, shall send 2975
the recommendation and plan developed under division (D) (1) (b) 2976
(iii) of this section, in writing, to the trial court, the 2977
prosecutor, and the counsel for the committed defendant or 2978
person. The trial court shall conduct a hearing on the 2979
recommendation and plan developed under division (D) (1) (b) (iii) 2980

of this section. Divisions (D) (1) (c) and (d) and (E) to (J) of 2981
this section apply regarding the hearing. 2982

(c) If the department's designee's recommendation is for 2983
nonsecured status or termination of commitment, the prosecutor 2984
may obtain an independent expert evaluation of the defendant's 2985
or person's mental condition, and the trial court may continue 2986
the hearing on the recommendation for a period of not more than 2987
thirty days to permit time for the evaluation. 2988

The prosecutor may introduce the evaluation report or 2989
present other evidence at the hearing in accordance with the 2990
Rules of Evidence. 2991

(d) The trial court shall schedule the hearing on a 2992
department's designee's recommendation for nonsecured status or 2993
termination of commitment and shall give reasonable notice to 2994
the prosecutor and the counsel for the defendant or person. 2995
Unless continued for independent evaluation at the prosecutor's 2996
request or for other good cause, the hearing shall be held 2997
within thirty days after the trial court's receipt of the 2998
recommendation and plan. 2999

(2) (a) Division (D) (1) of this section does not apply to 3000
on-grounds unsupervised movement of a defendant or person who 3001
has been committed under section 2945.39 or 2945.40 of the 3002
Revised Code, who is a person with an intellectual disability 3003
subject to institutionalization by court order, and who is being 3004
provided residential habilitation, care, and treatment in a 3005
facility operated by the department of developmental 3006
disabilities. 3007

(b) If, pursuant to section 2945.39 of the Revised Code, 3008
the trial court commits a defendant who is found incompetent to 3009

stand trial and who is a person with an intellectual disability 3010
subject to institutionalization by court order, if the defendant 3011
is being provided residential habilitation, care, and treatment 3012
in a facility operated by the department of developmental 3013
disabilities, if an individual who is conducting a survey for 3014
the department of health to determine the facility's compliance 3015
with the certification requirements of the medicaid program 3016
cites the defendant's receipt of the residential habilitation, 3017
care, and treatment in the facility as being inappropriate under 3018
the certification requirements, if the defendant's receipt of 3019
the residential habilitation, care, and treatment in the 3020
facility potentially jeopardizes the facility's continued 3021
receipt of federal medicaid moneys, and if as a result of the 3022
citation the chief clinical officer of the facility determines 3023
that the conditions of the defendant's commitment should be 3024
changed, the department of developmental disabilities may cause 3025
the defendant to be removed from the particular facility and, 3026
after evaluating the risks to public safety and the welfare of 3027
the defendant and after determining whether another type of 3028
placement is consistent with the certification requirements, may 3029
place the defendant in another facility that the department 3030
selects as an appropriate facility for the defendant's continued 3031
receipt of residential habilitation, care, and treatment and 3032
that is a no less secure setting than the facility in which the 3033
defendant had been placed at the time of the citation. Within 3034
three days after the defendant's removal and alternative 3035
placement under the circumstances described in division (D) (2) 3036
(b) of this section, the department of developmental 3037
disabilities shall notify the trial court and the prosecutor in 3038
writing of the removal and alternative placement. 3039

The trial court shall set a date for a hearing on the 3040

removal and alternative placement, and the hearing shall be held 3041
within twenty-one days after the trial court's receipt of the 3042
notice from the department of developmental disabilities. At 3043
least ten days before the hearing is held, the trial court shall 3044
give the prosecutor, the department of developmental 3045
disabilities, and the counsel for the defendant written notice 3046
of the date, time, and place of the hearing. At the hearing, the 3047
trial court shall consider the citation issued by the individual 3048
who conducted the survey for the department of health to be 3049
prima-facie evidence of the fact that the defendant's commitment 3050
to the particular facility was inappropriate under the 3051
certification requirements of the medicaid program and 3052
potentially jeopardizes the particular facility's continued 3053
receipt of federal medicaid moneys. At the conclusion of the 3054
hearing, the trial court may approve or disapprove the 3055
defendant's removal and alternative placement. If the trial 3056
court approves the defendant's removal and alternative 3057
placement, the department of developmental disabilities may 3058
continue the defendant's alternative placement. If the trial 3059
court disapproves the defendant's removal and alternative 3060
placement, it shall enter an order modifying the defendant's 3061
removal and alternative placement, but that order shall not 3062
require the department of developmental disabilities to replace 3063
the defendant for purposes of continued residential 3064
habilitation, care, and treatment in the facility associated 3065
with the citation issued by the individual who conducted the 3066
survey for the department of health. 3067

(E) In making a determination under this section regarding 3068
nonsecured status or termination of commitment, the trial court 3069
shall consider all relevant factors, including, but not limited 3070
to, all of the following: 3071

- (1) Whether, in the trial court's view, the defendant or person currently represents a substantial risk of physical harm to the defendant or person or others; 3072
3073
3074
- (2) Psychiatric and medical testimony as to the current mental and physical condition of the defendant or person; 3075
3076
- (3) Whether the defendant or person has insight into the defendant's or person's condition so that the defendant or person will continue treatment as prescribed or seek professional assistance as needed; 3077
3078
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3080
- (4) The grounds upon which the state relies for the proposed commitment; 3081
3082
- (5) Any past history that is relevant to establish the defendant's or person's degree of conformity to the laws, rules, regulations, and values of society; 3083
3084
3085
- (6) If there is evidence that the defendant's or person's mental illness is in a state of remission, the medically suggested cause and degree of the remission and the probability that the defendant or person will continue treatment to maintain the remissive state of the defendant's or person's illness should the defendant's or person's commitment conditions be altered. 3086
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- (F) At any hearing held pursuant to division (C) or (D) (1) or (2) of this section, the defendant or the person shall have all the rights of a defendant or person at a commitment hearing as described in section 2945.40 of the Revised Code. 3093
3094
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- (G) In a hearing held pursuant to division (C) or (D) (1) of this section, the prosecutor has the burden of proof as follows: 3097
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(1) For a recommendation of termination of commitment, to show by clear and convincing evidence that the defendant or person remains a mentally ill person subject to court order or a person with an intellectual disability subject to institutionalization by court order;

(2) For a recommendation for a change in the conditions of the commitment to a less restrictive status, to show by clear and convincing evidence that the proposed change represents a threat to public safety or a threat to the safety of any person.

(H) In a hearing held pursuant to division (C) or (D) (1) or (2) of this section, the prosecutor shall represent the state or the public interest.

(I) At the conclusion of a hearing conducted under division (D) (1) of this section regarding a recommendation from the designee of the department of mental health and addiction services, managing officer of the institution, or director of a facility or program, the trial court may approve, disapprove, or modify the recommendation and shall enter an order accordingly.

(J) (1) A defendant or person who has been committed pursuant to section 2945.39 or 2945.40 of the Revised Code continues to be under the jurisdiction of the trial court until the final termination of the commitment. For purposes of division (J) of this section, the final termination of a commitment occurs upon the earlier of one of the following:

(a) The defendant or person no longer is a mentally ill person subject to court order or a person with an intellectual disability subject to institutionalization by court order, as determined by the trial court;

(b) The expiration of the ~~maximum~~ longest prison term or

term of imprisonment that the defendant or person could have 3129
received if the defendant or person had been convicted of the 3130
most serious offense with which the defendant or person is 3131
charged or in relation to which the defendant or person was 3132
found not guilty by reason of insanity, including, for an 3133
offense that would be a felony of the first or second degree 3134
that occurred on or after March 22, 2019, both the longest 3135
minimum prison term that the defendant or person could have 3136
received if convicted plus the corresponding maximum prison term 3137
that would be required; 3138

(c) The trial court enters an order terminating the 3139
commitment under the circumstances described in division (J) (2) 3140
(a) (ii) of this section. 3141

(2) (a) If a defendant is found incompetent to stand trial 3142
and committed pursuant to section 2945.39 of the Revised Code, 3143
if neither of the circumstances described in divisions (J) (1) (a) 3144
and (b) of this section applies to that defendant, and if a 3145
report filed with the trial court pursuant to division (C) of 3146
this section indicates that the defendant presently is competent 3147
to stand trial or if, at any other time during the period of the 3148
defendant's commitment, the prosecutor, the counsel for the 3149
defendant, or the designee of the department of mental health 3150
and addiction services or the managing officer of the 3151
institution or director of the facility or program to which the 3152
defendant is committed files an application with the trial court 3153
alleging that the defendant presently is competent to stand 3154
trial and requesting a hearing on the competency issue or the 3155
trial court otherwise has reasonable cause to believe that the 3156
defendant presently is competent to stand trial and determines 3157
on its own motion to hold a hearing on the competency issue, the 3158
trial court shall schedule a hearing on the competency of the 3159

defendant to stand trial, shall give the prosecutor, the counsel 3160
for the defendant, and the department's designee or the managing 3161
officer of the institution or the director of the facility to 3162
which the defendant is committed notice of the date, time, and 3163
place of the hearing at least fifteen days before the hearing, 3164
and shall conduct the hearing within thirty days of the filing 3165
of the application or of its own motion. If, at the conclusion 3166
of the hearing, the trial court determines that the defendant 3167
presently is capable of understanding the nature and objective 3168
of the proceedings against the defendant and of assisting in the 3169
defendant's defense, the trial court shall order that the 3170
defendant is competent to stand trial and shall be proceeded 3171
against as provided by law with respect to the applicable 3172
offenses described in division (C) (1) of section 2945.38 of the 3173
Revised Code and shall enter whichever of the following 3174
additional orders is appropriate: 3175

(i) If the trial court determines that the defendant 3176
remains a mentally ill person subject to court order or a person 3177
with an intellectual disability subject to institutionalization 3178
by court order, the trial court shall order that the defendant's 3179
commitment to the department of mental health and addiction 3180
services or to an institution, facility, or program for the 3181
treatment of intellectual disabilities be continued during the 3182
pendency of the trial on the applicable offenses described in 3183
division (C) (1) of section 2945.38 of the Revised Code. 3184

(ii) If the trial court determines that the defendant no 3185
longer is a mentally ill person subject to court order or a 3186
person with an intellectual disability subject to 3187
institutionalization by court order, the trial court shall order 3188
that the defendant's commitment to the department of mental 3189
health and addiction services or to an institution, facility, or 3190

program for the treatment of intellectual disabilities shall not 3191
be continued during the pendency of the trial on the applicable 3192
offenses described in division (C) (1) of section 2945.38 of the 3193
Revised Code. This order shall be a final termination of the 3194
commitment for purposes of division (J) (1) (c) of this section. 3195

(b) If, at the conclusion of the hearing described in 3196
division (J) (2) (a) of this section, the trial court determines 3197
that the defendant remains incapable of understanding the nature 3198
and objective of the proceedings against the defendant or of 3199
assisting in the defendant's defense, the trial court shall 3200
order that the defendant continues to be incompetent to stand 3201
trial, that the defendant's commitment to the department of 3202
mental health and addiction services or to an institution, 3203
facility, or program for the treatment of intellectual 3204
disabilities shall be continued, and that the defendant remains 3205
subject to the jurisdiction of the trial court pursuant to that 3206
commitment, and to the provisions of this section, until the 3207
final termination of the commitment as described in division (J) 3208
(1) of this section. 3209

Sec. 2949.08. (A) When a person who is convicted of or 3210
pleads guilty to a felony is sentenced to a community 3211
residential sanction in a community-based correctional facility 3212
pursuant to section 2929.16 of the Revised Code or when a person 3213
who is convicted of or pleads guilty to a felony or a 3214
misdemeanor is sentenced to a term of imprisonment in a jail, 3215
the judge or magistrate shall order the person into the custody 3216
of the sheriff or constable, and the sheriff or constable shall 3217
deliver the person with the record of the person's conviction to 3218
the jailer, administrator, or keeper, in whose custody the 3219
person shall remain until the term of imprisonment expires or 3220
the person is otherwise legally discharged. 3221

(B) The record of the person's conviction shall specify 3222
the total number of days, if any, that the person was confined 3223
for any reason arising out of the offense for which the person 3224
was convicted and sentenced prior to delivery to the jailer, 3225
administrator, or keeper under this section. The record shall be 3226
used to determine any reduction of sentence under division (C) 3227
of this section. 3228

(C) (1) If the person is sentenced to a jail for a felony 3229
or a misdemeanor, the jailer in charge of a jail shall reduce 3230
the sentence of a person delivered into the jailer's custody 3231
pursuant to division (A) of this section by the total number of 3232
days the person was confined for any reason arising out of the 3233
offense for which the person was convicted and sentenced, 3234
including confinement in lieu of bail while awaiting trial, 3235
confinement for examination to determine the person's competence 3236
to stand trial or to determine sanity, confinement while 3237
awaiting transportation to the place where the person is to 3238
serve the sentence, and confinement in a juvenile facility. 3239

(2) If the person is sentenced to a community-based 3240
correctional facility for a felony, the total amount of time 3241
that a person shall be confined in a community-based 3242
correctional facility, in a jail, and for any reason arising out 3243
of the offense for which the person was convicted and sentenced 3244
prior to delivery to the jailer, administrator, or keeper shall 3245
not exceed the ~~maximum~~ longest prison term available for that 3246
offense including, for an offense that would be a felony of the 3247
first or second degree that occurred on or after March 22, 2019, 3248
both the longest minimum prison term that the defendant or 3249
person could have received if convicted, plus the corresponding 3250
maximum prison term that would be required. Any term in a jail 3251
shall be reduced first pursuant to division (C) (1) of this 3252

section by the total number of days the person was confined 3253
prior to delivery to the jailer, administrator, or keeper. Only 3254
after the term in a jail has been entirely reduced may the term 3255
in a community-based correctional facility be reduced pursuant 3256
to this division. This division does not affect the limitations 3257
placed on the duration of a term in a jail or a community-based 3258
correctional facility under divisions (A) (1), (2), and (3) of 3259
section 2929.16 of the Revised Code. 3260

(D) For purposes of divisions (B) and (C) of this section, 3261
a person shall be considered to have been confined for a day if 3262
the person was confined for any period or periods of time 3263
totaling more than eight hours during that day. 3264

(E) As used in this section, "community-based correctional 3265
facility" ~~and, " "minimum prison term," "maximum prison term,"~~ 3266
and "jail" have the same meanings as in section 2929.01 of the 3267
Revised Code. 3268

Sec. 2951.03. (A) (1) Unless the defendant and the 3269
prosecutor who is handling the case against the defendant agree 3270
to waive the presentence investigation report, no person who has 3271
been convicted of or pleaded guilty to a felony shall be placed 3272
under a community control sanction until a written presentence 3273
investigation report has been considered by the court. The court 3274
may order a presentence investigation report notwithstanding an 3275
agreement to waive the report. If a court orders the preparation 3276
of a presentence investigation report pursuant to this section, 3277
section 2947.06 of the Revised Code, or Criminal Rule 32.2, the 3278
officer making the report shall inquire into the circumstances 3279
of the offense and the criminal record, social history, and 3280
present condition of the defendant, all information available 3281
regarding any prior adjudications of the defendant as a 3282

delinquent child and regarding the dispositions made relative to 3283
those adjudications, and any other matters specified in Criminal 3284
Rule 32.2. Whenever the officer considers it advisable, the 3285
officer's investigation may include a physical and mental 3286
examination of the defendant. A physical examination of the 3287
defendant may include a drug test consisting of a chemical 3288
analysis of a blood or urine specimen of the defendant to 3289
determine whether the defendant ingested or was injected with a 3290
drug of abuse. If, pursuant to section 2930.13 of the Revised 3291
Code, the victim of the offense of which the defendant has been 3292
convicted wishes to make a statement regarding the impact of the 3293
offense for the officer's use in preparing the presentence 3294
investigation report, the officer shall comply with the 3295
requirements of that section. 3296

(2) If a defendant is committed to any institution, the 3297
presentence investigation report shall be sent to the 3298
institution with the entry of commitment. If a defendant is 3299
committed to any institution and a presentence investigation 3300
report is not prepared regarding that defendant pursuant to this 3301
section, section 2947.06 of the Revised Code, or Criminal Rule 3302
32.2, the director of the department of rehabilitation and 3303
correction or the director's designee may order that an offender 3304
background investigation and report be conducted and prepared 3305
regarding the defendant pursuant to section 5120.16 of the 3306
Revised Code. An offender background investigation report 3307
prepared pursuant to this section shall be considered 3308
confidential information and is not a public record under 3309
section 149.43 of the Revised Code. 3310

(3) The department of rehabilitation and correction may 3311
use any presentence investigation report and any offender 3312
background investigation report prepared pursuant to this 3313

section for penological and rehabilitative purposes. The 3314
department may disclose any presentence investigation report and 3315
any offender background investigation report to courts, law 3316
enforcement agencies, community-based correctional facilities, 3317
halfway houses, and medical, mental health, and substance abuse 3318
treatment providers. The department shall make the disclosure in 3319
a manner calculated to maintain the report's confidentiality. 3320
Any presentence investigation report or offender background 3321
investigation report that the department discloses to a 3322
community-based correctional facility, a halfway house, or a 3323
medical, mental health, or substance abuse treatment provider 3324
shall not include a victim impact section or information 3325
identifying a witness. 3326

(B) (1) If a presentence investigation report is prepared 3327
pursuant to this section, section 2947.06 of the Revised Code, 3328
or Criminal Rule 32.2, the court, at a reasonable time before 3329
imposing sentence, shall permit the defendant or the defendant's 3330
counsel to read the report, except that the court shall not 3331
permit the defendant or the defendant's counsel to read any of 3332
the following: 3333

(a) Any recommendation as to sentence; 3334

(b) Any diagnostic opinions that, if disclosed, the court 3335
believes might seriously disrupt a program of rehabilitation for 3336
the defendant; 3337

(c) Any sources of information obtained upon a promise of 3338
confidentiality; 3339

(d) Any other information that, if disclosed, the court 3340
believes might result in physical harm or some other type of 3341
harm to the defendant or to any other person. 3342

(2) Prior to sentencing, the court shall permit the defendant and the defendant's counsel to comment on the presentence investigation report and, in its discretion, may permit the defendant and the defendant's counsel to introduce testimony or other information that relates to any alleged factual inaccuracy contained in the report.

(3) If the court believes that any information in the presentence investigation report should not be disclosed pursuant to division (B)(1) of this section, the court, in lieu of making the report or any part of the report available, shall state orally or in writing a summary of the factual information contained in the report that will be relied upon in determining the defendant's sentence. The court shall permit the defendant and the defendant's counsel to comment upon the oral or written summary of the report.

(4) Any material that is disclosed to the defendant or the defendant's counsel pursuant to this section shall be disclosed to the prosecutor who is handling the prosecution of the case against the defendant.

(5) If the comments of the defendant or the defendant's counsel, the testimony they introduce, or any of the other information they introduce alleges any factual inaccuracy in the presentence investigation report or the summary of the report, the court shall do either of the following with respect to each alleged factual inaccuracy:

(a) Make a finding as to the allegation;

(b) Make a determination that no finding is necessary with respect to the allegation, because the factual matter will not be taken into account in the sentencing of the defendant.

(C) A court's decision as to the content of a summary 3372
under division (B) (3) of this section or as to the withholding 3373
of information under division (B) (1) (a), (b), (c), or (d) of 3374
this section shall be considered to be within the discretion of 3375
the court. No appeal can be taken from either of those 3376
decisions, and neither of those decisions shall be the basis for 3377
a reversal of the sentence imposed. 3378

(D) (1) The contents of a presentence investigation report 3379
prepared pursuant to this section, section 2947.06 of the 3380
Revised Code, or Criminal Rule 32.2 and the contents of any 3381
written or oral summary of a presentence investigation report or 3382
of a part of a presentence investigation report described in 3383
division (B) (3) of this section are confidential information and 3384
are not a public record. The court, an appellate court, 3385
authorized probation officers, investigators, and court 3386
personnel, the defendant, the defendant's counsel, the 3387
prosecutor who is handling the prosecution of the case against 3388
the defendant, and authorized personnel of an institution to 3389
which the defendant is committed may inspect, receive copies of, 3390
retain copies of, and use a presentence investigation report or 3391
a written or oral summary of a presentence investigation only 3392
for the purposes of or only as authorized by Criminal Rule 32.2 3393
or this section, division ~~(F) (1)~~ (F) (1) (a) of section 2953.08, 3394
section 2947.06, or another section of the Revised Code. 3395

(2) Immediately following the imposition of sentence upon 3396
the defendant, the defendant or the defendant's counsel and the 3397
prosecutor shall return to the court all copies of a presentence 3398
investigation report and of any written summary of a presentence 3399
investigation report or part of a presentence investigation 3400
report that the court made available to the defendant or the 3401
defendant's counsel and to the prosecutor pursuant to this 3402

section. The defendant or the defendant's counsel and the 3403
prosecutor shall not make any copies of the presentence 3404
investigation report or of any written summary of a presentence 3405
investigation report or part of a presentence investigation 3406
report that the court made available to them pursuant to this 3407
section. 3408

(3) Except when a presentence investigation report or a 3409
written or oral summary of a presentence investigation report is 3410
being used for the purposes of or as authorized by Criminal Rule 3411
32.2 or this section, division ~~(F) (1)~~ (F) (1) (a) of section 3412
2953.08, section 2947.06, or another section of the Revised 3413
Code, the court or other authorized holder of the report or 3414
summary shall retain the report or summary under seal. 3415

(E) In inquiring into the information available regarding 3416
any prior adjudications of the defendant as a delinquent child 3417
and regarding the dispositions made relative to those 3418
adjudications, the officer making the report shall consider all 3419
information that is relevant, including, but not limited to, the 3420
materials described in division (B) of section 2151.14, division 3421
(C) (3) of section 2152.18, division (D) (3) of section 2152.19, 3422
and division (E) of section 2152.71 of the Revised Code. 3423

(F) As used in this section: 3424

(1) "Prosecutor" has the same meaning as in section 3425
2935.01 of the Revised Code. 3426

(2) "Community control sanction" has the same meaning as 3427
in section 2929.01 of the Revised Code. 3428

(3) "Public record" has the same meaning as in section 3429
149.43 of the Revised Code. 3430

Sec. 2953.07. (A) Upon the hearing of an appeal other than 3431

an appeal from a mayor's court, the appellate court may affirm 3432
the judgment or reverse it, in whole or in part, or modify it, 3433
and order the accused to be discharged or grant a new trial. ~~The~~ 3434
~~appellate court may remand the accused for the sole purpose of~~ 3435
~~correcting a sentence imposed contrary to law, provided that, on~~ 3436
~~an appeal of a sentence imposed upon a person who is convicted~~ 3437
~~of or pleads guilty to a felony that is brought under section~~ 3438
~~2953.08 of the Revised Code, division (G) of that section~~ 3439
~~applies to the court.~~ If the judgment is reversed, the appellant 3440
shall recover from the appellee all court costs incurred to 3441
secure the reversal, including the cost of transcripts. In 3442
capital cases, when the judgment is affirmed and the day fixed 3443
for the execution is passed, the appellate court shall appoint a 3444
day for it, and the clerk of the appellate court shall issue a 3445
warrant under the seal of the appellate court, to the sheriff of 3446
the proper county, or the warden of the appropriate state 3447
correctional institution, commanding the sheriff or warden to 3448
carry the sentence into execution on the day so appointed. The 3449
sheriff or warden shall execute and return the warrant as in 3450
other cases, and the clerk shall record the warrant and return. 3451

(B) As used in this section, "appellate court" means, for 3452
a case in which a sentence of death is imposed for an offense 3453
committed before January 1, 1995, both the court of appeals and 3454
the supreme court, and for a case in which a sentence of death 3455
is imposed for an offense committed on or after January 1, 1995, 3456
the supreme court. 3457

Sec. 2953.08. (A) As used in this section, "authorized by 3458
law" means a sentence that complies with all of the following: 3459

(1) All mandatory sentencing provisions in the Revised 3460
Code; 3461

<u>(2) All definite or indefinite sentencing provisions in</u>	3462
<u>the Revised Code;</u>	3463
<u>(3) The range of prison terms in division (A) of section</u>	3464
<u>2929.14 of the Revised Code;</u>	3465
<u>(4) Any other provision of the Revised Code.</u>	3466
<u>(B) This section applies to all appeals of sentences</u>	3467
<u>imposed upon a defendant who is convicted of or pleads guilty to</u>	3468
<u>a felony. Except for constitutional challenges, no appeal of a</u>	3469
<u>sentence imposed upon a defendant who is convicted of or pleads</u>	3470
<u>guilty to a felony may be filed unless authorized by this</u>	3471
<u>section.</u>	3472
<u>(C) In addition to any other right to appeal and except as</u>	3473
<u>provided in division (E) of this section, a defendant who is</u>	3474
<u>convicted of or pleads guilty to a felony may appeal as a matter</u>	3475
<u>of right the sentence imposed upon the defendant on one of the</u>	3476
<u>following grounds:</u>	3477
<u>(1) The sentence is not authorized by law.</u>	3478
<u>(2) The sentence was imposed for an offense and was not</u>	3479
<u>imposed concurrently or consecutively with another sentence.</u>	3480
<u>(3) The sentence was imposed for an offense and was not</u>	3481
<u>imposed concurrently or consecutively with another sentence, and</u>	3482
<u>there is a presumption against a prison term for the offense.</u>	3483
<u>(4) The sentence was imposed concurrently with another</u>	3484
<u>sentence for an offense.</u>	3485
<u>(5) The sentence was imposed concurrently with another</u>	3486
<u>sentence for an offense, and there is a presumption against a</u>	3487
<u>prison term for the offense.</u>	3488

(6) The sentence was imposed consecutively with another 3489
sentence for an offense, and the sentencing court did not make 3490
the findings required by division (C) (4) of section 2929.14 of 3491
the Revised Code to overcome the presumption in division (A) of 3492
section 2929.41 of the Revised Code. 3493

(7) The sentence was imposed consecutively with another 3494
sentence, and the sentencing court made the findings required by 3495
division (C) (4) of section 2929.14 of the Revised Code to 3496
overcome the presumption in division (A) of section 2929.41 of 3497
the Revised Code. 3498

(D) Except as provided in division (E) of this section, 3499
the prosecuting attorney, city director of law, village 3500
solicitor, chief municipal legal officer, or the attorney 3501
general, if one of those persons prosecuted the case, may appeal 3502
as a matter of right a sentence imposed upon a defendant who is 3503
convicted of or pleads guilty to a felony on any of the 3504
following grounds: 3505

(1) The sentence is not authorized by law. 3506

(2) The sentence is suspended, and the sentence was 3507
imposed for a felony of the first or second degree. 3508

(3) The sentence did not include a prison term despite a 3509
presumption favoring a prison term for the offense for which it 3510
was imposed. 3511

(4) The sentence is a modification under section 2929.20 3512
of the Revised Code, and the sentence was imposed for a felony 3513
of the first or second degree. 3514

(E) A sentence imposed upon a defendant is not subject to 3515
review under this section if the sentence is authorized by law, 3516
and is consistent with the joint recommendation of the defendant 3517

and the prosecution in the case as to the sentence, sentencing 3518
range, aggregate minimum prison term, or aggregate maximum 3519
prison term, and is imposed by a sentencing judge. 3520

(F) (1) On appeal of a sentence under this section, the 3521
record to be reviewed shall include all of the following, as 3522
applicable: 3523

(a) Any presentence, psychiatric, or other investigative 3524
report that was submitted to the court in writing before the 3525
sentence was imposed. An appellate court that reviews a 3526
presentence investigation report prepared pursuant to section 3527
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 3528
connection with the appeal of a sentence under this section 3529
shall comply with division (D) (3) of section 2951.03 of the 3530
Revised Code when the appellate court is not using the 3531
presentence investigation report. The appellate court's use of a 3532
presentence investigation report of that nature in connection 3533
with the appeal of a sentence under this section does not affect 3534
the otherwise confidential character of the contents of that 3535
report as described in division (D) (1) of section 2951.03 of the 3536
Revised Code and does not cause that report to become a public 3537
record, as defined in section 149.43 of the Revised Code, 3538
following the appellate court's use of the report. 3539

(b) The trial record in the case in which the sentence was 3540
imposed; 3541

(c) Any oral or written statements made to or by the court 3542
at the sentencing hearing at which the sentence was imposed; 3543

(d) Any written findings that the court was required to 3544
make in connection with the modification of the sentence 3545
pursuant to a judicial release under division (I) of section 3546

2929.20 of the Revised Code; 3547

(e) An agreed statement of the record to be reviewed, as 3548
applicable. 3549

(2) The record to be reviewed shall be made available to 3550
all parties. 3551

(G) When filing an appeal, the appellant shall specify the 3552
grounds for the appeal in division (C) or (D) of this section 3553
and specifically reference the record in division (F) of this 3554
section that is the basis of the appeal. 3555

(H) (1) The appellate court shall consider the record, 3556
including the findings underlying the sentence or modification 3557
given by the sentencing court and, when reviewing a sentence 3558
that was imposed consecutively with another sentence, the 3559
aggregate length of all imposed sentences. 3560

(2) For a sentence reviewed under divisions (C) (1) to (6) 3561
or division (D) of this section, if the sentence is within the 3562
range of prison terms in division (A) of section 2929.14 of the 3563
Revised Code, there is a presumption that the sentence is 3564
proportional and consistent, and the appellate court shall 3565
vacate and remand for resentencing if the defendant or 3566
prosecution establishes by clear and convincing evidence that 3567
the sentencing court erroneously based its sentence on an error 3568
of fact. 3569

(3) (a) Subject to division (H) (3) (c) of this section, for 3570
a sentence reviewed under division (C) (7) of this section, if 3571
the aggregate minimum prison term of the consecutive sentence, 3572
not including any specification, is equal to or less than the 3573
number of years in division (H) (3) (d) of this section, there is 3574
a presumption that the findings made under division (C) (4) of 3575

section 2929.14 of the Revised Code are supported by the record, 3576
and the appellate court shall vacate and remand for resentencing 3577
if the findings made under division (C) (4) of section 2929.14 of 3578
the Revised Code are not clearly and convincingly supported by 3579
the record. 3580

(b) Subject to division (H) (3) (c) of this section, for a 3581
sentence reviewed under division (C) (7) of this section, if the 3582
aggregate minimum prison term of the consecutive sentence, not 3583
including any specification, is greater than the number of years 3584
in division (H) (3) (d) of this section, there is no presumption 3585
that the findings made under division (C) (4) of section 2929.14 3586
of the Revised Code are supported by the record, and the 3587
appellate court shall vacate and remand for resentencing if the 3588
findings made under division (C) (4) of section 2929.14 of the 3589
Revised Code are not clearly and convincingly supported by the 3590
record. 3591

(c) In making the determination described in division (H) 3592
(3) (a) or (b) of this section, the court may also consider all 3593
of the following: 3594

(i) The conduct of the defendant; 3595

(ii) The age of the defendant; 3596

(iii) The harm or lack of harm caused by the offense or 3597
offenses; 3598

(iv) The defendant's criminal history or lack of criminal 3599
history; 3600

(v) All relevant sentencing factors under sections 2929.11 3601
and 2929.12 and division (C) (4) of section 2929.14 of the 3602
Revised Code; 3603

<u>(vi) The consistency and proportionality of the sentence;</u>	3604
<u>(vii) Any mitigating factors presented at sentencing.</u>	3605
<u>(d) The court shall review the following aggregate minimum prison terms of a consecutive sentence:</u>	3606 3607
<u>(i) Fifteen years when the most serious offense is a felony of the first degree;</u>	3608 3609
<u>(ii) Twelve years when the most serious offense is a felony of the second degree;</u>	3610 3611
<u>(iii) Eight years when the most serious offense is a felony of the third degree;</u>	3612 3613
<u>(iv) Three years when the most serious offense is a felony of the fourth degree;</u>	3614 3615
<u>(v) Two years when the most serious offense is a felony of the fifth degree.</u>	3616 3617
<u>(I) A judgment or final order of a court of appeals under this section may be appealed, by leave of court, to the supreme court.</u>	3618 3619 3620
Sec. 2967.14. (A) The department of rehabilitation and correction or the adult parole authority may require or allow a parolee, a releasee, or a prisoner otherwise released from a state correctional institution to reside in a halfway house or other suitable community residential center that has been licensed by the division of parole and community services pursuant to division (C) of this section <u>or, in the circumstances described in division (E) of section 5120.113 of the Revised Code, in the reentry program and facility established under that division,</u> during a part or for the entire period of the offender's or parolee's conditional release or of	3621 3622 3623 3624 3625 3626 3627 3628 3629 3630 3631

the releasee's term of post-release control. The court of common 3632
pleas that placed an offender under a sanction consisting of a 3633
term in a halfway house or in an alternative residential 3634
sanction may require the offender to reside in a halfway house 3635
or other suitable community residential center that is 3636
designated by the court and that has been licensed by the 3637
division pursuant to division (C) of this section during a part 3638
or for the entire period of the offender's residential sanction. 3639

(B) The division of parole and community services may 3640
negotiate and enter into agreements with any public or private 3641
agency or a department or political subdivision of the state 3642
that operates a halfway house, reentry center, or community 3643
residential center that has been licensed by the division 3644
pursuant to division (C) of this section. An agreement under 3645
this division shall provide for the purchase of beds, shall set 3646
limits of supervision and levels of occupancy, and shall 3647
determine the scope of services for all eligible offenders, 3648
including those subject to a residential sanction, as defined in 3649
rules adopted by the director of rehabilitation and correction 3650
in accordance with Chapter 119. of the Revised Code, or those 3651
released from prison without supervision. The payments for beds 3652
and services shall not exceed the total operating costs of the 3653
halfway house, reentry center, or community residential center 3654
during the term of an agreement. The director of rehabilitation 3655
and correction shall adopt rules in accordance with Chapter 119. 3656
of the Revised Code for determining includable and excludable 3657
costs and income to be used in computing the agency's average 3658
daily per capita costs with its facility at full occupancy. 3659

The director of rehabilitation and correction shall adopt 3660
rules providing for the use of no more than fifteen per cent of 3661
the amount appropriated to the department each fiscal year for 3662

the halfway house, reentry center, and community residential 3663
center program to pay for contracts with licensed halfway houses 3664
for nonresidential services for offenders under the supervision 3665
of the adult parole authority, including but not limited to, 3666
offenders supervised pursuant to an agreement entered into by 3667
the adult parole authority and a court of common pleas under 3668
section 2301.32 of the Revised Code. The nonresidential services 3669
may include, but are not limited to, treatment for substance 3670
abuse, mental health counseling, counseling for sex offenders, 3671
electronic monitoring services, aftercare, and other 3672
nonresidential services that the director identifies by rule. 3673

(C) The division of parole and community services may 3674
license a halfway house, reentry center, or community 3675
residential center as a suitable facility for the care and 3676
treatment of adult offenders, including offenders sentenced 3677
under section 2929.16 or 2929.26 of the Revised Code, only if 3678
the halfway house, reentry center, or community residential 3679
center complies with the standards that the division adopts in 3680
accordance with Chapter 119. of the Revised Code for the 3681
licensure of halfway houses, reentry centers, and community 3682
residential centers. The division shall annually inspect each 3683
licensed halfway house, licensed reentry center, and licensed 3684
community residential center to determine if it is in compliance 3685
with the licensure standards. 3686

(D) The division of parole and community services may 3687
expend up to one-half per cent of the annual appropriation made 3688
for halfway house programs, for goods or services that benefit 3689
those programs. 3690

Sec. 2967.191. (A) The department of rehabilitation and 3691
correction shall reduce the prison term of a prisoner, as 3692

described in division (B) of this section, by the total number 3693
of days that the prisoner was confined for any reason arising 3694
out of the offense for which the prisoner was convicted and 3695
sentenced, including confinement in lieu of bail while awaiting 3696
trial, confinement for examination to determine the prisoner's 3697
competence to stand trial or sanity, confinement while awaiting 3698
transportation to the place where the prisoner is to serve the 3699
prisoner's prison term, as determined by the sentencing court 3700
under division (B) (2) (g) (i) of section 2929.19 of the Revised 3701
Code, and confinement in a juvenile facility. The department of 3702
rehabilitation and correction also shall reduce the stated 3703
prison term of a prisoner or, if the prisoner is serving a term 3704
for which there is parole eligibility, the minimum and maximum 3705
term or the parole eligibility date of the prisoner by the total 3706
number of days, if any, that the prisoner previously served in 3707
the custody of the department of rehabilitation and correction 3708
arising out of the offense for which the prisoner was convicted 3709
and sentenced. 3710

(B) The reductions described in division (A) of this 3711
section shall be made to the following prison terms, as 3712
applicable: 3713

(1) The definite prison term of a prisoner serving a 3714
definite prison term as a stated prison term; 3715

(2) The minimum ~~and maximum~~ term of a prisoner serving a 3716
non-life felony indefinite prison term as a stated prison term; 3717

(3) The minimum and maximum term or the parole eligibility 3718
date of a prisoner serving a term for which there is parole 3719
eligibility. 3720

Sec. 2967.193. (A) (1) Except as provided in division (C) 3721

of this section and subject to the maximum aggregate total 3722
specified in division (A) (3) of this section, a person confined 3723
in a state correctional institution or placed in the substance 3724
use disorder treatment program may provisionally earn one day or 3725
five days of credit, based on the category set forth in division 3726
(D) (1), (2), (3), (4), or (5) of this section in which the 3727
person is included, toward satisfaction of the person's stated 3728
prison term, as described in division (F) of this section, for 3729
each completed month during which the person, if confined in a 3730
state correctional institution, productively participates in an 3731
education program, vocational training, employment in prison 3732
industries, treatment for substance abuse, or any other 3733
constructive program developed by the department with specific 3734
standards for performance by prisoners or during which the 3735
person, if placed in the substance use disorder treatment 3736
program, productively participates in the program. Except as 3737
provided in division (C) of this section and subject to the 3738
maximum aggregate total specified in division (A) (3) of this 3739
section, a person so confined in a state correctional 3740
institution who successfully completes two programs or 3741
activities of that type may, in addition, provisionally earn up 3742
to five days of credit toward satisfaction of the person's 3743
stated prison term, as described in division (F) of this 3744
section, for the successful completion of the second program or 3745
activity. The person shall not be awarded any provisional days 3746
of credit for the successful completion of the first program or 3747
activity or for the successful completion of any program or 3748
activity that is completed after the second program or activity. 3749
At the end of each calendar month in which a person productively 3750
participates in a program or activity listed in this division or 3751
successfully completes a program or activity listed in this 3752
division, the department of rehabilitation and correction shall 3753

determine and record the total number of days credit that the 3754
person provisionally earned in that calendar month. If the 3755
person in a state correctional institution violates prison rules 3756
or the person in the substance use disorder treatment program 3757
violates program or department rules, the department may deny 3758
the person a credit that otherwise could have been provisionally 3759
awarded to the person or may withdraw one or more credits 3760
previously provisionally earned by the person. Days of credit 3761
provisionally earned by a person shall be finalized and awarded 3762
by the department subject to administrative review by the 3763
department of the person's conduct. 3764

(2) Unless a person is serving a mandatory prison term or 3765
a prison term for an offense of violence or a sexually oriented 3766
offense, and notwithstanding the maximum aggregate total 3767
specified in division (A) (3) of this section, a person who 3768
successfully completes any of the following shall earn ninety 3769
days of credit toward satisfaction of the person's stated prison 3770
term or a ten per cent reduction of the person's stated prison 3771
term, whichever is less: 3772

(a) An Ohio high school diploma or Ohio certificate of 3773
high school equivalence certified by the Ohio central school 3774
system; 3775

(b) A therapeutic drug community program; 3776

(c) All three phases of the department of rehabilitation 3777
and correction's intensive outpatient drug treatment program; 3778

(d) A career technical vocational school program; 3779

(e) A college certification program; 3780

(f) The criteria for a certificate of achievement and 3781
employability as specified in division (A) (1) of section 2961.22 3782

of the Revised Code. 3783

(3) Except for persons described in division (A)(2) of 3784
this section, the aggregate days of credit provisionally earned 3785
by a person for program or activity participation and program 3786
and activity completion under this section and the aggregate 3787
days of credit finally credited to a person under this section 3788
shall not exceed eight per cent of the total number of days in 3789
the person's stated prison term. 3790

(B) The department of rehabilitation and correction shall 3791
adopt rules that specify the programs or activities for which 3792
credit may be earned under this section, the criteria for 3793
determining productive participation in, or completion of, the 3794
programs or activities and the criteria for awarding credit, 3795
including criteria for awarding additional credit for successful 3796
program or activity completion, and the criteria for denying or 3797
withdrawing previously provisionally earned credit as a result 3798
of a violation of prison rules, or program or department rules, 3799
whichever is applicable. 3800

(C) No person confined in a state correctional institution 3801
or placed in a substance use disorder treatment program to whom 3802
any of the following applies shall be awarded any days of credit 3803
under division (A) of this section: 3804

(1) The person is serving a prison term that section 3805
2929.13 or section 2929.14 of the Revised Code specifies cannot 3806
be reduced pursuant to this section or this chapter or is 3807
serving a sentence for which section 2967.13 or division (B) of 3808
section 2929.143 of the Revised Code specifies that the person 3809
is not entitled to any earned credit under this section. 3810

(2) The person is sentenced to death or is serving a 3811

prison term or a term of life imprisonment for aggravated 3812
murder, murder, or a conspiracy or attempt to commit, or 3813
complicity in committing, aggravated murder or murder. 3814

(3) The person is serving a sentence of life imprisonment 3815
without parole imposed pursuant to section 2929.03 or 2929.06 of 3816
the Revised Code, a prison term or a term of life imprisonment 3817
without parole imposed pursuant to section 2971.03 of the 3818
Revised Code, or a sentence for a sexually oriented offense that 3819
was committed on or after September 30, 2011. 3820

(D) This division does not apply to a determination of 3821
whether a person confined in a state correctional institution or 3822
placed in a substance use disorder treatment program may earn 3823
any days of credit under division (A) of this section for 3824
successful completion of a second program or activity. The 3825
determination of whether a person confined in a state 3826
correctional institution may earn one day of credit or five days 3827
of credit under division (A) of this section for each completed 3828
month during which the person productively participates in a 3829
program or activity specified under that division shall be made 3830
in accordance with the following: 3831

(1) The offender may earn one day of credit under division 3832
(A) of this section, except as provided in division (C) of this 3833
section, if the most serious offense for which the offender is 3834
confined is any of the following that is a felony of the first 3835
or second degree: 3836

(a) A violation of division (A) of section 2903.04 or of 3837
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 3838
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 3839
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.15, 2919.151, 3840
2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, 3841

or 2927.24 of the Revised Code; 3842

(b) A conspiracy or attempt to commit, or complicity in 3843
committing, any other offense for which the maximum penalty is 3844
imprisonment for life or any offense listed in division (D)(1) 3845
(a) of this section. 3846

(2) The offender may earn one day of credit under division 3847
(A) of this section, except as provided in division (C) of this 3848
section, if the offender is serving a stated prison term that 3849
includes a prison term imposed for a sexually oriented offense 3850
that the offender committed prior to September 30, 2011. 3851

(3) The offender may earn one day of credit under division 3852
(A) of this section, except as provided in division (C) of this 3853
section, if the offender is serving a stated prison term that 3854
includes a prison term imposed for a felony other than carrying 3855
a concealed weapon an essential element of which is any conduct 3856
or failure to act expressly involving any deadly weapon or 3857
dangerous ordnance. 3858

(4) Except as provided in division (C) of this section, if 3859
the most serious offense for which the offender is confined is a 3860
felony of the first or second degree and divisions (D)(1), (2), 3861
and (3) of this section do not apply to the offender, the 3862
offender may earn one day of credit under division (A) of this 3863
section if the offender committed that offense prior to 3864
September 30, 2011, and the offender may earn five days of 3865
credit under division (A) of this section if the offender 3866
committed that offense on or after September 30, 2011. 3867

(5) Except as provided in division (C) of this section, if 3868
the most serious offense for which the offender is confined is a 3869
felony of the third, fourth, or fifth degree or an unclassified 3870

felony and neither division (D) (2) nor (3) of this section 3871
applies to the offender, the offender may earn one day of credit 3872
under division (A) of this section if the offender committed 3873
that offense prior to September 30, 2011, and the offender may 3874
earn five days of credit under division (A) of this section if 3875
the offender committed that offense on or after September 30, 3876
2011. 3877

(E) The department annually shall seek and consider the 3878
written feedback of the Ohio prosecuting attorneys association, 3879
the Ohio judicial conference, the Ohio public defender, the Ohio 3880
association of criminal defense lawyers, and other organizations 3881
and associations that have an interest in the operation of the 3882
corrections system and the earned credits program under this 3883
section as part of its evaluation of the program and in 3884
determining whether to modify the program. 3885

(F) Days of credit awarded under this section shall be 3886
applied toward satisfaction of a person's stated prison term as 3887
follows: 3888

(1) Toward the definite prison term of a prisoner serving 3889
a definite prison term as a stated prison term; 3890

(2) Toward the minimum and maximum terms of a prisoner 3891
serving ~~an a non-life felony~~ indefinite prison term imposed 3892
under division (A) (1) (a) or (2) (a) of section 2929.14 of the 3893
Revised Code for a felony of the first or second degree 3894
committed on or after ~~the effective date of this amendment~~ March 3895
22, 2019. 3896

(G) As used in this section: 3897

(1) "Sexually oriented offense" has the same meaning as in 3898
section 2950.01 of the Revised Code. 3899

(2) "Substance use disorder treatment program" means the
substance use disorder treatment program established by the
department of rehabilitation and correction under section
5120.035 of the Revised Code.

Sec. 2967.271. (A) As used in this section:

(1) "Offender's minimum prison term" means the minimum
prison term imposed on an offender under a non-life felony
indefinite prison term, diminished as provided in section
2967.191 or 2967.193 of the Revised Code or in any other
provision of the Revised Code, other than division (F) of this
section, that provides for diminution or reduction of an
offender's sentence.

(2) "Offender's aggregate minimum prison term" means the
sum of all minimum prison terms imposed on an offender under a
non-life felony indefinite prison term and all definite terms
imposed on the offender, and that are sentenced to be served
consecutively to one another or combined under division (C)(10)
of section 2929.14 of the Revised Code as part of a non-life
felony indefinite prison term diminished as provided in section
2967.191 or 2967.193 of the Revised Code or in any other
provision of the Revised Code, other than division (F) of this
section, that provides for diminution or reduction of an
offender's sentence.

(3) "Maximum prison term" has the same meaning as in
section 2929.01 of the Revised Code.

(4) "Offender's aggregate maximum prison term" means the
sum of all maximum prison terms imposed on an offender and
sentenced to be served consecutively to one another or combined
under division (C)(10) of section 2929.14 of the Revised Code as

part of a non-life felony indefinite sentence. 3929

(5) "Offender's presumptive earned early release date" 3930
means the date that is determined under the procedures described 3931
in division (F) of this section by the reduction, if any, of an 3932
offender's minimum prison term or an offender's aggregate 3933
minimum prison term by the sentencing court and the crediting of 3934
that reduction toward the satisfaction of the minimum term or 3935
aggregate minimum term. 3936

~~(3)~~ (6) "Rehabilitative programs and activities" means 3937
education programs, vocational training, employment in prison 3938
industries, treatment for substance abuse, or other constructive 3939
programs developed by the department of rehabilitation and 3940
correction with specific standards for performance by prisoners. 3941

~~(4)~~ (7) "Security level" means the security level in which 3942
an offender is classified under the inmate classification level 3943
system of the department of rehabilitation and correction that 3944
then is in effect. 3945

~~(5)~~ (8) "Sexually oriented offense" has the same meaning 3946
as in section 2950.01 of the Revised Code. 3947

(B) When an offender is sentenced to a non-life felony 3948
indefinite prison term, there shall be a presumption that the 3949
person shall be released from service of the sentence on the 3950
earlier of the following: 3951

(1) The expiration of the offender's minimum prison term 3952
or on the offender's aggregate minimum prison term if the 3953
offender is subject to an aggregate minimum prison term; 3954

(2) The offender's presumptive earned early release date, 3955
~~whichever is earlier.~~ 3956

(C) The presumption established under division (B) of this section is a rebuttable presumption that the department of rehabilitation and correction may rebut as provided in this division. Unless the department rebuts the presumption, the offender shall be released from service of the sentence on the ~~expiration of the offender's minimum prison term or on the offender's presumptive earned early release date, whichever is earlier~~ established in division (B) of this section. The department may rebut the presumption only if the department determines, at a hearing, that one or more of the following applies:

(1) Regardless of the security level in which the offender is classified at the time of the hearing, both of the following apply:

(a) During the offender's incarceration, the offender committed institutional rule infractions that involved compromising the security of a state correctional institution, compromising the safety of the staff of a state correctional institution or its inmates, or physical harm or the threat of physical harm to the staff of a state correctional institution or its inmates, or committed a violation of law that was not prosecuted, and the infractions or violations demonstrate that the offender has not been rehabilitated.

(b) The offender's behavior while incarcerated, including, but not limited to the infractions and violations specified in division (C)(1)(a) of this section, demonstrate that the offender continues to pose a threat to society.

(2) Regardless of the security level in which the offender is classified at the time of the hearing, the offender has been placed by the department in extended restrictive housing at any

time within the year preceding the date of the hearing. 3987

(3) At the time of the hearing, the offender is classified 3988
by the department as a security level three, four, or five, or 3989
at a higher security level. 3990

(D) (1) If the department of rehabilitation and correction, 3991
pursuant to division (C) of this section, rebuts the presumption 3992
established under division (B) of this section, the department 3993
may maintain the offender's incarceration in a state 3994
correctional institution under the sentence after the ~~expiration~~ 3995
~~of the offender's minimum prison term or, for offenders who have~~ 3996
~~a presumptive earned early release date, after the offender's~~ 3997
~~presumptive earned early release date~~ established in division 3998
(B) of this section. The department may maintain the offender's 3999
incarceration under this division for an additional period of 4000
incarceration determined by the department. The additional 4001
period of incarceration shall be a reasonable period determined 4002
by the department, shall be specified by the department, and 4003
shall not exceed the ~~offender's maximum prison term or aggregate~~ 4004
maximum prison term to which the offender is subject and that 4005
was imposed by the sentencing court. 4006

(2) If the department maintains an offender's 4007
incarceration for an additional period under division (D) (1) of 4008
this section, there shall be a presumption that the offender 4009
shall be released on the expiration of the ~~offender's minimum~~ 4010
~~prison term plus the~~ additional period of incarceration 4011
specified by the department as provided under that division ~~or,~~ 4012
~~for offenders who have a presumptive earned early release date,~~ 4013
~~on the expiration of the additional period of incarceration to~~ 4014
~~be served after the offender's presumptive earned early release~~ 4015
~~date that is specified by the department as provided under that~~ 4016

~~division. The presumption is a rebuttable presumption that the department may rebut, but only if it conducts a hearing and makes the determinations specified in division (C) of this section, and if the department rebuts the presumption, it may maintain the offender's incarceration in a state correctional institution for an additional period determined as specified in division (D)(1) of this section. Unless the department rebuts the presumption at the hearing, the offender shall be released from service of the sentence on the expiration of the offender's minimum prison term plus the additional period of incarceration specified by the department or, for offenders who have a presumptive earned early release date, on the expiration of the additional period of incarceration to be served after the offender's presumptive earned early release date as specified by the department.~~

(3) The provisions of this division regarding the establishment of a rebuttable presumption, the department's rebuttal of the presumption, and the department's maintenance of an offender's incarceration for an additional period of incarceration apply, and may be utilized more than one time, during the remainder of the offender's incarceration. If the offender has not been released under division (C) or (D)(2) of this section or this division prior to the expiration of the offender's maximum prison term imposed as part of the offender's non-life felony indefinite prison term or aggregate maximum prison term to which the offender is subject, the offender shall be released upon the expiration of that maximum term or aggregate maximum term. If the offender is subject to an aggregate maximum prison term, the department shall rebut the presumption as provided in division (C) of this section at least once before commencing each portion of the aggregate maximum

prison term that is attributable to an individual maximum prison 4048
term that was aggregated under division (C) (10) (b) of section 4049
2929.14 of the Revised Code. For purposes of this section, the 4050
individual maximum prison term portions of an aggregate maximum 4051
prison term shall be served in the same order as the 4052
corresponding minimum prison term portions were served as part 4053
of the aggregate minimum prison term. 4054

(E) The department shall provide notices of hearings to be 4055
conducted under division (C) or (D) of this section in the same 4056
manner, and to the same persons, as specified in section 2967.12 4057
and Chapter 2930. of the Revised Code with respect to hearings 4058
to be conducted regarding the possible release on parole of an 4059
inmate. 4060

(F) (1) The director of the department of rehabilitation 4061
and correction may notify the sentencing court in writing that 4062
the director is recommending that the court grant a reduction in 4063
the minimum prison term imposed on a specified offender who is 4064
serving a non-life felony indefinite prison term and who is 4065
eligible under division (F) (8) of this section for such a 4066
reduction, due to the offender's exceptional conduct while 4067
incarcerated or the offender's adjustment to incarceration. If 4068
the director wishes to recommend such a reduction for an 4069
offender, the director shall send the notice to the court not 4070
earlier than ninety days prior to the date on which the director 4071
wishes to credit the reduction toward the satisfaction of the 4072
offender's minimum prison term. If the director recommends such 4073
a reduction for an offender, there shall be a presumption that 4074
the court shall grant the recommended reduction to the offender. 4075
The presumption established under this division is a rebuttable 4076
presumption that may be rebutted as provided in division (F) (4) 4077
of this section. 4078

The director shall include with the notice sent to a court 4079
under this division an institutional summary report that covers 4080
the offender's participation while confined in a state 4081
correctional institution in rehabilitative programs and 4082
activities and any disciplinary action taken against the 4083
offender while so confined, and any other documentation 4084
requested by the court, if available. 4085

The notice the director sends to a court under this 4086
division shall do all of the following: 4087

(a) Identify the offender; 4088

(b) Specify the length of the recommended reduction, which 4089
shall be for five to fifteen per cent of the offender's minimum 4090
term determined in accordance with rules adopted by the 4091
department under division (F)(7) of this section; 4092

(c) Specify the reason or reasons that qualify the 4093
offender for the recommended reduction; 4094

(d) Inform the court of the rebuttable presumption and 4095
that the court must either approve or, if the court finds that 4096
the presumption has been rebutted, disapprove of the recommended 4097
reduction, and that if it approves of the recommended reduction, 4098
it must grant the reduction; 4099

(e) Inform the court that it must notify the department of 4100
its decision as to approval or disapproval not later than sixty 4101
days after receipt of the notice from the director. 4102

(2) When the director, under division (F)(1) of this 4103
section, submits a notice to a sentencing court that the 4104
director is recommending that the court grant a reduction in the 4105
minimum prison term imposed on an offender serving a non-life 4106
felony indefinite prison term, the department promptly shall 4107

provide to the prosecuting attorney of the county in which the 4108
offender was indicted a copy of the written notice, a copy of 4109
the institutional summary report described in that division, and 4110
any other information provided to the court. 4111

(3) Upon receipt of a notice submitted by the director 4112
under division (F)(1) of this section, the court shall schedule 4113
a hearing to consider whether to grant the reduction in the 4114
minimum prison term imposed on the specified offender that was 4115
recommended by the director or to find that the presumption has 4116
been rebutted and disapprove the recommended reduction. Upon 4117
scheduling the hearing, the court promptly shall give notice of 4118
the hearing to the prosecuting attorney of the county in which 4119
the offender was indicted and to the department. The notice 4120
shall inform the prosecuting attorney that the prosecuting 4121
attorney may submit to the court, prior to the date of the 4122
hearing, written information relevant to the recommendation and 4123
may present at the hearing written information and oral 4124
information relevant to the recommendation. 4125

Upon receipt of the notice from the court, the prosecuting 4126
attorney shall notify the victim of the offender or the victim's 4127
representative of the recommendation by the director, the date, 4128
time, and place of the hearing, the fact that the victim may 4129
submit to the court, prior to the date of the hearing, written 4130
information relevant to the recommendation, and the address and 4131
procedure for submitting the information. 4132

(4) At the hearing scheduled under division (F)(3) of this 4133
section, the court shall afford the prosecuting attorney an 4134
opportunity to present written information and oral information 4135
relevant to the director's recommendation. In making its 4136
determination as to whether to grant or disapprove the reduction 4137

in the minimum prison term imposed on the specified offender 4138
that was recommended by the director, the court shall consider 4139
any report and other documentation submitted by the director, 4140
any information submitted by a victim, any information submitted 4141
or presented at the hearing by the prosecuting attorney, and all 4142
of the factors set forth in divisions (B) to (D) of section 4143
2929.12 of the Revised Code that are relevant to the offender's 4144
offense and to the offender. 4145

Unless the court, after considering at the hearing the 4146
specified reports, documentation, information, and relevant 4147
factors, finds that the presumption that the recommended 4148
reduction shall be granted has been rebutted and disapproves the 4149
recommended reduction, the court shall grant the recommended 4150
reduction. The court may disapprove the recommended reduction 4151
only if, after considering at the hearing the specified reports, 4152
documentation, information, and relevant factors, it finds that 4153
the presumption that the reduction shall be granted has been 4154
rebutted. The court may find that the presumption has been 4155
rebutted and disapprove the recommended reduction only if it 4156
determines at the hearing that one or more of the following 4157
applies: 4158

(a) Regardless of the security level in which the offender 4159
is classified at the time of the hearing, during the offender's 4160
incarceration, the offender committed institutional rule 4161
infractions that involved compromising the security of a state 4162
correctional institution, compromising the safety of the staff 4163
of a state correctional institution or its inmates, or physical 4164
harm or the threat of physical harm to the staff of a state 4165
correctional institution or its inmates, or committed a 4166
violation of law that was not prosecuted, and the infractions or 4167
violations demonstrate that the offender has not been 4168

rehabilitated. 4169

(b) The offender's behavior while incarcerated, including, 4170
but not limited to, the infractions and violations specified in 4171
division (F) (4) (a) of this section, demonstrates that the 4172
offender continues to pose a threat to society. 4173

(c) At the time of the hearing, the offender is classified 4174
by the department as a security level three, four, or five, or 4175
at a higher security level. 4176

(d) During the offender's incarceration, the offender did 4177
not productively participate in a majority of the rehabilitative 4178
programs and activities recommended by the department for the 4179
offender, or the offender participated in a majority of such 4180
recommended programs or activities but did not successfully 4181
complete a reasonable number of the programs or activities in 4182
which the offender participated. 4183

(e) After release, the offender will not be residing in a 4184
halfway house, reentry center, or community residential center 4185
licensed under division (C) of section 2967.14 of the Revised 4186
Code and, after release, does not have any other place to reside 4187
at a fixed residence address. 4188

(5) If the court pursuant to division (F) (4) of this 4189
section finds that the presumption that the recommended 4190
reduction in the offender's minimum prison term has been 4191
rebutted and disapproves the recommended reduction, the court 4192
shall notify the department of the disapproval not later than 4193
sixty days after receipt of the notice from the director. The 4194
court shall specify in the notification the reason or reasons 4195
for which it found that the presumption was rebutted and 4196
disapproved the recommended reduction. The court shall not 4197

reduce the offender's minimum prison term, and the department 4198
shall not credit the amount of the disapproved reduction toward 4199
satisfaction of the offender's minimum prison term. 4200

If the court pursuant to division (F)(4) of this section 4201
grants the recommended reduction of the offender's minimum 4202
prison term, the court shall notify the department of the grant 4203
of the reduction not later than sixty days after receipt of the 4204
notice from the director, the court shall reduce the offender's 4205
minimum prison term in accordance with the recommendation 4206
submitted by the director, and the department shall credit the 4207
amount of the reduction toward satisfaction of the offender's 4208
minimum prison term. 4209

Upon deciding whether to disapprove or grant the 4210
recommended reduction of the offender's minimum prison term, the 4211
court shall notify the prosecuting attorney of the decision and 4212
the prosecuting attorney shall notify the victim or victim's 4213
representative of the court's decision. 4214

(6) If the court under division (F)(5) of this section 4215
grants the reduction in the minimum prison term imposed on an 4216
offender that was recommended by the director and reduces the 4217
offender's minimum prison term, the date determined by the 4218
department's crediting of the reduction toward satisfaction of 4219
the offender's minimum prison term is the offender's presumptive 4220
earned early release date. 4221

(7) The department of rehabilitation and correction by 4222
rule shall specify both of the following for offenders serving a 4223
non-life felony indefinite prison term: 4224

(a) The type of exceptional conduct while incarcerated and 4225
the type of adjustment to incarceration that will qualify an 4226

offender serving such a prison term for a reduction under 4227
divisions (F) (1) to (6) of this section of the minimum prison 4228
term imposed on the offender under the non-life felony 4229
indefinite prison term. 4230

(b) The per cent of reduction that it may recommend for, 4231
and that may be granted to, an offender serving such a prison 4232
term under divisions (F) (1) to (6) of this section, based on the 4233
offense level of the offense for which the prison term was 4234
imposed, with the department specifying the offense levels used 4235
for purposes of this division and assigning a specific 4236
percentage reduction within the range of five to fifteen per 4237
cent for each such offense level. 4238

(8) Divisions (F) (1) to (6) of this section do not apply 4239
with respect to an offender serving a non-life felony indefinite 4240
prison term for a sexually oriented offense, and no offender 4241
serving such a prison term for a sexually oriented offense is 4242
eligible to be recommended for or granted, or may be recommended 4243
for or granted, a reduction under those divisions in the 4244
offender's minimum prison term imposed under that non-life 4245
felony indefinite prison term. 4246

(G) If an offender is sentenced to a non-life felony 4247
indefinite prison term, any reference in a section of the 4248
Revised Code to a definite prison term shall be construed as 4249
referring to the offender's minimum term under that sentence 4250
plus any additional period of time of incarceration specified by 4251
the department under division (D) (1) or (2) of this section, 4252
except to the extent otherwise specified in the section or to 4253
the extent that that construction clearly would be 4254
inappropriate. 4255

Sec. 5120.021. (A) The provisions of Chapter 5120. of the 4256

Revised Code, as they existed prior to July 1, 1996, and that 4257
address the duration or potential duration of incarceration or 4258
parole or other forms of supervised release, apply to all 4259
persons upon whom a court imposed a term of imprisonment prior 4260
to July 1, 1996, and all persons upon whom a court, on or after 4261
July 1, 1996, and in accordance with law existing prior to July 4262
1, 1996, imposed a term of imprisonment for an offense that was 4263
committed prior to July 1, 1996. 4264

(B) (1) The provisions of Chapter 5120. of the Revised 4265
Code, as they exist on or after July 1, 1996, and that address 4266
the duration or potential duration of incarceration or 4267
supervised release, apply to all persons upon whom a court 4268
imposed a stated prison term for an offense committed on or 4269
after July 1, 1996. 4270

(2) The provisions of Chapter 5120. of the Revised Code, 4271
as they exist on or after ~~the effective date of this amendment~~ 4272
March 22, 2019, and prior to the effective date of this 4273
amendment, apply to an offender who is released from confinement 4274
in a state correctional institution on or after ~~that date~~ March 4275
22, 2019, and prior to the effective date of this amendment. 4276

(3) The provisions of Chapter 5120. of the Revised Code, 4277
as they exist on or after the effective date of this amendment, 4278
apply to an offender who is released from confinement in a state 4279
correctional institution on or after that date. 4280

(C) Nothing in this section limits or affects the 4281
applicability of any provision in Chapter 5120. of the Revised 4282
Code, as amended or enacted on or after July 1, 1996, that 4283
pertains to an issue other than the duration or potential 4284
duration of incarceration or supervised release, to persons in 4285
custody or under the supervision of the department of 4286

rehabilitation and correction. 4287

Sec. 5120.038. (A) As used in this section~~7~~: 4288

(1) "GPS-monitored offender" means an offender who, on or 4289
after the effective date of ~~divisions (C) to (E) of~~ this 4290
section, is released from confinement in a state correctional 4291
institution under a conditional pardon, parole, other form of 4292
authorized release, or transitional control that includes global 4293
positioning system monitoring as a condition of the person's 4294
release, or who, on or after that date, is placed under post- 4295
release control that includes global positioning system 4296
monitoring as a condition under the post-release control. 4297

(2) "Law enforcement automated data system" means the law 4298
enforcement automated data system, also known as LEADS, 4299
established under section 5503.10 of the Revised Code. 4300

(3) "Secondary entity" means an entity under contract with 4301
a third-party contract administrator with which the department 4302
of rehabilitation and correction has entered into a contract for 4303
global positioning system monitoring of GPS-monitored offenders. 4304

(B) Not later than ~~June 30, 2019~~December 31, 2022, the 4305
department of rehabilitation and correction shall ~~study the~~ 4306
~~feasibility of contracting with a third party contract~~ 4307
~~administrator for global position system monitoring that would~~ 4308
~~include a crime scene correlation program that could interface~~ 4309
~~by link with a statewide database for GPS-monitored offenders.~~ 4310
The study also shall ~~analyze~~ conduct a study that analyzes the 4311
use of GPS monitoring as a supervision tool. In ~~conducting the~~ 4312
~~study, the department shall consider all of the following~~ 4313
~~factors:~~ 4314

~~(1) The ability of the department or another state entity~~ 4315

~~to establish and operate a statewide internet database of GPS-monitored offenders and the specific information that such a database could include.~~ 4316
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~~(2) The capability for a GPS monitoring system run by a third-party contract administrator to include a crime scene-correlation program that interfaces by link with a statewide database of GPS-monitored offenders.~~ 4319
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~~(3) The ability of local law enforcement representatives to remotely search a statewide internet database of GPS-monitored offenders that is linked with a crime scene-correlation program.~~ 4323
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~~(4) The capability for a GPS monitoring system with crime-scene correlation features to allow local law enforcement representatives without a subpoena or warrant to access information contained in the crime scene correlation program about a GPS-monitored offender, including the offender's current location, the offender's location at previous points in time, the location of recent criminal activity in or near the offender's inclusionary or exclusionary zones included as restrictions under the offender's supervision, and any possible connection between the offender's location and that recent criminal activity.~~ 4327
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~~(5) The ability of law enforcement representatives to obtain, without a warrant or subpoena, information about a GPS-monitored offender from either an employee of the department or a third-party contract administrator who is monitoring the offender, including information of the types listed in division (B)(4) of this section.~~ 4338
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~~(6) The types of offenders for whom GPS monitoring would~~ 4344

~~be beneficial, the appropriate length for monitoring, and the~~ 4345
~~costs related to GPS monitoring.~~ 4346

~~(C)~~ Upon completion of the study specified in this 4347
~~division (B) of this section,~~ the department shall submit copies 4348
of the study to the president and minority leader of the senate, 4349
the speaker and minority leader of the house of representatives, 4350
and the governor. 4351

(C) (1) On and after the effective date of this amendment, 4352
each global positioning system monitor that is used to monitor a 4353
GPS-monitored offender shall specify and monitor restrictions 4354
for the offender. The restrictions shall include for the 4355
offender inclusionary zones and, to the extent necessary, 4356
exclusionary zones, and may include for the offender a curfew 4357
specifying times of required presence in the inclusionary zone 4358
and any other reasonable restrictions. 4359

(2) Each contract that the department of rehabilitation 4360
and correction enters into on or after the effective date of 4361
this amendment with a third-party contract administrator for 4362
global positioning system monitoring of GPS-monitored offenders 4363
shall require all of the following: 4364

(a) That the global positioning system used by the 4365
administrator, or by any secondary entity under contract with 4366
the administrator to perform the actual monitoring of the 4367
offender, include a crime scene correlation program to which 4368
access can be obtained as described in division (E) (2) of this 4369
section; 4370

(b) That the crime scene correlation program included in 4371
the administrator's system, or in the system of a secondary 4372
entity under contract with the administrator to perform the 4373

actual monitoring of the offender, will allow local law 4374
enforcement representatives or their designees to obtain, 4375
without need for a subpoena or warrant, real-time access or 4376
active global positioning system access to information contained 4377
in the program about a GPS-monitored offender's location at that 4378
time and, to the extent that it is available, at other previous 4379
points in time identified by the representative or designee, 4380
about the location of recent criminal activity in or near the 4381
offender's inclusionary or exclusionary zones, and about any 4382
possible connection between the offender's location and that 4383
recent criminal activity; 4384

(c) That the administrator, or the secondary entity under 4385
contract with the administrator to perform the actual monitoring 4386
of the offender, allow access to the crime scene correlation 4387
program included in the administrator's or secondary entity's 4388
system to law enforcement representatives as described in 4389
division (E) (2) of this section; 4390

(d) That the global positioning system used by the 4391
administrator, or by any secondary entity under contract with 4392
the administrator to perform the actual monitoring of the 4393
offender, be monitored continuously and that the access 4394
described in divisions (C) (2) (b) and (c) of this section be 4395
afforded twenty-four hours a day and seven days a week. 4396

(D) (1) On and after the effective date of this amendment, 4397
any third-party contract administrator used for global 4398
positioning system monitoring of a GPS-monitored offender, and 4399
any secondary entity under contract with such a third-party 4400
contract administrator to perform the actual monitoring of a 4401
GPS-monitored offender, shall comply in the monitoring of the 4402
offender with system requirements of the department of 4403

rehabilitation and correction that exist on that date for global 4404
positioning system monitoring of such offenders. 4405

(2) If, on the effective date of this amendment, the 4406
department of rehabilitation and correction has not established 4407
system requirements of the type described in division (D)(1) of 4408
this section, within a reasonable period of time after that 4409
effective date, the department shall establish system 4410
requirements for global positioning system monitoring of GPS- 4411
monitored offenders. After establishment of the requirements, 4412
the department, any third-party contract administrator used for 4413
global positioning system monitoring, and any secondary entity 4414
under contract with such a third-party contract administrator to 4415
perform the actual monitoring of a GPS-monitored offender, shall 4416
comply with the established system requirements in the 4417
monitoring of a GPS-monitored offender. 4418

(E)(1)(a) As soon as possible after, but not later than 4419
twelve months after, the effective date of this amendment, the 4420
department of rehabilitation and correction shall adopt 4421
procedures that the department and third-party contract 4422
administrators that are being used for global positioning system 4423
monitoring of a GPS-monitored offender shall use to provide to 4424
the bureau of criminal identification and investigation the 4425
information specified in division (E)(3) of this section for 4426
each GPS-monitored offender being monitored by the department or 4427
administrator. 4428

(b) On and after the date on which the department of 4429
rehabilitation and correction adopts the procedures specified in 4430
division (E)(1)(a) of this section, the department shall provide 4431
to the bureau of criminal identification and investigation the 4432
information specified in division (E)(3) of this section for 4433

each GPS-monitored offender that is being monitored by the 4434
department, and each third-party contract administrator that is 4435
being used for global positioning system monitoring of a GPS- 4436
monitored offender shall provide to the bureau the information 4437
specified in division (E) (3) of this section for each GPS- 4438
monitored offender that is being monitored by the administrator. 4439
If the third-party contract administrator has contracted with a 4440
secondary entity to perform the actual monitoring of a GPS- 4441
monitored offender, the information the administrator provides 4442
to the bureau also shall include the information specified in 4443
division (E) (3) of this section for each GPS-monitored offender 4444
that is being monitored by the secondary entity. The department 4445
and each third-party administrator shall provide the information 4446
in accordance with the procedures adopted by the department 4447
under division (E) (1) (a) of this section. Upon receipt of such 4448
information, the bureau immediately shall enter the information 4449
into the law enforcement automated data system. The 4450
superintendent of the state highway patrol shall ensure that the 4451
law enforcement automated data system is so configured as to 4452
permit the entry into, and transmission through, the system of 4453
that information. 4454

(c) If any information the department of rehabilitation 4455
and correction provides under divisions (E) (1) (a) and (b) of 4456
this section to the bureau of criminal identification and 4457
investigation becomes inaccurate, the department immediately 4458
shall update the information so that it is current and accurate 4459
and immediately provide the updated information to the bureau. 4460
If any information a third-party contract administrator provides 4461
under divisions (E) (1) (a) and (b) of this section to the bureau 4462
of criminal identification and investigation, including any 4463
information with respect to a secondary entity under contract 4464

with the administrator, becomes inaccurate, the administrator 4465
immediately shall update the information so that it is current 4466
and accurate and immediately provide the updated information to 4467
the bureau. Upon receipt of such updated information, the bureau 4468
immediately shall enter the updated information into the law 4469
enforcement automated data system. 4470

(2) If a local law enforcement representative, through use 4471
of the law enforcement automated data system or in any other 4472
manner, learns the identity of, and contact information for, an 4473
employee of the department who is monitoring a GPS-monitored 4474
offender, the identity of, and contact information for, a third- 4475
party contract administrator that is being used for global 4476
positioning system monitoring of a GPS-monitored offender, or 4477
the identity of, and contact information for, a secondary entity 4478
under contract with such a third-party contract administrator to 4479
perform the actual monitoring of a GPS-monitored offender, the 4480
representative or another law enforcement officer designated by 4481
the representative may contact the employee, the administrator, 4482
or the secondary entity and, without need for a subpoena or 4483
warrant, request real-time access or active global positioning 4484
system access to information about the offender's location at 4485
that time and at other previous points in time identified by the 4486
representative or designee. Upon receipt of a request as 4487
described in this division, the employee of the department, the 4488
third-party contract administrator, or the secondary entity, 4489
without need for a subpoena or warrant, shall provide the 4490
representative or designee with the requested information 4491
regarding the offender's location at that time and, to the 4492
extent that it is available, at the other identified previous 4493
points in time. A request under this division also may request 4494
information that the employee, administrator, or secondary 4495

entity has obtained about the location of recent criminal 4496
activity in or near the GPS-monitored offender's inclusionary or 4497
exclusionary zones, and about any possible connection between 4498
the offender's location and that recent criminal activity, and, 4499
upon receipt of such a request, the employee, administrator, or 4500
secondary entity, without need for a subpoena or warrant, shall 4501
provide the representative or designee with that information to 4502
the extent that it is available. 4503

(3) The information to be entered into the law enforcement 4504
automated data system as required under division (E)(1) of this 4505
section shall include, for each GPS-monitored offender for whom 4506
the information is required, all of the following: 4507

(a) The offender's name; 4508

(b) The offense or offenses for which the offender is 4509
subject to global positioning system monitoring and the 4510
offender's other criminal history; 4511

(c) The offender's residence address; 4512

(d) The monitoring parameters and restrictions for the 4513
offender, including all inclusionary zones, exclusionary zones, 4514
and inclusionary zone curfews for the offender and all other 4515
restrictions placed on the offender; 4516

(e) The identity of, and contact information for, 4517
whichever of the following is applicable: 4518

(i) If an employee of the department is monitoring the 4519
offender, the employee; 4520

(ii) If a third-party contract administrator is being used 4521
for global positioning system monitoring of the offender, the 4522
third-party contract administrator; 4523

(iii) If a secondary entity under contract with a third-party contract administrator is performing the actual monitoring of a GPS-monitored offender, the secondary entity. 4524
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(f) All previous violations of the monitoring parameters and restrictions applicable to the offender under the global positioning system monitoring that then is in effect for the offender. 4527
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Sec. 5120.113. (A) For each inmate committed to the 4531
department of rehabilitation and correction, except as provided 4532
in division (B) of this section, the department shall prepare a 4533
written reentry plan for the inmate to help guide the inmate's 4534
rehabilitation program during imprisonment, to assist in the 4535
inmate's reentry into the community, and to assess the inmate's 4536
needs upon release. 4537

(B) Division (A) of this section does not apply to an 4538
inmate who has been sentenced to life imprisonment without 4539
parole or who has been sentenced to death. Division (A) of this 4540
section does not apply to any inmate who is expected to be 4541
imprisoned for thirty days or less, but the department may 4542
prepare a written reentry plan of the type described in that 4543
division if the department determines that the plan is needed. 4544

(C) The department may collect, if available, any social 4545
and other information that will aid in the preparation of 4546
reentry plans under this section. 4547

(D) In the event the department does not prepare a written 4548
reentry plan as specified in division (A) of this section, or 4549
makes a decision to not prepare a written reentry plan under 4550
division (B) of this section or to not collect information under 4551
division (C) of this section, that fact does not give rise to a 4552

claim for damages against the state, the department, the 4553
director of the department, or any employee of the department. 4554

(E) (1) As used in this division, "target offender" means a 4555
parolee, a releasee, or a prisoner otherwise released from a 4556
state correctional institution with respect to whom both of the 4557
following apply: 4558

(a) The department of rehabilitation and correction or the 4559
adult parole authority intends to require the parolee, releasee, 4560
or prisoner to reside in a halfway house, reentry center, or 4561
community residential center that has been licensed by the 4562
division of parole and community services pursuant to division 4563
(C) of section 2967.14 of the Revised Code during a part or for 4564
the entire period of the prisoner's or parolee's conditional 4565
release or of the releasee's term of post-release control. 4566

(b) No halfway house, reentry center, or community 4567
residential center that has been licensed as described in 4568
division (E) (1) of this section will accept the prisoner, 4569
parolee, or releasee to reside in the facility. 4570

(2) Not later than twenty-four months after the effective 4571
date of this amendment, the department, through the adult parole 4572
authority, shall establish and implement a reentry program for 4573
all target offenders. The program shall include a facility. The 4574
program and facility shall satisfy all of the standards that the 4575
division of parole and community services adopts in accordance 4576
with Chapter 119. of the Revised Code for the licensure of 4577
halfway houses, reentry centers, and community residential 4578
centers. Upon the establishment and implementation of the 4579
program and facility, the department or authority shall require 4580
that all target offenders reside in the program's facility 4581
during a part or for the entire period of the target offender's 4582

conditional release or term of post-release control. 4583

Sec. 5120.66. (A) Within ninety days after November 23, 4584
2005, but not before January 1, 2006, the department of 4585
rehabilitation and correction shall establish and operate on the 4586
internet a database that contains all of the following: 4587

(1) For each inmate in the custody of the department under 4588
a sentence imposed for a conviction of or plea of guilty to any 4589
offense, all of the following information: 4590

(a) The inmate's name; 4591

(b) For each offense for which the inmate was sentenced to 4592
a prison term or term of imprisonment and is in the department's 4593
custody, the name of the offense, the Revised Code section of 4594
which the offense is a violation, the gender of each victim of 4595
the offense if those facts are known, whether each victim of the 4596
offense was an adult or child if those facts are known, whether 4597
any victim of the offense was a law enforcement officer if that 4598
fact is known, the range of the possible prison terms or term of 4599
imprisonment that could have been imposed for the offense, the 4600
actual prison term or term of imprisonment imposed for the 4601
offense, the county in which the offense was committed, the date 4602
on which the inmate began serving the prison term or term of 4603
imprisonment imposed for the offense, and whichever of the 4604
following is applicable: 4605

(i) The date on which the inmate will be eligible for 4606
parole relative to the offense if the prison term or term of 4607
imprisonment is an indefinite term or life term with parole 4608
eligibility; 4609

(ii) The date on which the term ends if the prison term is 4610
a definite term; 4611

(iii) The date on which the inmate will be eligible for 4612
presumptive release under section 2967.271 of the Revised Code, 4613
if the inmate is serving a non-life felony indefinite prison 4614
term. 4615

(c) All of the following information that is applicable 4616
regarding the inmate: 4617

(i) If known to the department prior to the conduct of any 4618
hearing for judicial release of the defendant pursuant to 4619
section 2929.20 of the Revised Code in relation to any prison 4620
term or term of imprisonment the inmate is serving for any 4621
offense or any hearing for release of the defendant pursuant to 4622
section 2967.19 of the Revised Code in relation to any such 4623
term, notice of the fact that the inmate will be having a 4624
hearing regarding a possible grant of judicial release or 4625
release, the date of the hearing, and the right of any person 4626
pursuant to division (J) of section 2929.20 or division (H) of 4627
section 2967.19 of the Revised Code, whichever is applicable, to 4628
submit to the court a written statement regarding the possible 4629
judicial release or release. The department also shall post 4630
notice of the submission to a sentencing court of any 4631
recommendation for early release of the inmate pursuant to 4632
section 2967.19 of the Revised Code, as required by division (E) 4633
of that section. 4634

(ii) If the inmate is serving a prison term pursuant to 4635
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 4636
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 4637
Code, prior to the conduct of any hearing pursuant to section 4638
2971.05 of the Revised Code to determine whether to modify the 4639
requirement that the inmate serve the entire prison term in a 4640
state correctional facility in accordance with division (C) of 4641

that section, whether to continue, revise, or revoke any 4642
existing modification of that requirement, or whether to 4643
terminate the prison term in accordance with division (D) of 4644
that section, notice of the fact that the inmate will be having 4645
a hearing regarding those determinations and the date of the 4646
hearing; 4647

(iii) At least sixty days before the adult parole 4648
authority recommends a pardon or commutation of sentence for the 4649
inmate, at least sixty days prior to a hearing before the adult 4650
parole authority regarding a grant of parole to the inmate in 4651
relation to any prison term or term of imprisonment the inmate 4652
is serving for any offense, or at least sixty days prior to a 4653
hearing before the department regarding a determination of 4654
whether the inmate must be released under division (C) or (D) ~~(2)~~ 4655
of section 2967.271 of the Revised Code if the inmate is serving 4656
a non-life felony indefinite prison term, notice of the fact 4657
that the inmate might be under consideration for a pardon or 4658
commutation of sentence or will be having a hearing regarding a 4659
possible grant of parole or release, the date of any hearing 4660
regarding a possible grant of parole or release, and the right 4661
of any person to submit a written statement regarding the 4662
pending action; 4663

(iv) At least sixty days before the inmate is transferred 4664
to transitional control under section 2967.26 of the Revised 4665
Code in relation to any prison term or term of imprisonment the 4666
inmate is serving for any offense, notice of the pendency of the 4667
transfer, the date of the possible transfer, and the right of 4668
any person to submit a statement regarding the possible 4669
transfer; 4670

(v) Prompt notice of the inmate's escape from any facility 4671

in which the inmate was incarcerated and of the capture of the 4672
inmate after an escape; 4673

(vi) Notice of the inmate's death while in confinement; 4674

(vii) Prior to the release of the inmate from confinement, 4675
notice of the fact that the inmate will be released, of the date 4676
of the release, and, if applicable, of the standard terms and 4677
conditions of the release; 4678

(viii) Notice of the inmate's judicial release pursuant to 4679
section 2929.20 of the Revised Code or release pursuant to 4680
section 2967.19 of the Revised Code. 4681

(2) Information as to where a person can send written 4682
statements of the types referred to in divisions (A)(1)(c)(i), 4683
(iii), and (iv) of this section. 4684

(B)(1) The department shall update the database required 4685
under division (A) of this section every twenty-four hours to 4686
ensure that the information it contains is accurate and current. 4687

(2) The database required under division (A) of this 4688
section is a public record open for inspection under section 4689
149.43 of the Revised Code. The department shall make the 4690
database searchable by inmate name and by the county and zip 4691
code where the offender intends to reside after release from a 4692
state correctional institution if this information is known to 4693
the department. 4694

(3) The database required under division (A) of this 4695
section may contain information regarding inmates who are listed 4696
in the database in addition to the information described in that 4697
division. 4698

(4) No information included on the database required under 4699

division (A) of this section shall identify or enable the 4700
identification of any victim of any offense committed by an 4701
inmate. 4702

(C) The failure of the department to comply with the 4703
requirements of division (A) or (B) of this section does not 4704
give any rights or any grounds for appeal or post-conviction 4705
relief to any inmate. 4706

(D) This section, and the related provisions of sections 4707
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code 4708
enacted in the act in which this section was enacted, shall be 4709
known as "Laura's Law." 4710

(E) As used in this section, "non-life felony indefinite 4711
prison term" has the same meaning as in section 2929.01 of the 4712
Revised Code. 4713

Sec. 5149.04. (A) Persons paroled, conditionally pardoned, 4714
or released to community supervision shall be under jurisdiction 4715
of the adult parole authority and shall be supervised by the 4716
field services section through its staff of parole and field 4717
officers in such manner as to insure as nearly as possible the 4718
offender's rehabilitation while at the same time providing 4719
maximum protection to the general public. All state and local 4720
officials shall furnish such information to officers of the 4721
section as they may request in the performance of their duties. 4722

(B) The superintendent, or superintendents, of the field 4723
services section shall be a person, or persons, especially 4724
qualified by training and experience in the field of 4725
corrections. The superintendent, or superintendents, shall 4726
supervise the work of the section and shall formulate and 4727
execute an effective program of offender supervision. The 4728

superintendent, or superintendents, shall collect and preserve 4729
any records and statistics with respect to offenders that are 4730
required by the chief of the authority. The section also shall 4731
include other personnel who are necessary for the performance of 4732
the section's duties. 4733

No person shall be appointed as a superintendent who is 4734
not qualified by education or experience in correctional work 4735
including law enforcement, probation, or parole work, in law, in 4736
social work, or in a combination of the three categories. 4737

(C) The superintendent, or superintendents, of the field 4738
services section, with the approval of the chief of the 4739
authority, may establish district offices for the section and 4740
may assign necessary parole and field officers and clerical 4741
staff to the district offices. 4742

(D) The field services section in the exercise of its 4743
supervision over offenders and persons conditionally pardoned 4744
shall carry out all lawful orders, terms, and conditions 4745
prescribed by the authority, the chief of the division of parole 4746
and community services, or the governor. 4747

(E) (1) As used in division (E) of this section: 4748

(a) "Caseload" means the maximum number of persons 4749
paroled, conditionally pardoned, or released to community 4750
supervision who should be under the supervision of any parole or 4751
field officer, based on the aggregate of the workload of the 4752
officer for each of those persons. 4753

(b) "Parole or field officer" means a parole or field 4754
officer of the field services section. 4755

(c) "Workload" means the minimum number of hours that a 4756
parole or field officer is expected to dedicate to each person 4757

paroled, conditionally pardoned, or released to community 4758
supervision who is under the officer's supervision, based on the 4759
person's risk classification. 4760

(2) Not later than one year after the effective date of 4761
this amendment, the adult parole authority shall establish 4762
supervision standards for parole and field officers. The 4763
standards shall include a specification of a caseload and a 4764
workload for parole and field officers. The caseload and 4765
workload specified in the standards shall comport with industry 4766
standards set forth by the American probation and parole 4767
association. 4768

(3) Not later than two years after establishing the 4769
standards required under division (E)(2) of this section, the 4770
department of rehabilitation and correction shall ensure that 4771
the field services section has enough parole and field officers 4772
to comply with the standards and that the officers have been 4773
trained to the extent required to comply with the standards. 4774

Section 2. That existing sections 181.21, 2152.13, 4775
2152.14, 2901.011, 2929.01, 2929.14, 2929.144, 2929.19, 2930.16, 4776
2945.37, 2945.401, 2949.08, 2951.03, 2953.07, 2967.14, 2967.191, 4777
2967.193, 2967.271, 5120.021, 5120.038, 5120.113, 5120.66, and 4778
5149.04 of the Revised Code are hereby repealed. 4779

Section 3. That section 2953.08 of the Revised Code is 4780
hereby repealed. 4781

Section 4. The General Assembly, applying the principle 4782
stated in division (B) of section 1.52 of the Revised Code that 4783
amendments are to be harmonized if reasonably capable of 4784
simultaneous operation, finds that the following sections, 4785
presented in this act as composites of the sections as amended 4786

by the acts indicated, are the resulting versions of the 4787
sections in effect prior to the effective date of the sections 4788
as presented in this act: 4789

Section 2929.01 of the Revised Code as amended by H.B. 66 4790
and H.B. 431, both of the 133rd General Assembly. 4791

Section 2929.14 of the Revised Code as amended by both 4792
H.B. 136 and S.B. 256 of the 133rd General Assembly. 4793

Section 2953.07 of the Revised Code as amended by both 4794
S.B. 2 and S.B. 4 of the 121st General Assembly. 4795

Section 2967.191 of the Revised Code as amended by both 4796
S.B. 66 and S.B. 201 of the 132nd General Assembly. 4797

Section 2967.193 of the Revised Code as amended by both 4798
S.B. 145 and S.B. 201 of the 132nd General Assembly. 4799