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Representatives Hughes, Boggs

Cosponsors: Representatives Arndt, Brenner, Brown, Carfagna, Celebrezze, Cera, Craig, Duffey, Gonzales, Kent, Lanese, Leland, Lepore-Hagan, Miller, Ramos, Schaffer, Sheehy, Sweeney, Manning, Rogers, Anielski, Antonio, Ashford, Clyde, Dever, Edwards, Faber, Gavarone, Greenspan, Hoops, Johnson, LaTourette, O'Brien, Patterson, Patton, Pelanda, Reineke, Romanchuk, Ryan, Schuring, Slaby, Smith, K., Sprague, Strahorn, Speaker Smith

A BILL

To amend sections 109.42, 121.22, 149.43, 181.21, 181.26, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 2921.36, 2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 2967.03, 2967.13, 2967.14, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 2971.03, 3719.99, 5120.021, 5120.113, 5120.53, 5120.66, and 5149.04 and to enact sections 2901.011, 2929.144, 2967.271, 2967.272, and 5120.038 of the Revised Code to provide for indefinite prison terms for first or second degree felonies and specified third degree felonies, with presumptive release of offenders sentenced to such a term at the end of the minimum term; to generally allow the Department of Rehabilitation and Correction with approval of the sentencing

court to reduce the minimum term for exceptional 21
conduct or adjustment to incarceration; to allow 22
the Department to rebut the release presumption 23
and keep the offender in prison up to the 24
maximum term if it makes specified findings; to 25
require the Department to establish a reentry 26
program for all offenders released from prison 27
who it intends to have reside in a halfway house 28
or similar facility but who are not accepted by 29
any such facility; to require the Adult Parole 30
Authority to establish maximum work-load and 31
case-load standards for its parole and field 32
officers and have enough trained officers to 33
comply with the standards; to require that GPS 34
monitoring used for offenders released from 35
prison under such monitoring specify 36
restrictions, including inclusionary zones and 37
necessary exclusionary zones; to require the 38
Department to establish system requirements for 39
GPS monitoring of such offenders by the 40
Department or third-party contract 41
administrators; to require the Department to 42
operate a statewide database for law enforcement 43
use containing specified information about such 44
offenders; to require that third-party 45
administrators for GPS monitoring under a new 46
contract with the Department provide and use a 47
law enforcement-accessible crime scene 48
correlation program; to require the Ohio 49
Criminal Sentencing Commission to appoint an 50
Offender Supervision Study Committee; and to 51
name the act's provisions the Reagan Tokes Act. 52

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

Section 1. That sections 109.42, 121.22, 149.43, 181.21, 53
181.26, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 54
2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 55
2921.36, 2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 56
2925.05, 2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 57
2929.191, 2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 58
2967.021, 2967.03, 2967.13, 2967.14, 2967.19, 2967.191, 59
2967.193, 2967.26, 2967.28, 2971.03, 3719.99, 5120.021, 60
5120.113, 5120.53, 5120.66, and 5149.04 be amended and sections 61
2901.011, 2929.144, 2967.271, 2967.272, and 5120.038 of the 62
Revised Code be enacted to read as follows: 63

Sec. 109.42. (A) The attorney general shall prepare and 64
have printed a pamphlet that contains a compilation of all 65
statutes relative to victim's rights in which the attorney 66
general lists and explains the statutes in the form of a 67
victim's bill of rights. The attorney general shall distribute 68
the pamphlet to all sheriffs, marshals, municipal corporation 69
and township police departments, constables, and other law 70
enforcement agencies, to all prosecuting attorneys, city 71
directors of law, village solicitors, and other similar chief 72
legal officers of municipal corporations, and to organizations 73
that represent or provide services for victims of crime. The 74
victim's bill of rights set forth in the pamphlet shall contain 75
a description of all of the rights of victims that are provided 76
for in Chapter 2930. or in any other section of the Revised Code 77
and shall include, but not be limited to, all of the following: 78

(1) The right of a victim or a victim's representative to 79
attend a proceeding before a grand jury, in a juvenile case, or 80

in a criminal case pursuant to a subpoena without being 81
discharged from the victim's or representative's employment, 82
having the victim's or representative's employment terminated, 83
having the victim's or representative's pay decreased or 84
withheld, or otherwise being punished, penalized, or threatened 85
as a result of time lost from regular employment because of the 86
victim's or representative's attendance at the proceeding 87
pursuant to the subpoena, as set forth in section 2151.211, 88
2930.18, 2939.121, or 2945.451 of the Revised Code; 89

(2) The potential availability pursuant to section 90
2151.359 or 2152.61 of the Revised Code of a forfeited 91
recognizance to pay damages caused by a child when the 92
delinquency of the child or child's violation of probation or 93
community control is found to be proximately caused by the 94
failure of the child's parent or guardian to subject the child 95
to reasonable parental authority or to faithfully discharge the 96
conditions of probation or community control; 97

(3) The availability of awards of reparations pursuant to 98
sections 2743.51 to 2743.72 of the Revised Code for injuries 99
caused by criminal offenses; 100

(4) The right of the victim in certain criminal or 101
juvenile cases or a victim's representative to receive, pursuant 102
to section 2930.06 of the Revised Code, notice of the date, 103
time, and place of the trial or delinquency proceeding in the 104
case or, if there will not be a trial or delinquency proceeding, 105
information from the prosecutor, as defined in section 2930.01 106
of the Revised Code, regarding the disposition of the case; 107

(5) The right of the victim in certain criminal or 108
juvenile cases or a victim's representative to receive, pursuant 109
to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 110

notice of the name of the person charged with the violation, the 111
case or docket number assigned to the charge, and a telephone 112
number or numbers that can be called to obtain information about 113
the disposition of the case; 114

(6) The right of the victim in certain criminal or 115
juvenile cases or of the victim's representative pursuant to 116
section 2930.13 or 2930.14 of the Revised Code, subject to any 117
reasonable terms set by the court as authorized under section 118
2930.14 of the Revised Code, to make a statement about the 119
victimization and, if applicable, a statement relative to the 120
sentencing or disposition of the offender; 121

(7) The opportunity to obtain a court order, pursuant to 122
section 2945.04 of the Revised Code, to prevent or stop the 123
commission of the offense of intimidation of a crime victim or 124
witness or an offense against the person or property of the 125
complainant, or of the complainant's ward or child; 126

(8) The right of the victim in certain criminal or 127
juvenile cases or a victim's representative pursuant to sections 128
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 129
Code to receive notice of a pending motion for judicial release, 130
release pursuant to section 2967.19 of the Revised Code, or 131
other early release of the person who committed the offense 132
against the victim, to make an oral or written statement at the 133
court hearing on the motion, and to be notified of the court's 134
decision on the motion; 135

(9) The right of the victim in certain criminal or 136
juvenile cases or a victim's representative pursuant to section 137
2930.16, 2967.12, 2967.26, or 5139.56 of the Revised Code to 138
receive notice of any pending commutation, pardon, parole, 139
transitional control, discharge, other form of authorized 140

release, post-release control, or supervised release for the 141
person who committed the offense against the victim or any 142
application for release of that person and to send a written 143
statement relative to the victimization and the pending action 144
to the adult parole authority or the release authority of the 145
department of youth services; and the right of the victim in 146
certain criminal cases or a victim's representative pursuant to 147
section 2967.271 or 2967.272 of the Revised Code to receive 148
notice of any pending petition for reduction of a presumptive 149
release date for the person who committed the offense against 150
the victim or of any consideration by the department of 151
rehabilitation and correction as to whether to rebut a 152
presumption of release and continue incarceration of that 153
person, and to send a written statement relative to the 154
victimization and the pending action to the court or department 155
of rehabilitation and correction; 156

(10) The right of the victim to bring a civil action 157
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 158
obtain money from the offender's profit fund; 159

(11) The right, pursuant to section 3109.09 of the Revised 160
Code, to maintain a civil action to recover compensatory damages 161
not exceeding ten thousand dollars and costs from the parent of 162
a minor who willfully damages property through the commission of 163
an act that would be a theft offense, as defined in section 164
2913.01 of the Revised Code, if committed by an adult; 165

(12) The right, pursuant to section 3109.10 of the Revised 166
Code, to maintain a civil action to recover compensatory damages 167
not exceeding ten thousand dollars and costs from the parent of 168
a minor who willfully and maliciously assaults a person; 169

(13) The possibility of receiving restitution from an 170

offender or a delinquent child pursuant to section 2152.20, 171
2929.18, or 2929.28 of the Revised Code; 172

(14) The right of the victim in certain criminal or 173
juvenile cases or a victim's representative, pursuant to section 174
2930.16 of the Revised Code, to receive notice of the escape 175
from confinement or custody of the person who committed the 176
offense, to receive that notice from the custodial agency of the 177
person at the victim's last address or telephone number provided 178
to the custodial agency, and to receive notice that, if either 179
the victim's address or telephone number changes, it is in the 180
victim's interest to provide the new address or telephone number 181
to the custodial agency; 182

(15) The right of a victim of domestic violence to seek 183
the issuance of a civil protection order pursuant to section 184
3113.31 of the Revised Code, the right of a victim of a 185
violation of section 2903.14, 2909.06, 2909.07, 2911.12, 186
2911.211, or 2919.22 of the Revised Code, a violation of a 187
substantially similar municipal ordinance, or an offense of 188
violence who is a family or household member of the offender at 189
the time of the offense to seek the issuance of a temporary 190
protection order pursuant to section 2919.26 of the Revised 191
Code, and the right of both types of victims to be accompanied 192
by a victim advocate during court proceedings; 193

(16) The right of a victim of a sexually oriented offense 194
or of a child-victim oriented offense that is committed by a 195
person who is convicted of, pleads guilty to, or is adjudicated 196
a delinquent child for committing the offense and who is in a 197
category specified in division (B) of section 2950.10 of the 198
Revised Code to receive, pursuant to that section, notice that 199
the person has registered with a sheriff under section 2950.04, 200

2950.041, or 2950.05 of the Revised Code and notice of the 201
person's name, the person's residence that is registered, and 202
the offender's school, institution of higher education, or place 203
of employment address or addresses that are registered, the 204
person's photograph, and a summary of the manner in which the 205
victim must make a request to receive the notice. As used in 206
this division, "sexually oriented offense" and "child-victim 207
oriented offense" have the same meanings as in section 2950.01 208
of the Revised Code. 209

(17) The right of a victim of certain sexually violent 210
offenses committed by an offender who also is convicted of or 211
pleads guilty to a sexually violent predator specification and 212
who is sentenced to a prison term pursuant to division (A) (3) of 213
section 2971.03 of the Revised Code, of a victim of a violation 214
of division (A) (1) (b) of section 2907.02 of the Revised Code 215
committed on or after January 2, 2007, by an offender who is 216
sentenced for the violation pursuant to division (B) (1) (a), (b), 217
or (c) of section 2971.03 of the Revised Code, of a victim of an 218
attempted rape committed on or after January 2, 2007, by an 219
offender who also is convicted of or pleads guilty to a 220
specification of the type described in section 2941.1418, 221
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 222
the violation pursuant to division (B) (2) (a), (b), or (c) of 223
section 2971.03 of the Revised Code, and of a victim of an 224
offense that is described in division (B) (3) (a), (b), (c), or 225
(d) of section 2971.03 of the Revised Code and is committed by 226
an offender who is sentenced pursuant to one of those divisions 227
to receive, pursuant to section 2930.16 of the Revised Code, 228
notice of a hearing to determine whether to modify the 229
requirement that the offender serve the entire prison term in a 230
state correctional facility, whether to continue, revise, or 231

revoke any existing modification of that requirement, or whether 232
to terminate the prison term. As used in this division, 233
"sexually violent offense" and "sexually violent predator 234
specification" have the same meanings as in section 2971.01 of 235
the Revised Code. 236

(B) (1) (a) Subject to division (B) (1) (c) of this section, a 237
prosecuting attorney, assistant prosecuting attorney, city 238
director of law, assistant city director of law, village 239
solicitor, assistant village solicitor, or similar chief legal 240
officer of a municipal corporation or an assistant of any of 241
those officers who prosecutes an offense committed in this 242
state, upon first contact with the victim of the offense, the 243
victim's family, or the victim's dependents, shall give the 244
victim, the victim's family, or the victim's dependents a copy 245
of the pamphlet prepared pursuant to division (A) of this 246
section and explain, upon request, the information in the 247
pamphlet to the victim, the victim's family, or the victim's 248
dependents. 249

(b) Subject to division (B) (1) (c) of this section, a law 250
enforcement agency that investigates an offense or delinquent 251
act committed in this state shall give the victim of the offense 252
or delinquent act, the victim's family, or the victim's 253
dependents a copy of the pamphlet prepared pursuant to division 254
(A) of this section at one of the following times: 255

(i) Upon first contact with the victim, the victim's 256
family, or the victim's dependents; 257

(ii) If the offense or delinquent act is an offense of 258
violence, if the circumstances of the offense or delinquent act 259
and the condition of the victim, the victim's family, or the 260
victim's dependents indicate that the victim, the victim's 261

family, or the victim's dependents will not be able to 262
understand the significance of the pamphlet upon first contact 263
with the agency, and if the agency anticipates that it will have 264
an additional contact with the victim, the victim's family, or 265
the victim's dependents, upon the agency's second contact with 266
the victim, the victim's family, or the victim's dependents. 267

If the agency does not give the victim, the victim's 268
family, or the victim's dependents a copy of the pamphlet upon 269
first contact with them and does not have a second contact with 270
the victim, the victim's family, or the victim's dependents, the 271
agency shall mail a copy of the pamphlet to the victim, the 272
victim's family, or the victim's dependents at their last known 273
address. 274

(c) In complying on and after December 9, 1994, with the 275
duties imposed by division (B) (1) (a) or (b) of this section, an 276
official or a law enforcement agency shall use copies of the 277
pamphlet that are in the official's or agency's possession on 278
December 9, 1994, until the official or agency has distributed 279
all of those copies. After the official or agency has 280
distributed all of those copies, the official or agency shall 281
use only copies of the pamphlet that contain at least the 282
information described in divisions (A) (1) to (17) of this 283
section. 284

(2) The failure of a law enforcement agency or of a 285
prosecuting attorney, assistant prosecuting attorney, city 286
director of law, assistant city director of law, village 287
solicitor, assistant village solicitor, or similar chief legal 288
officer of a municipal corporation or an assistant to any of 289
those officers to give, as required by division (B) (1) of this 290
section, the victim of an offense or delinquent act, the 291

victim's family, or the victim's dependents a copy of the 292
pamphlet prepared pursuant to division (A) of this section does 293
not give the victim, the victim's family, the victim's 294
dependents, or a victim's representative any rights under 295
section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 296
2969.06, 3109.09, or 3109.10 of the Revised Code or under any 297
other provision of the Revised Code and does not affect any 298
right under those sections. 299

(3) A law enforcement agency, a prosecuting attorney or 300
assistant prosecuting attorney, or a city director of law, 301
assistant city director of law, village solicitor, assistant 302
village solicitor, or similar chief legal officer of a municipal 303
corporation that distributes a copy of the pamphlet prepared 304
pursuant to division (A) of this section shall not be required 305
to distribute a copy of an information card or other printed 306
material provided by the clerk of the court of claims pursuant 307
to section 2743.71 of the Revised Code. 308

(C) The cost of printing and distributing the pamphlet 309
prepared pursuant to division (A) of this section shall be paid 310
out of the reparations fund, created pursuant to section 311
2743.191 of the Revised Code, in accordance with division (D) of 312
that section. 313

(D) As used in this section: 314

(1) "Victim's representative" has the same meaning as in 315
section 2930.01 of the Revised Code; 316

(2) "Victim advocate" has the same meaning as in section 317
2919.26 of the Revised Code. 318

Sec. 121.22. (A) This section shall be liberally construed 319
to require public officials to take official action and to 320

conduct all deliberations upon official business only in open 321
meetings unless the subject matter is specifically excepted by 322
law. 323

(B) As used in this section: 324

(1) "Public body" means any of the following: 325

(a) Any board, commission, committee, council, or similar 326
decision-making body of a state agency, institution, or 327
authority, and any legislative authority or board, commission, 328
committee, council, agency, authority, or similar decision- 329
making body of any county, township, municipal corporation, 330
school district, or other political subdivision or local public 331
institution; 332

(b) Any committee or subcommittee of a body described in 333
division (B) (1) (a) of this section; 334

(c) A court of jurisdiction of a sanitary district 335
organized wholly for the purpose of providing a water supply for 336
domestic, municipal, and public use when meeting for the purpose 337
of the appointment, removal, or reappointment of a member of the 338
board of directors of such a district pursuant to section 339
6115.10 of the Revised Code, if applicable, or for any other 340
matter related to such a district other than litigation 341
involving the district. As used in division (B) (1) (c) of this 342
section, "court of jurisdiction" has the same meaning as "court" 343
in section 6115.01 of the Revised Code. 344

(2) "Meeting" means any prearranged discussion of the 345
public business of the public body by a majority of its members. 346

(3) "Regulated individual" means either of the following: 347

(a) A student in a state or local public educational 348

institution; 349

(b) A person who is, voluntarily or involuntarily, an 350
inmate, patient, or resident of a state or local institution 351
because of criminal behavior, mental illness, an intellectual 352
disability, disease, disability, age, or other condition 353
requiring custodial care. 354

(4) "Public office" has the same meaning as in section 355
149.011 of the Revised Code. 356

(C) All meetings of any public body are declared to be 357
public meetings open to the public at all times. A member of a 358
public body shall be present in person at a meeting open to the 359
public to be considered present or to vote at the meeting and 360
for purposes of determining whether a quorum is present at the 361
meeting. 362

The minutes of a regular or special meeting of any public 363
body shall be promptly prepared, filed, and maintained and shall 364
be open to public inspection. The minutes need only reflect the 365
general subject matter of discussions in executive sessions 366
authorized under division (G) or (J) of this section. 367

(D) This section does not apply to any of the following: 368

(1) A grand jury; 369

(2) An audit conference conducted by the auditor of state 370
or independent certified public accountants with officials of 371
the public office that is the subject of the audit; 372

(3) The adult parole authority when its hearings are 373
conducted at a correctional institution for the sole purpose of 374
interviewing inmates to determine parole or pardon and the 375
department of rehabilitation and correction when its hearings 376

are conducted at a correctional institution for the sole purpose 377
of making determinations under section 2967.271 of the Revised 378
Code regarding the release or maintained incarceration of an 379
offender to whom that section applies; 380

(4) The organized crime investigations commission 381
established under section 177.01 of the Revised Code; 382

(5) Meetings of a child fatality review board established 383
under section 307.621 of the Revised Code, meetings related to a 384
review conducted pursuant to guidelines established by the 385
director of health under section 3701.70 of the Revised Code, 386
and meetings conducted pursuant to sections 5153.171 to 5153.173 387
of the Revised Code; 388

(6) The state medical board when determining whether to 389
suspend a certificate without a prior hearing pursuant to 390
division (G) of either section 4730.25 or 4731.22 of the Revised 391
Code; 392

(7) The board of nursing when determining whether to 393
suspend a license or certificate without a prior hearing 394
pursuant to division (B) of section 4723.281 of the Revised 395
Code; 396

(8) The state board of pharmacy when determining whether 397
to suspend a license without a prior hearing pursuant to 398
division (D) of section 4729.16 of the Revised Code; 399

(9) The state chiropractic board when determining whether 400
to suspend a license without a hearing pursuant to section 401
4734.37 of the Revised Code; 402

(10) The executive committee of the emergency response 403
commission when determining whether to issue an enforcement 404
order or request that a civil action, civil penalty action, or 405

criminal action be brought to enforce Chapter 3750. of the 406
Revised Code; 407

(11) The board of directors of the nonprofit corporation 408
formed under section 187.01 of the Revised Code or any committee 409
thereof, and the board of directors of any subsidiary of that 410
corporation or a committee thereof; 411

(12) An audit conference conducted by the audit staff of 412
the department of job and family services with officials of the 413
public office that is the subject of that audit under section 414
5101.37 of the Revised Code; 415

(13) The occupational therapy section of the occupational 416
therapy, physical therapy, and athletic trainers board when 417
determining whether to suspend a license or limited permit 418
without a hearing pursuant to division (D) of section 4755.11 of 419
the Revised Code; 420

(14) The physical therapy section of the occupational 421
therapy, physical therapy, and athletic trainers board when 422
determining whether to suspend a license without a hearing 423
pursuant to division (E) of section 4755.47 of the Revised Code; 424

(15) The athletic trainers section of the occupational 425
therapy, physical therapy, and athletic trainers board when 426
determining whether to suspend a license without a hearing 427
pursuant to division (D) of section 4755.64 of the Revised Code. 428

(E) The controlling board, the tax credit authority, or 429
the minority development financing advisory board, when meeting 430
to consider granting assistance pursuant to Chapter 122. or 166. 431
of the Revised Code, in order to protect the interest of the 432
applicant or the possible investment of public funds, by 433
unanimous vote of all board or authority members present, may 434

close the meeting during consideration of the following 435
information confidentially received by the authority or board 436
from the applicant: 437

(1) Marketing plans; 438

(2) Specific business strategy; 439

(3) Production techniques and trade secrets; 440

(4) Financial projections; 441

(5) Personal financial statements of the applicant or 442
members of the applicant's immediate family, including, but not 443
limited to, tax records or other similar information not open to 444
public inspection. 445

The vote by the authority or board to accept or reject the 446
application, as well as all proceedings of the authority or 447
board not subject to this division, shall be open to the public 448
and governed by this section. 449

(F) Every public body, by rule, shall establish a 450
reasonable method whereby any person may determine the time and 451
place of all regularly scheduled meetings and the time, place, 452
and purpose of all special meetings. A public body shall not 453
hold a special meeting unless it gives at least twenty-four 454
hours' advance notice to the news media that have requested 455
notification, except in the event of an emergency requiring 456
immediate official action. In the event of an emergency, the 457
member or members calling the meeting shall notify the news 458
media that have requested notification immediately of the time, 459
place, and purpose of the meeting. 460

The rule shall provide that any person, upon request and 461
payment of a reasonable fee, may obtain reasonable advance 462

notification of all meetings at which any specific type of 463
public business is to be discussed. Provisions for advance 464
notification may include, but are not limited to, mailing the 465
agenda of meetings to all subscribers on a mailing list or 466
mailing notices in self-addressed, stamped envelopes provided by 467
the person. 468

(G) Except as provided in divisions (G)(8) and (J) of this 469
section, the members of a public body may hold an executive 470
session only after a majority of a quorum of the public body 471
determines, by a roll call vote, to hold an executive session 472
and only at a regular or special meeting for the sole purpose of 473
the consideration of any of the following matters: 474

(1) To consider the appointment, employment, dismissal, 475
discipline, promotion, demotion, or compensation of a public 476
employee or official, or the investigation of charges or 477
complaints against a public employee, official, licensee, or 478
regulated individual, unless the public employee, official, 479
licensee, or regulated individual requests a public hearing. 480
Except as otherwise provided by law, no public body shall hold 481
an executive session for the discipline of an elected official 482
for conduct related to the performance of the elected official's 483
official duties or for the elected official's removal from 484
office. If a public body holds an executive session pursuant to 485
division (G)(1) of this section, the motion and vote to hold 486
that executive session shall state which one or more of the 487
approved purposes listed in division (G)(1) of this section are 488
the purposes for which the executive session is to be held, but 489
need not include the name of any person to be considered at the 490
meeting. 491

(2) To consider the purchase of property for public 492

purposes, the sale of property at competitive bidding, or the 493
sale or other disposition of unneeded, obsolete, or unfit-for- 494
use property in accordance with section 505.10 of the Revised 495
Code, if premature disclosure of information would give an 496
unfair competitive or bargaining advantage to a person whose 497
personal, private interest is adverse to the general public 498
interest. No member of a public body shall use division (G) (2) 499
of this section as a subterfuge for providing covert information 500
to prospective buyers or sellers. A purchase or sale of public 501
property is void if the seller or buyer of the public property 502
has received covert information from a member of a public body 503
that has not been disclosed to the general public in sufficient 504
time for other prospective buyers and sellers to prepare and 505
submit offers. 506

If the minutes of the public body show that all meetings 507
and deliberations of the public body have been conducted in 508
compliance with this section, any instrument executed by the 509
public body purporting to convey, lease, or otherwise dispose of 510
any right, title, or interest in any public property shall be 511
conclusively presumed to have been executed in compliance with 512
this section insofar as title or other interest of any bona fide 513
purchasers, lessees, or transferees of the property is 514
concerned. 515

(3) Conferences with an attorney for the public body 516
concerning disputes involving the public body that are the 517
subject of pending or imminent court action; 518

(4) Preparing for, conducting, or reviewing negotiations 519
or bargaining sessions with public employees concerning their 520
compensation or other terms and conditions of their employment; 521

(5) Matters required to be kept confidential by federal 522

law or regulations or state statutes;	523
(6) Details relative to the security arrangements and	524
emergency response protocols for a public body or a public	525
office, if disclosure of the matters discussed could reasonably	526
be expected to jeopardize the security of the public body or	527
public office;	528
(7) In the case of a county hospital operated pursuant to	529
Chapter 339. of the Revised Code, a joint township hospital	530
operated pursuant to Chapter 513. of the Revised Code, or a	531
municipal hospital operated pursuant to Chapter 749. of the	532
Revised Code, to consider trade secrets, as defined in section	533
1333.61 of the Revised Code;	534
(8) To consider confidential information related to the	535
marketing plans, specific business strategy, production	536
techniques, trade secrets, or personal financial statements of	537
an applicant for economic development assistance, or to	538
negotiations with other political subdivisions respecting	539
requests for economic development assistance, provided that both	540
of the following conditions apply:	541
(a) The information is directly related to a request for	542
economic development assistance that is to be provided or	543
administered under any provision of Chapter 715., 725., 1724.,	544
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to	545
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to	546
5709.81 of the Revised Code, or that involves public	547
infrastructure improvements or the extension of utility services	548
that are directly related to an economic development project.	549
(b) A unanimous quorum of the public body determines, by a	550
roll call vote, that the executive session is necessary to	551

protect the interests of the applicant or the possible 552
investment or expenditure of public funds to be made in 553
connection with the economic development project. 554

If a public body holds an executive session to consider 555
any of the matters listed in divisions (G) (2) to (8) of this 556
section, the motion and vote to hold that executive session 557
shall state which one or more of the approved matters listed in 558
those divisions are to be considered at the executive session. 559

A public body specified in division (B) (1) (c) of this 560
section shall not hold an executive session when meeting for the 561
purposes specified in that division. 562

(H) A resolution, rule, or formal action of any kind is 563
invalid unless adopted in an open meeting of the public body. A 564
resolution, rule, or formal action adopted in an open meeting 565
that results from deliberations in a meeting not open to the 566
public is invalid unless the deliberations were for a purpose 567
specifically authorized in division (G) or (J) of this section 568
and conducted at an executive session held in compliance with 569
this section. A resolution, rule, or formal action adopted in an 570
open meeting is invalid if the public body that adopted the 571
resolution, rule, or formal action violated division (F) of this 572
section. 573

(I) (1) Any person may bring an action to enforce this 574
section. An action under division (I) (1) of this section shall 575
be brought within two years after the date of the alleged 576
violation or threatened violation. Upon proof of a violation or 577
threatened violation of this section in an action brought by any 578
person, the court of common pleas shall issue an injunction to 579
compel the members of the public body to comply with its 580
provisions. 581

(2) (a) If the court of common pleas issues an injunction 582
pursuant to division (I) (1) of this section, the court shall 583
order the public body that it enjoins to pay a civil forfeiture 584
of five hundred dollars to the party that sought the injunction 585
and shall award to that party all court costs and, subject to 586
reduction as described in division (I) (2) of this section, 587
reasonable attorney's fees. The court, in its discretion, may 588
reduce an award of attorney's fees to the party that sought the 589
injunction or not award attorney's fees to that party if the 590
court determines both of the following: 591

(i) That, based on the ordinary application of statutory 592
law and case law as it existed at the time of violation or 593
threatened violation that was the basis of the injunction, a 594
well-informed public body reasonably would believe that the 595
public body was not violating or threatening to violate this 596
section; 597

(ii) That a well-informed public body reasonably would 598
believe that the conduct or threatened conduct that was the 599
basis of the injunction would serve the public policy that 600
underlies the authority that is asserted as permitting that 601
conduct or threatened conduct. 602

(b) If the court of common pleas does not issue an 603
injunction pursuant to division (I) (1) of this section and the 604
court determines at that time that the bringing of the action 605
was frivolous conduct, as defined in division (A) of section 606
2323.51 of the Revised Code, the court shall award to the public 607
body all court costs and reasonable attorney's fees, as 608
determined by the court. 609

(3) Irreparable harm and prejudice to the party that 610
sought the injunction shall be conclusively and irrebuttably 611

presumed upon proof of a violation or threatened violation of 612
this section. 613

(4) A member of a public body who knowingly violates an 614
injunction issued pursuant to division (I)(1) of this section 615
may be removed from office by an action brought in the court of 616
common pleas for that purpose by the prosecuting attorney or the 617
attorney general. 618

(J)(1) Pursuant to division (C) of section 5901.09 of the 619
Revised Code, a veterans service commission shall hold an 620
executive session for one or more of the following purposes 621
unless an applicant requests a public hearing: 622

(a) Interviewing an applicant for financial assistance 623
under sections 5901.01 to 5901.15 of the Revised Code; 624

(b) Discussing applications, statements, and other 625
documents described in division (B) of section 5901.09 of the 626
Revised Code; 627

(c) Reviewing matters relating to an applicant's request 628
for financial assistance under sections 5901.01 to 5901.15 of 629
the Revised Code. 630

(2) A veterans service commission shall not exclude an 631
applicant for, recipient of, or former recipient of financial 632
assistance under sections 5901.01 to 5901.15 of the Revised 633
Code, and shall not exclude representatives selected by the 634
applicant, recipient, or former recipient, from a meeting that 635
the commission conducts as an executive session that pertains to 636
the applicant's, recipient's, or former recipient's application 637
for financial assistance. 638

(3) A veterans service commission shall vote on the grant 639
or denial of financial assistance under sections 5901.01 to 640

5901.15 of the Revised Code only in an open meeting of the 641
commission. The minutes of the meeting shall indicate the name, 642
address, and occupation of the applicant, whether the assistance 643
was granted or denied, the amount of the assistance if 644
assistance is granted, and the votes for and against the 645
granting of assistance. 646

Sec. 149.43. (A) As used in this section: 647

(1) "Public record" means records kept by any public 648
office, including, but not limited to, state, county, city, 649
village, township, and school district units, and records 650
pertaining to the delivery of educational services by an 651
alternative school in this state kept by the nonprofit or for- 652
profit entity operating the alternative school pursuant to 653
section 3313.533 of the Revised Code. "Public record" does not 654
mean any of the following: 655

(a) Medical records; 656

(b) Records pertaining to probation and parole proceedings 657
~~or~~ to proceedings related to the imposition of community 658
control sanctions and post-release control sanctions, or to 659
proceedings related to department of rehabilitation and 660
correction determinations under section 2967.271 of the Revised 661
Code regarding the release or maintained incarceration of an 662
offender to whom that section applies; 663

(c) Records pertaining to actions under section 2151.85 664
and division (C) of section 2919.121 of the Revised Code and to 665
appeals of actions arising under those sections; 666

(d) Records pertaining to adoption proceedings, including 667
the contents of an adoption file maintained by the department of 668
health under sections 3705.12 to 3705.124 of the Revised Code; 669

- (e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency; 670
671
672
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675
- (f) Records specified in division (A) of section 3107.52 of the Revised Code; 676
677
- (g) Trial preparation records; 678
- (h) Confidential law enforcement investigatory records; 679
- (i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code; 680
681
- (j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code; 682
683
- (k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code; 684
685
686
687
- (l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code; 688
689
690
691
- (m) Intellectual property records; 692
- (n) Donor profile records; 693
- (o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code; 694
695
- (p) Peace officer, parole officer, probation officer, 696

bailiff, prosecuting attorney, assistant prosecuting attorney, 697
correctional employee, community-based correctional facility 698
employee, youth services employee, firefighter, EMT, 699
investigator of the bureau of criminal identification and 700
investigation, or federal law enforcement officer residential 701
and familial information; 702

(q) In the case of a county hospital operated pursuant to 703
Chapter 339. of the Revised Code or a municipal hospital 704
operated pursuant to Chapter 749. of the Revised Code, 705
information that constitutes a trade secret, as defined in 706
section 1333.61 of the Revised Code; 707

(r) Information pertaining to the recreational activities 708
of a person under the age of eighteen; 709

(s) In the case of a child fatality review board acting 710
under sections 307.621 to 307.629 of the Revised Code or a 711
review conducted pursuant to guidelines established by the 712
director of health under section 3701.70 of the Revised Code, 713
records provided to the board or director, statements made by 714
board members during meetings of the board or by persons 715
participating in the director's review, and all work products of 716
the board or director, and in the case of a child fatality 717
review board, child fatality review data submitted by the board 718
to the department of health or a national child death review 719
database, other than the report prepared pursuant to division 720
(A) of section 307.626 of the Revised Code; 721

(t) Records provided to and statements made by the 722
executive director of a public children services agency or a 723
prosecuting attorney acting pursuant to section 5153.171 of the 724
Revised Code other than the information released under that 725
section; 726

(u) Test materials, examinations, or evaluation tools used	727
in an examination for licensure as a nursing home administrator	728
that the board of executives of long-term services and supports	729
administers under section 4751.04 of the Revised Code or	730
contracts under that section with a private or government entity	731
to administer;	732
(v) Records the release of which is prohibited by state or	733
federal law;	734
(w) Proprietary information of or relating to any person	735
that is submitted to or compiled by the Ohio venture capital	736
authority created under section 150.01 of the Revised Code;	737
(x) Financial statements and data any person submits for	738
any purpose to the Ohio housing finance agency or the	739
controlling board in connection with applying for, receiving, or	740
accounting for financial assistance from the agency, and	741
information that identifies any individual who benefits directly	742
or indirectly from financial assistance from the agency;	743
(y) Records listed in section 5101.29 of the Revised Code;	744
(z) Discharges recorded with a county recorder under	745
section 317.24 of the Revised Code, as specified in division (B)	746
(2) of that section;	747
(aa) Usage information including names and addresses of	748
specific residential and commercial customers of a municipally	749
owned or operated public utility;	750
(bb) Records described in division (C) of section 187.04	751
of the Revised Code that are not designated to be made available	752
to the public as provided in that division;	753
(cc) Information and records that are made confidential,	754

privileged, and not subject to disclosure under divisions (B) 755
and (C) of section 2949.221 of the Revised Code; 756

(dd) Personal information, as defined in section 149.45 of 757
the Revised Code; 758

(ee) The confidential name, address, and other personally 759
identifiable information of a program participant in the address 760
confidentiality program established under sections 111.41 to 761
111.47 of the Revised Code, including the contents of any 762
application for absent voter's ballots, absent voter's ballot 763
identification envelope statement of voter, or provisional 764
ballot affirmation completed by a program participant who has a 765
confidential voter registration record, and records or portions 766
of records pertaining to that program that identify the number 767
of program participants that reside within a precinct, ward, 768
township, municipal corporation, county, or any other geographic 769
area smaller than the state. As used in this division, 770
"confidential address" and "program participant" have the 771
meaning defined in section 111.41 of the Revised Code. 772

(ff) Orders for active military service of an individual 773
serving or with previous service in the armed forces of the 774
United States, including a reserve component, or the Ohio 775
organized militia, except that, such order becomes a public 776
record on the day that is fifteen years after the published date 777
or effective date of the call to order. 778

(2) "Confidential law enforcement investigatory record" 779
means any record that pertains to a law enforcement matter of a 780
criminal, quasi-criminal, civil, or administrative nature, but 781
only to the extent that the release of the record would create a 782
high probability of disclosure of any of the following: 783

- (a) The identity of a suspect who has not been charged 784
with the offense to which the record pertains, or of an 785
information source or witness to whom confidentiality has been 786
reasonably promised; 787
- (b) Information provided by an information source or 788
witness to whom confidentiality has been reasonably promised, 789
which information would reasonably tend to disclose the source's 790
or witness's identity; 791
- (c) Specific confidential investigatory techniques or 792
procedures or specific investigatory work product; 793
- (d) Information that would endanger the life or physical 794
safety of law enforcement personnel, a crime victim, a witness, 795
or a confidential information source. 796
- (3) "Medical record" means any document or combination of 797
documents, except births, deaths, and the fact of admission to 798
or discharge from a hospital, that pertains to the medical 799
history, diagnosis, prognosis, or medical condition of a patient 800
and that is generated and maintained in the process of medical 801
treatment. 802
- (4) "Trial preparation record" means any record that 803
contains information that is specifically compiled in reasonable 804
anticipation of, or in defense of, a civil or criminal action or 805
proceeding, including the independent thought processes and 806
personal trial preparation of an attorney. 807
- (5) "Intellectual property record" means a record, other 808
than a financial or administrative record, that is produced or 809
collected by or for faculty or staff of a state institution of 810
higher learning in the conduct of or as a result of study or 811
research on an educational, commercial, scientific, artistic, 812

technical, or scholarly issue, regardless of whether the study 813
or research was sponsored by the institution alone or in 814
conjunction with a governmental body or private concern, and 815
that has not been publicly released, published, or patented. 816

(6) "Donor profile record" means all records about donors 817
or potential donors to a public institution of higher education 818
except the names and reported addresses of the actual donors and 819
the date, amount, and conditions of the actual donation. 820

(7) "Peace officer, parole officer, probation officer, 821
bailiff, prosecuting attorney, assistant prosecuting attorney, 822
correctional employee, community-based correctional facility 823
employee, youth services employee, firefighter, EMT, 824
investigator of the bureau of criminal identification and 825
investigation, or federal law enforcement officer residential 826
and familial information" means any information that discloses 827
any of the following about a peace officer, parole officer, 828
probation officer, bailiff, prosecuting attorney, assistant 829
prosecuting attorney, correctional employee, community-based 830
correctional facility employee, youth services employee, 831
firefighter, EMT, investigator of the bureau of criminal 832
identification and investigation, or federal law enforcement 833
officer: 834

(a) The address of the actual personal residence of a 835
peace officer, parole officer, probation officer, bailiff, 836
assistant prosecuting attorney, correctional employee, 837
community-based correctional facility employee, youth services 838
employee, firefighter, EMT, an investigator of the bureau of 839
criminal identification and investigation, or federal law 840
enforcement officer, except for the state or political 841
subdivision in which the peace officer, parole officer, 842

probation officer, bailiff, assistant prosecuting attorney, 843
correctional employee, community-based correctional facility 844
employee, youth services employee, firefighter, EMT, 845
investigator of the bureau of criminal identification and 846
investigation, or federal law enforcement officer resides; 847

(b) Information compiled from referral to or participation 848
in an employee assistance program; 849

(c) The social security number, the residential telephone 850
number, any bank account, debit card, charge card, or credit 851
card number, or the emergency telephone number of, or any 852
medical information pertaining to, a peace officer, parole 853
officer, probation officer, bailiff, prosecuting attorney, 854
assistant prosecuting attorney, correctional employee, 855
community-based correctional facility employee, youth services 856
employee, firefighter, EMT, investigator of the bureau of 857
criminal identification and investigation, or federal law 858
enforcement officer; 859

(d) The name of any beneficiary of employment benefits, 860
including, but not limited to, life insurance benefits, provided 861
to a peace officer, parole officer, probation officer, bailiff, 862
prosecuting attorney, assistant prosecuting attorney, 863
correctional employee, community-based correctional facility 864
employee, youth services employee, firefighter, EMT, 865
investigator of the bureau of criminal identification and 866
investigation, or federal law enforcement officer by the peace 867
officer's, parole officer's, probation officer's, bailiff's, 868
prosecuting attorney's, assistant prosecuting attorney's, 869
correctional employee's, community-based correctional facility 870
employee's, youth services employee's, firefighter's, EMT's, 871
investigator of the bureau of criminal identification and 872

investigation's, or federal law enforcement officer's employer; 873

(e) The identity and amount of any charitable or 874
employment benefit deduction made by the peace officer's, parole 875
officer's, probation officer's, bailiff's, prosecuting 876
attorney's, assistant prosecuting attorney's, correctional 877
employee's, community-based correctional facility employee's, 878
youth services employee's, firefighter's, EMT's, investigator of 879
the bureau of criminal identification and investigation's, or 880
federal law enforcement officer's employer from the peace 881
officer's, parole officer's, probation officer's, bailiff's, 882
prosecuting attorney's, assistant prosecuting attorney's, 883
correctional employee's, community-based correctional facility 884
employee's, youth services employee's, firefighter's, EMT's, 885
investigator of the bureau of criminal identification and 886
investigation's, or federal law enforcement officer's 887
compensation unless the amount of the deduction is required by 888
state or federal law; 889

(f) The name, the residential address, the name of the 890
employer, the address of the employer, the social security 891
number, the residential telephone number, any bank account, 892
debit card, charge card, or credit card number, or the emergency 893
telephone number of the spouse, a former spouse, or any child of 894
a peace officer, parole officer, probation officer, bailiff, 895
prosecuting attorney, assistant prosecuting attorney, 896
correctional employee, community-based correctional facility 897
employee, youth services employee, firefighter, EMT, 898
investigator of the bureau of criminal identification and 899
investigation, or federal law enforcement officer; 900

(g) A photograph of a peace officer who holds a position 901
or has an assignment that may include undercover or plain 902

clothes positions or assignments as determined by the peace officer's appointing authority. 903
904

As used in divisions (A) (7) and (B) (9) of this section, 905
"peace officer" has the same meaning as in section 109.71 of the 906
Revised Code and also includes the superintendent and troopers 907
of the state highway patrol; it does not include the sheriff of 908
a county or a supervisory employee who, in the absence of the 909
sheriff, is authorized to stand in for, exercise the authority 910
of, and perform the duties of the sheriff. 911

As used in divisions (A) (7) and (B) (9) of this section, 912
"correctional employee" means any employee of the department of 913
rehabilitation and correction who in the course of performing 914
the employee's job duties has or has had contact with inmates 915
and persons under supervision. 916

As used in divisions (A) (7) and (B) (9) of this section, 917
"youth services employee" means any employee of the department 918
of youth services who in the course of performing the employee's 919
job duties has or has had contact with children committed to the 920
custody of the department of youth services. 921

As used in divisions (A) (7) and (B) (9) of this section, 922
"firefighter" means any regular, paid or volunteer, member of a 923
lawfully constituted fire department of a municipal corporation, 924
township, fire district, or village. 925

As used in divisions (A) (7) and (B) (9) of this section, 926
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 927
emergency medical services for a public emergency medical 928
service organization. "Emergency medical service organization," 929
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 930
in section 4765.01 of the Revised Code. 931

As used in divisions (A) (7) and (B) (9) of this section, 932
"investigator of the bureau of criminal identification and 933
investigation" has the meaning defined in section 2903.11 of the 934
Revised Code. 935

As used in divisions (A) (7) and (B) (9) of this section, 936
"federal law enforcement officer" has the meaning defined in 937
section 9.88 of the Revised Code. 938

(8) "Information pertaining to the recreational activities 939
of a person under the age of eighteen" means information that is 940
kept in the ordinary course of business by a public office, that 941
pertains to the recreational activities of a person under the 942
age of eighteen years, and that discloses any of the following: 943

(a) The address or telephone number of a person under the 944
age of eighteen or the address or telephone number of that 945
person's parent, guardian, custodian, or emergency contact 946
person; 947

(b) The social security number, birth date, or 948
photographic image of a person under the age of eighteen; 949

(c) Any medical record, history, or information pertaining 950
to a person under the age of eighteen; 951

(d) Any additional information sought or required about a 952
person under the age of eighteen for the purpose of allowing 953
that person to participate in any recreational activity 954
conducted or sponsored by a public office or to use or obtain 955
admission privileges to any recreational facility owned or 956
operated by a public office. 957

(9) "Community control sanction" has the same meaning as 958
in section 2929.01 of the Revised Code. 959

(10) "Post-release control sanction" has the same meaning 960
as in section 2967.01 of the Revised Code. 961

(11) "Redaction" means obscuring or deleting any 962
information that is exempt from the duty to permit public 963
inspection or copying from an item that otherwise meets the 964
definition of a "record" in section 149.011 of the Revised Code. 965

(12) "Designee" and "elected official" have the same 966
meanings as in section 109.43 of the Revised Code. 967

(B) (1) Upon request and subject to division (B) (8) of this 968
section, all public records responsive to the request shall be 969
promptly prepared and made available for inspection to any 970
person at all reasonable times during regular business hours. 971
Subject to division (B) (8) of this section, upon request, a 972
public office or person responsible for public records shall 973
make copies of the requested public record available at cost and 974
within a reasonable period of time. If a public record contains 975
information that is exempt from the duty to permit public 976
inspection or to copy the public record, the public office or 977
the person responsible for the public record shall make 978
available all of the information within the public record that 979
is not exempt. When making that public record available for 980
public inspection or copying that public record, the public 981
office or the person responsible for the public record shall 982
notify the requester of any redaction or make the redaction 983
plainly visible. A redaction shall be deemed a denial of a 984
request to inspect or copy the redacted information, except if 985
federal or state law authorizes or requires a public office to 986
make the redaction. 987

(2) To facilitate broader access to public records, a 988
public office or the person responsible for public records shall 989

organize and maintain public records in a manner that they can 990
be made available for inspection or copying in accordance with 991
division (B) of this section. A public office also shall have 992
available a copy of its current records retention schedule at a 993
location readily available to the public. If a requester makes 994
an ambiguous or overly broad request or has difficulty in making 995
a request for copies or inspection of public records under this 996
section such that the public office or the person responsible 997
for the requested public record cannot reasonably identify what 998
public records are being requested, the public office or the 999
person responsible for the requested public record may deny the 1000
request but shall provide the requester with an opportunity to 1001
revise the request by informing the requester of the manner in 1002
which records are maintained by the public office and accessed 1003
in the ordinary course of the public office's or person's 1004
duties. 1005

(3) If a request is ultimately denied, in part or in 1006
whole, the public office or the person responsible for the 1007
requested public record shall provide the requester with an 1008
explanation, including legal authority, setting forth why the 1009
request was denied. If the initial request was provided in 1010
writing, the explanation also shall be provided to the requester 1011
in writing. The explanation shall not preclude the public office 1012
or the person responsible for the requested public record from 1013
relying upon additional reasons or legal authority in defending 1014
an action commenced under division (C) of this section. 1015

(4) Unless specifically required or authorized by state or 1016
federal law or in accordance with division (B) of this section, 1017
no public office or person responsible for public records may 1018
limit or condition the availability of public records by 1019
requiring disclosure of the requester's identity or the intended 1020

use of the requested public record. Any requirement that the 1021
requester disclose the requester's identity or the intended use 1022
of the requested public record constitutes a denial of the 1023
request. 1024

(5) A public office or person responsible for public 1025
records may ask a requester to make the request in writing, may 1026
ask for the requester's identity, and may inquire about the 1027
intended use of the information requested, but may do so only 1028
after disclosing to the requester that a written request is not 1029
mandatory and that the requester may decline to reveal the 1030
requester's identity or the intended use and when a written 1031
request or disclosure of the identity or intended use would 1032
benefit the requester by enhancing the ability of the public 1033
office or person responsible for public records to identify, 1034
locate, or deliver the public records sought by the requester. 1035

(6) If any person chooses to obtain a copy of a public 1036
record in accordance with division (B) of this section, the 1037
public office or person responsible for the public record may 1038
require that person to pay in advance the cost involved in 1039
providing the copy of the public record in accordance with the 1040
choice made by the person seeking the copy under this division. 1041
The public office or the person responsible for the public 1042
record shall permit that person to choose to have the public 1043
record duplicated upon paper, upon the same medium upon which 1044
the public office or person responsible for the public record 1045
keeps it, or upon any other medium upon which the public office 1046
or person responsible for the public record determines that it 1047
reasonably can be duplicated as an integral part of the normal 1048
operations of the public office or person responsible for the 1049
public record. When the person seeking the copy makes a choice 1050
under this division, the public office or person responsible for 1051

the public record shall provide a copy of it in accordance with 1052
the choice made by the person seeking the copy. Nothing in this 1053
section requires a public office or person responsible for the 1054
public record to allow the person seeking a copy of the public 1055
record to make the copies of the public record. 1056

(7) (a) Upon a request made in accordance with division (B) 1057
of this section and subject to division (B) (6) of this section, 1058
a public office or person responsible for public records shall 1059
transmit a copy of a public record to any person by United 1060
States mail or by any other means of delivery or transmission 1061
within a reasonable period of time after receiving the request 1062
for the copy. The public office or person responsible for the 1063
public record may require the person making the request to pay 1064
in advance the cost of postage if the copy is transmitted by 1065
United States mail or the cost of delivery if the copy is 1066
transmitted other than by United States mail, and to pay in 1067
advance the costs incurred for other supplies used in the 1068
mailing, delivery, or transmission. 1069

(b) Any public office may adopt a policy and procedures 1070
that it will follow in transmitting, within a reasonable period 1071
of time after receiving a request, copies of public records by 1072
United States mail or by any other means of delivery or 1073
transmission pursuant to division (B) (7) of this section. A 1074
public office that adopts a policy and procedures under division 1075
(B) (7) of this section shall comply with them in performing its 1076
duties under that division. 1077

(c) In any policy and procedures adopted under division 1078
(B) (7) of this section: 1079

(i) A public office may limit the number of records 1080
requested by a person that the office will physically deliver by 1081

United States mail or by another delivery service to ten per 1082
month, unless the person certifies to the office in writing that 1083
the person does not intend to use or forward the requested 1084
records, or the information contained in them, for commercial 1085
purposes; 1086

(ii) A public office that chooses to provide some or all 1087
of its public records on a web site that is fully accessible to 1088
and searchable by members of the public at all times, other than 1089
during acts of God outside the public office's control or 1090
maintenance, and that charges no fee to search, access, 1091
download, or otherwise receive records provided on the web site, 1092
may limit to ten per month the number of records requested by a 1093
person that the office will deliver in a digital format, unless 1094
the requested records are not provided on the web site and 1095
unless the person certifies to the office in writing that the 1096
person does not intend to use or forward the requested records, 1097
or the information contained in them, for commercial purposes. 1098

(iii) For purposes of division (B)(7) of this section, 1099
"commercial" shall be narrowly construed and does not include 1100
reporting or gathering news, reporting or gathering information 1101
to assist citizen oversight or understanding of the operation or 1102
activities of government, or nonprofit educational research. 1103

(8) A public office or person responsible for public 1104
records is not required to permit a person who is incarcerated 1105
pursuant to a criminal conviction or a juvenile adjudication to 1106
inspect or to obtain a copy of any public record concerning a 1107
criminal investigation or prosecution or concerning what would 1108
be a criminal investigation or prosecution if the subject of the 1109
investigation or prosecution were an adult, unless the request 1110
to inspect or to obtain a copy of the record is for the purpose 1111

of acquiring information that is subject to release as a public 1112
record under this section and the judge who imposed the sentence 1113
or made the adjudication with respect to the person, or the 1114
judge's successor in office, finds that the information sought 1115
in the public record is necessary to support what appears to be 1116
a justiciable claim of the person. 1117

(9) (a) Upon written request made and signed by a 1118
journalist on or after December 16, 1999, a public office, or 1119
person responsible for public records, having custody of the 1120
records of the agency employing a specified peace officer, 1121
parole officer, probation officer, bailiff, prosecuting 1122
attorney, assistant prosecuting attorney, correctional employee, 1123
community-based correctional facility employee, youth services 1124
employee, firefighter, EMT, investigator of the bureau of 1125
criminal identification and investigation, or federal law 1126
enforcement officer shall disclose to the journalist the address 1127
of the actual personal residence of the peace officer, parole 1128
officer, probation officer, bailiff, prosecuting attorney, 1129
assistant prosecuting attorney, correctional employee, 1130
community-based correctional facility employee, youth services 1131
employee, firefighter, EMT, investigator of the bureau of 1132
criminal identification and investigation, or federal law 1133
enforcement officer and, if the peace officer's, parole 1134
officer's, probation officer's, bailiff's, prosecuting 1135
attorney's, assistant prosecuting attorney's, correctional 1136
employee's, community-based correctional facility employee's, 1137
youth services employee's, firefighter's, EMT's, investigator of 1138
the bureau of criminal identification and investigation's, or 1139
federal law enforcement officer's spouse, former spouse, or 1140
child is employed by a public office, the name and address of 1141
the employer of the peace officer's, parole officer's, probation 1142

officer's, bailiff's, prosecuting attorney's, assistant 1143
prosecuting attorney's, correctional employee's, community-based 1144
correctional facility employee's, youth services employee's, 1145
firefighter's, EMT's, investigator of the bureau of criminal 1146
identification and investigation's, or federal law enforcement 1147
officer's spouse, former spouse, or child. The request shall 1148
include the journalist's name and title and the name and address 1149
of the journalist's employer and shall state that disclosure of 1150
the information sought would be in the public interest. 1151

(b) Division (B) (9) (a) of this section also applies to 1152
journalist requests for customer information maintained by a 1153
municipally owned or operated public utility, other than social 1154
security numbers and any private financial information such as 1155
credit reports, payment methods, credit card numbers, and bank 1156
account information. 1157

(c) As used in division (B) (9) of this section, 1158
"journalist" means a person engaged in, connected with, or 1159
employed by any news medium, including a newspaper, magazine, 1160
press association, news agency, or wire service, a radio or 1161
television station, or a similar medium, for the purpose of 1162
gathering, processing, transmitting, compiling, editing, or 1163
disseminating information for the general public. 1164

(C) (1) If a person allegedly is aggrieved by the failure 1165
of a public office or the person responsible for public records 1166
to promptly prepare a public record and to make it available to 1167
the person for inspection in accordance with division (B) of 1168
this section or by any other failure of a public office or the 1169
person responsible for public records to comply with an 1170
obligation in accordance with division (B) of this section, the 1171
person allegedly aggrieved may do only one of the following, and 1172

not both: 1173

(a) File a complaint with the clerk of the court of claims 1174
or the clerk of the court of common pleas under section 2743.75 1175
of the Revised Code; 1176

(b) Commence a mandamus action to obtain a judgment that 1177
orders the public office or the person responsible for the 1178
public record to comply with division (B) of this section, that 1179
awards court costs and reasonable attorney's fees to the person 1180
that instituted the mandamus action, and, if applicable, that 1181
includes an order fixing statutory damages under division (C) (2) 1182
of this section. The mandamus action may be commenced in the 1183
court of common pleas of the county in which division (B) of 1184
this section allegedly was not complied with, in the supreme 1185
court pursuant to its original jurisdiction under Section 2 of 1186
Article IV, Ohio Constitution, or in the court of appeals for 1187
the appellate district in which division (B) of this section 1188
allegedly was not complied with pursuant to its original 1189
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1190

(2) If a requester transmits a written request by hand 1191
delivery or certified mail to inspect or receive copies of any 1192
public record in a manner that fairly describes the public 1193
record or class of public records to the public office or person 1194
responsible for the requested public records, except as 1195
otherwise provided in this section, the requester shall be 1196
entitled to recover the amount of statutory damages set forth in 1197
this division if a court determines that the public office or 1198
the person responsible for public records failed to comply with 1199
an obligation in accordance with division (B) of this section. 1200

The amount of statutory damages shall be fixed at one 1201
hundred dollars for each business day during which the public 1202

office or person responsible for the requested public records 1203
failed to comply with an obligation in accordance with division 1204
(B) of this section, beginning with the day on which the 1205
requester files a mandamus action to recover statutory damages, 1206
up to a maximum of one thousand dollars. The award of statutory 1207
damages shall not be construed as a penalty, but as compensation 1208
for injury arising from lost use of the requested information. 1209
The existence of this injury shall be conclusively presumed. The 1210
award of statutory damages shall be in addition to all other 1211
remedies authorized by this section. 1212

The court may reduce an award of statutory damages or not 1213
award statutory damages if the court determines both of the 1214
following: 1215

(a) That, based on the ordinary application of statutory 1216
law and case law as it existed at the time of the conduct or 1217
threatened conduct of the public office or person responsible 1218
for the requested public records that allegedly constitutes a 1219
failure to comply with an obligation in accordance with division 1220
(B) of this section and that was the basis of the mandamus 1221
action, a well-informed public office or person responsible for 1222
the requested public records reasonably would believe that the 1223
conduct or threatened conduct of the public office or person 1224
responsible for the requested public records did not constitute 1225
a failure to comply with an obligation in accordance with 1226
division (B) of this section; 1227

(b) That a well-informed public office or person 1228
responsible for the requested public records reasonably would 1229
believe that the conduct or threatened conduct of the public 1230
office or person responsible for the requested public records 1231
would serve the public policy that underlies the authority that 1232

is asserted as permitting that conduct or threatened conduct. 1233

(3) In a mandamus action filed under division (C) (1) of 1234
this section, the following apply: 1235

(a) (i) If the court orders the public office or the person 1236
responsible for the public record to comply with division (B) of 1237
this section, the court shall determine and award to the relator 1238
all court costs, which shall be construed as remedial and not 1239
punitive. 1240

(ii) If the court makes a determination described in 1241
division (C) (3) (b) (iii) of this section, the court shall 1242
determine and award to the relator all court costs, which shall 1243
be construed as remedial and not punitive. 1244

(b) If the court renders a judgment that orders the public 1245
office or the person responsible for the public record to comply 1246
with division (B) of this section or if the court determines any 1247
of the following, the court may award reasonable attorney's fees 1248
to the relator, subject to the provisions of division (C) (4) of 1249
this section: 1250

(i) The public office or the person responsible for the 1251
public records failed to respond affirmatively or negatively to 1252
the public records request in accordance with the time allowed 1253
under division (B) of this section. 1254

(ii) The public office or the person responsible for the 1255
public records promised to permit the relator to inspect or 1256
receive copies of the public records requested within a 1257
specified period of time but failed to fulfill that promise 1258
within that specified period of time. 1259

(iii) The public office or the person responsible for the 1260
public records acted in bad faith when the office or person 1261

voluntarily made the public records available to the relator for 1262
the first time after the relator commenced the mandamus action, 1263
but before the court issued any order concluding whether or not 1264
the public office or person was required to comply with division 1265
(B) of this section. No discovery may be conducted on the issue 1266
of the alleged bad faith of the public office or person 1267
responsible for the public records. This division shall not be 1268
construed as creating a presumption that the public office or 1269
the person responsible for the public records acted in bad faith 1270
when the office or person voluntarily made the public records 1271
available to the relator for the first time after the relator 1272
commenced the mandamus action, but before the court issued any 1273
order described in this division. 1274

(c) The court shall not award attorney's fees to the 1275
relator if the court determines both of the following: 1276

(i) That, based on the ordinary application of statutory 1277
law and case law as it existed at the time of the conduct or 1278
threatened conduct of the public office or person responsible 1279
for the requested public records that allegedly constitutes a 1280
failure to comply with an obligation in accordance with division 1281
(B) of this section and that was the basis of the mandamus 1282
action, a well-informed public office or person responsible for 1283
the requested public records reasonably would believe that the 1284
conduct or threatened conduct of the public office or person 1285
responsible for the requested public records did not constitute 1286
a failure to comply with an obligation in accordance with 1287
division (B) of this section; 1288

(ii) That a well-informed public office or person 1289
responsible for the requested public records reasonably would 1290
believe that the conduct or threatened conduct of the public 1291

office or person responsible for the requested public records 1292
would serve the public policy that underlies the authority that 1293
is asserted as permitting that conduct or threatened conduct. 1294

(4) All of the following apply to any award of reasonable 1295
attorney's fees awarded under division (C) (3) (b) of this 1296
section: 1297

(a) The fees shall be construed as remedial and not 1298
punitive. 1299

(b) The fees awarded shall not exceed the total of the 1300
reasonable attorney's fees incurred before the public record was 1301
made available to the relator and the fees described in division 1302
(C) (4) (c) of this section. 1303

(c) Reasonable attorney's fees shall include reasonable 1304
fees incurred to produce proof of the reasonableness and amount 1305
of the fees and to otherwise litigate entitlement to the fees. 1306

(d) The court may reduce the amount of fees awarded if the 1307
court determines that, given the factual circumstances involved 1308
with the specific public records request, an alternative means 1309
should have been pursued to more effectively and efficiently 1310
resolve the dispute that was subject to the mandamus action 1311
filed under division (C) (1) of this section. 1312

(5) If the court does not issue a writ of mandamus under 1313
division (C) of this section and the court determines at that 1314
time that the bringing of the mandamus action was frivolous 1315
conduct as defined in division (A) of section 2323.51 of the 1316
Revised Code, the court may award to the public office all court 1317
costs, expenses, and reasonable attorney's fees, as determined 1318
by the court. 1319

(D) Chapter 1347. of the Revised Code does not limit the 1320

provisions of this section. 1321

(E) (1) To ensure that all employees of public offices are 1322
appropriately educated about a public office's obligations under 1323
division (B) of this section, all elected officials or their 1324
appropriate designees shall attend training approved by the 1325
attorney general as provided in section 109.43 of the Revised 1326
Code. In addition, all public offices shall adopt a public 1327
records policy in compliance with this section for responding to 1328
public records requests. In adopting a public records policy 1329
under this division, a public office may obtain guidance from 1330
the model public records policy developed and provided to the 1331
public office by the attorney general under section 109.43 of 1332
the Revised Code. Except as otherwise provided in this section, 1333
the policy may not limit the number of public records that the 1334
public office will make available to a single person, may not 1335
limit the number of public records that it will make available 1336
during a fixed period of time, and may not establish a fixed 1337
period of time before it will respond to a request for 1338
inspection or copying of public records, unless that period is 1339
less than eight hours. 1340

(2) The public office shall distribute the public records 1341
policy adopted by the public office under division (E) (1) of 1342
this section to the employee of the public office who is the 1343
records custodian or records manager or otherwise has custody of 1344
the records of that office. The public office shall require that 1345
employee to acknowledge receipt of the copy of the public 1346
records policy. The public office shall create a poster that 1347
describes its public records policy and shall post the poster in 1348
a conspicuous place in the public office and in all locations 1349
where the public office has branch offices. The public office 1350
may post its public records policy on the internet web site of 1351

the public office if the public office maintains an internet web 1352
site. A public office that has established a manual or handbook 1353
of its general policies and procedures for all employees of the 1354
public office shall include the public records policy of the 1355
public office in the manual or handbook. 1356

(F) (1) The bureau of motor vehicles may adopt rules 1357
pursuant to Chapter 119. of the Revised Code to reasonably limit 1358
the number of bulk commercial special extraction requests made 1359
by a person for the same records or for updated records during a 1360
calendar year. The rules may include provisions for charges to 1361
be made for bulk commercial special extraction requests for the 1362
actual cost of the bureau, plus special extraction costs, plus 1363
ten per cent. The bureau may charge for expenses for redacting 1364
information, the release of which is prohibited by law. 1365

(2) As used in division (F) (1) of this section: 1366

(a) "Actual cost" means the cost of depleted supplies, 1367
records storage media costs, actual mailing and alternative 1368
delivery costs, or other transmitting costs, and any direct 1369
equipment operating and maintenance costs, including actual 1370
costs paid to private contractors for copying services. 1371

(b) "Bulk commercial special extraction request" means a 1372
request for copies of a record for information in a format other 1373
than the format already available, or information that cannot be 1374
extracted without examination of all items in a records series, 1375
class of records, or database by a person who intends to use or 1376
forward the copies for surveys, marketing, solicitation, or 1377
resale for commercial purposes. "Bulk commercial special 1378
extraction request" does not include a request by a person who 1379
gives assurance to the bureau that the person making the request 1380
does not intend to use or forward the requested copies for 1381

surveys, marketing, solicitation, or resale for commercial 1382
purposes. 1383

(c) "Commercial" means profit-seeking production, buying, 1384
or selling of any good, service, or other product. 1385

(d) "Special extraction costs" means the cost of the time 1386
spent by the lowest paid employee competent to perform the task, 1387
the actual amount paid to outside private contractors employed 1388
by the bureau, or the actual cost incurred to create computer 1389
programs to make the special extraction. "Special extraction 1390
costs" include any charges paid to a public agency for computer 1391
or records services. 1392

(3) For purposes of divisions (F) (1) and (2) of this 1393
section, "surveys, marketing, solicitation, or resale for 1394
commercial purposes" shall be narrowly construed and does not 1395
include reporting or gathering news, reporting or gathering 1396
information to assist citizen oversight or understanding of the 1397
operation or activities of government, or nonprofit educational 1398
research. 1399

(G) A request by a defendant, counsel of a defendant, or 1400
any agent of a defendant in a criminal action that public 1401
records related to that action be made available under this 1402
section shall be considered a demand for discovery pursuant to 1403
the Criminal Rules, except to the extent that the Criminal Rules 1404
plainly indicate a contrary intent. The defendant, counsel of 1405
the defendant, or agent of the defendant making a request under 1406
this division shall serve a copy of the request on the 1407
prosecuting attorney, director of law, or other chief legal 1408
officer responsible for prosecuting the action. 1409

Sec. 181.21. (A) There is hereby created within the 1410

supreme court the state criminal sentencing commission, 1411
consisting of thirty-one members. One member shall be the chief 1412
justice of the supreme court, who shall be the chairperson of 1413
the commission. The following ten members of the commission, no 1414
more than six of whom shall be members of the same political 1415
party, shall be appointed by the chief justice: one judge of a 1416
court of appeals, three judges of courts of common pleas who are 1417
not juvenile court judges, three judges of juvenile courts, and 1418
three judges of municipal courts or county courts. Four members 1419
shall be the superintendent of the state highway patrol, the 1420
state public defender, the director of youth services, and the 1421
director of rehabilitation and correction, or their individual 1422
designees. The following twelve members, no more than seven of 1423
whom shall be members of the same political party, shall be 1424
appointed by the governor after consulting with the appropriate 1425
state associations, if any, that are represented by these 1426
members: one sheriff; two county prosecuting attorneys, at least 1427
one of whom shall be experienced in the prosecution of cases in 1428
juvenile court involving alleged delinquent children, unruly 1429
children, and juvenile traffic offenders; two peace officers of 1430
a municipal corporation or township, at least one of whom shall 1431
be experienced in the investigation of cases involving 1432
juveniles; one former victim of a violation of Title XXIX of the 1433
Revised Code; one attorney whose practice of law primarily 1434
involves the representation of criminal defendants; one member 1435
of the Ohio state bar association; one attorney whose practice 1436
of law primarily involves the representation in juvenile court 1437
of alleged delinquent children, unruly children, and juvenile 1438
traffic offenders; one full-time city prosecuting attorney; one 1439
county commissioner; and one mayor, city manager, or member of a 1440
legislative authority of a municipal corporation. Two members 1441
shall be members of the senate, one appointed by the president 1442

of the senate and one appointed by the minority leader of the 1443
senate. Two members shall be members of the house of 1444
representatives, one appointed by the speaker of the house of 1445
representatives and one appointed by the minority leader of the 1446
house of representatives. 1447

The chief justice shall become a member of the commission 1448
on August 22, 1990, and the chief justice's successors in office 1449
shall become members of the commission on the day that they 1450
assume the office of chief justice. The term of office of the 1451
chief justice as a member of the commission shall continue for 1452
as long as that person holds the office of chief justice. The 1453
term of office of the member who is an attorney whose practice 1454
of law primarily involves the representation of criminal 1455
defendants, the term of office of the member who is an attorney 1456
whose practice of law primarily involves the representation in 1457
juvenile court of alleged delinquent children, unruly children, 1458
and juvenile traffic offenders, and the term of office of the 1459
former victim of a violation of Title XXIX of the Revised Code 1460
shall be four years. The term of office of the superintendent of 1461
the state highway patrol, the state public defender, the 1462
director of youth services, and the director of rehabilitation 1463
and correction, or their individual designees, as members of the 1464
commission shall continue for as long as they hold the office of 1465
superintendent of the state highway patrol, state public 1466
defender, director of youth services, or director of 1467
rehabilitation and correction. The term of office of a municipal 1468
corporation or township peace officer as a member of the 1469
commission shall be the lesser of four years or until that 1470
person ceases to be a peace officer of a municipal corporation 1471
or township. Unless the full-time city prosecuting attorney is 1472
an elected official, the term of office of the full-time city 1473

prosecuting attorney shall be the lesser of four years or until 1474
the full-time city prosecuting attorney ceases to be a full-time 1475
city prosecuting attorney. All of the members of the commission 1476
who are elected officials shall serve the lesser of four years 1477
or until the expiration of their term of office. Any vacancy on 1478
the commission shall be filled in the same manner as the 1479
original appointment. 1480

When the chief justice and governor make their 1481
appointments to the commission, they shall consider adequate 1482
representation by race and gender. 1483

(B) The commission shall select a vice-chairperson and any 1484
other necessary officers and adopt rules to govern its 1485
proceedings. The commission shall meet as necessary at the call 1486
of the chairperson or on the written request of eight or more of 1487
its members. Sixteen members of the commission constitute a 1488
quorum, and the votes of a majority of the quorum present shall 1489
be required to validate any action of the commission. All 1490
business of the commission shall be conducted in public 1491
meetings. 1492

The members of the commission shall serve without 1493
compensation, but each member shall be reimbursed for the 1494
member's actual and necessary expenses incurred in the 1495
performance of the member's official duties on the commission. 1496
In the absence of the chairperson, the vice-chairperson shall 1497
perform the duties of the chairperson. 1498

(C) The commission shall establish an office and shall 1499
appoint and fix the compensation of a project director and any 1500
other employees necessary to assist the commission in the 1501
execution of its authority under sections 181.21 to 181.26 of 1502
the Revised Code. The project director shall have a thorough 1503

understanding of the criminal laws of this state and experience 1504
in committee-oriented research. The other employees may include 1505
a research coordinator with experience and training in policy- 1506
oriented research; professional staff employees with backgrounds 1507
in criminal law, criminal justice, political science, or related 1508
fields of expertise; administrative assistants; and secretaries. 1509
The commission also may appoint and fix the compensation of 1510
part-time data collectors, clerical employees, and other 1511
temporary employees as needed to enable the commission to 1512
execute its authority under sections 181.21 to 181.26 of the 1513
Revised Code. 1514

(D) The sentencing commission shall establish a standing 1515
juvenile committee. The committee shall consist of the following 1516
commission members: the chief justice of the supreme court or 1517
the chief justice's designee, the director of youth services, 1518
the three juvenile court judges, one court of common pleas judge 1519
who is not a juvenile court judge, one county prosecuting 1520
attorney who is experienced in the prosecution of cases in 1521
juvenile court involving alleged delinquent children, unruly 1522
children, and juvenile traffic offenders, the attorney whose 1523
practice of law primarily involves the representation in 1524
juvenile court of alleged delinquent children, unruly children, 1525
and juvenile traffic offenders, the former victim of a violation 1526
of Title XXIX of the Revised Code, the county commissioner, one 1527
legislator from each political party, the sheriff, and one 1528
municipal corporation or township peace officer who is 1529
experienced in the investigation of cases involving juveniles. 1530
The members of the commission may serve on the committee by 1531
designation of the chief justice. The chief justice shall 1532
designate a member to serve as chairperson of the committee. The 1533
committee shall meet as necessary at the call of the chairperson 1534

or on the written request of four or more of the committee's 1535
members. A majority of the members of the committee shall 1536
constitute a quorum, and the votes of a majority of the quorum 1537
present shall be required to validate any action of the 1538
committee, including recommendations to the commission. The 1539
committee and the commission shall comply with section 181.26 of 1540
the Revised Code. 1541

(E) (1) The sentencing commission shall establish an ad 1542
hoc, standing offender supervision study committee. The 1543
committee shall consist of one member who is a person appointed 1544
by the governor and the following twelve members appointed by 1545
the commission: one active parole line officer; one active 1546
probation officer; two members of the house of representatives 1547
who shall not be members of the same political party; two 1548
members of the senate who shall not be members of the same 1549
political party; one judge of a court of common pleas; one 1550
representative of the Ohio community corrections association; 1551
the director of rehabilitation and corrections or the director's 1552
representative; one county prosecuting attorney; the state 1553
public defender, the state public defender's representative, or 1554
a county public defender; and one sheriff. The members of the 1555
commission may serve on the committee by designation of the 1556
chief justice, to the extent that the members satisfy the 1557
criteria for service on the committee. The chief justice shall 1558
designate a member to serve as chairperson of the committee. The 1559
committee shall select a vice-chairperson. The committee shall 1560
meet as necessary at the call of the chairperson or on the 1561
written request of four or more of the committee's members. In 1562
the absence of the chairperson, the vice-chairperson shall 1563
perform the duties of the chairperson. A majority of the members 1564
of the committee shall constitute a quorum, and the votes of a 1565

majority of the quorum present shall be required to validate any 1566
action of the committee, including the content of reports and 1567
recommendations to the commission. 1568

The members of the committee who are not members of the 1569
commission shall serve without compensation, but each such 1570
member shall be reimbursed for the member's actual and necessary 1571
expenses incurred in the performance of the member's official 1572
duties on the commission. Section 181.21 of the Revised Code 1573
applies to the members of the committee who are members of the 1574
commission. 1575

(2) The offender supervision study committee shall study 1576
and review all issues related to the supervision of offenders, 1577
including issues related to parole, community control, 1578
probation, community corrections, and transitional control, and 1579
issues related to interstate compact policies. The committee 1580
shall submit a report to the commission not later than the 1581
thirty-first day of December in each even-numbered year that 1582
contains its findings with respect to the issues it studies and 1583
reviews and recommendations regarding possible changes in the 1584
law based on those findings. 1585

The commission shall comply with division (D) of section 1586
181.26 of the Revised Code with respect to the reports submitted 1587
to it under this division. 1588

(3) The sentencing commission may appoint persons who are 1589
experts in issues related to the supervision of offenders to 1590
assist the committee in the performance of its duties under 1591
division (E)(2) of this section. No person appointed in a 1592
capacity under this division may vote on any action of the 1593
committee, including the content of any report or recommendation 1594
to the commission. 1595

Sec. 181.26. (A) In addition to its duties set forth in 1596
sections 181.23 to 181.25 of the Revised Code, the state 1597
criminal sentencing commission shall do all of the following: 1598

(1) Review all statutes governing delinquent child, unruly 1599
child, and juvenile traffic offender dispositions in this state; 1600

(2) Review state and local resources, including facilities 1601
and programs, used for delinquent child, unruly child, and 1602
juvenile traffic offender dispositions and profile the 1603
populations of youthful offenders in the facilities and 1604
programs; 1605

(3) Report to the general assembly no later than October 1606
1, 1999, a comprehensive plan containing recommendations based 1607
on the reviews required under divisions (A) (1) and (2) of this 1608
section. The recommendations shall do all of the following: 1609

(a) Assist in the managing of the number of persons in, 1610
and costs of, the facilities, the programs, and other resources 1611
used in delinquent child, unruly child, and juvenile traffic 1612
offender dispositions; 1613

(b) Foster rehabilitation, public safety, sanctions, 1614
accountability, and other reasonable goals; 1615

(c) Provide greater certainty, proportionality, 1616
uniformity, fairness, and simplicity in delinquent child, unruly 1617
child, and juvenile traffic offender dispositions while 1618
retaining reasonable judicial discretion; 1619

(d) Provide for the restoration of victims of juvenile 1620
offenses. 1621

(B) The commission shall project the impact of the 1622
comprehensive plan recommended by the commission under division 1623

(A) of this section on state and local resources used in 1624
delinquent child, unruly child, and juvenile traffic offender 1625
dispositions. The commission shall determine whether any 1626
additional facilities, programs, or other resources are needed 1627
to implement the comprehensive plan. 1628

(C) If the general assembly enacts all or a substantial 1629
part of the comprehensive plan recommended by the commission 1630
under division (A) of this section, the commission shall do all 1631
of the following: 1632

(1) Assist in the implementation of the enacted plan; 1633

(2) Monitor the operation of the plan, periodically report 1634
to the general assembly on the plan's operation and the plan's 1635
impact on resources used in delinquent child, unruly child, and 1636
juvenile traffic offender dispositions, and periodically 1637
recommend changes in the plan to the general assembly based on 1638
this monitoring; 1639

(3) Review all bills that are introduced in the general 1640
assembly that relate to delinquent child, unruly child, and 1641
juvenile traffic offender dispositions and assist the general 1642
assembly in making legislation consistent with the plan. 1643

(D) In addition to its duties set forth in sections 181.23 1644
to 181.25 of the Revised Code and divisions (A) to (C) of this 1645
section, the state criminal sentencing commission shall review 1646
all reports submitted to it by the offender supervision study 1647
committee under division (E)(2) of section 181.21 of the Revised 1648
Code and, for each report so received, not later than ninety 1649
days after receiving the report, shall submit a report to the 1650
general assembly that contains the commission's recommendations 1651
regarding possible changes in the law based on the findings of 1652

the committee that are set forth in the report. In preparing its 1653
report to the general assembly, the commission shall consider 1654
all findings and recommendations of the committee contained in 1655
the report the committee submitted to the commission, and the 1656
commission's report to the general assembly may be, but is not 1657
required to be, the same as the report of the committee 1658
submitted to the commission. 1659

Sec. 2901.011. The amendments to sections 109.42, 121.22, 1660
149.43, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 1661
2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 1662
2921.36, 2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 1663
2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 1664
2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 1665
2967.03, 2967.13, 2967.14, 2967.19, 2967.191, 2967.193, 2967.26, 1666
2967.28, 2971.03, 3719.99, 5120.021, 5120.113, 5120.53, 5120.66, 1667
and 5149.04 and the enactment of sections 2901.011, 2929.144, 1668
2967.271, 2967.272, and 5120.038 of the Revised Code by ... B... 1669
of the 132nd general assembly constitute the Reagan Tokes Act. 1670

Sec. 2903.06. (A) No person, while operating or 1671
participating in the operation of a motor vehicle, motorcycle, 1672
snowmobile, locomotive, watercraft, or aircraft, shall cause the 1673
death of another or the unlawful termination of another's 1674
pregnancy in any of the following ways: 1675

(1) (a) As the proximate result of committing a violation 1676
of division (A) of section 4511.19 of the Revised Code or of a 1677
substantially equivalent municipal ordinance; 1678

(b) As the proximate result of committing a violation of 1679
division (A) of section 1547.11 of the Revised Code or of a 1680
substantially equivalent municipal ordinance; 1681

(c) As the proximate result of committing a violation of 1682
division (A) (3) of section 4561.15 of the Revised Code or of a 1683
substantially equivalent municipal ordinance. 1684

(2) In one of the following ways: 1685

(a) Recklessly; 1686

(b) As the proximate result of committing, while operating 1687
or participating in the operation of a motor vehicle or 1688
motorcycle in a construction zone, a reckless operation offense, 1689
provided that this division applies only if the person whose 1690
death is caused or whose pregnancy is unlawfully terminated is 1691
in the construction zone at the time of the offender's 1692
commission of the reckless operation offense in the construction 1693
zone and does not apply as described in division (F) of this 1694
section. 1695

(3) In one of the following ways: 1696

(a) Negligently; 1697

(b) As the proximate result of committing, while operating 1698
or participating in the operation of a motor vehicle or 1699
motorcycle in a construction zone, a speeding offense, provided 1700
that this division applies only if the person whose death is 1701
caused or whose pregnancy is unlawfully terminated is in the 1702
construction zone at the time of the offender's commission of 1703
the speeding offense in the construction zone and does not apply 1704
as described in division (F) of this section. 1705

(4) As the proximate result of committing a violation of 1706
any provision of any section contained in Title XLV of the 1707
Revised Code that is a minor misdemeanor or of a municipal 1708
ordinance that, regardless of the penalty set by ordinance for 1709
the violation, is substantially equivalent to any provision of 1710

any section contained in Title XLV of the Revised Code that is a 1711
minor misdemeanor. 1712

(B) (1) Whoever violates division (A) (1) or (2) of this 1713
section is guilty of aggravated vehicular homicide and shall be 1714
punished as provided in divisions (B) (2) and (3) of this 1715
section. 1716

(2) (a) Except as otherwise provided in division (B) (2) (b) 1717
or (c) of this section, aggravated vehicular homicide committed 1718
in violation of division (A) (1) of this section is a felony of 1719
the second degree and the court shall impose a mandatory prison 1720
term on the offender as described in division (E) of this 1721
section. 1722

(b) Except as otherwise provided in division (B) (2) (c) of 1723
this section, aggravated vehicular homicide committed in 1724
violation of division (A) (1) of this section is a felony of the 1725
first degree, and the court shall impose a mandatory prison term 1726
on the offender as described in division (E) of this section, if 1727
any of the following apply: 1728

(i) At the time of the offense, the offender was driving 1729
under a suspension or cancellation imposed under Chapter 4510. 1730
or any other provision of the Revised Code or was operating a 1731
motor vehicle or motorcycle, did not have a valid driver's 1732
license, commercial driver's license, temporary instruction 1733
permit, probationary license, or nonresident operating 1734
privilege, and was not eligible for renewal of the offender's 1735
driver's license or commercial driver's license without 1736
examination under section 4507.10 of the Revised Code. 1737

(ii) The offender previously has been convicted of or 1738
pleaded guilty to a violation of this section. 1739

(iii) The offender previously has been convicted of or 1740
pleaded guilty to any traffic-related homicide, manslaughter, or 1741
assault offense. 1742

(c) Aggravated vehicular homicide committed in violation 1743
of division (A)(1) of this section is a felony of the first 1744
degree, and the court shall sentence the offender to a mandatory 1745
prison term as provided in section 2929.142 of the Revised Code 1746
and described in division (E) of this section if any of the 1747
following apply: 1748

(i) The offender previously has been convicted of or 1749
pleaded guilty to three or more prior violations of section 1750
4511.19 of the Revised Code or of a substantially equivalent 1751
municipal ordinance within the previous ten years. 1752

(ii) The offender previously has been convicted of or 1753
pleaded guilty to three or more prior violations of division (A) 1754
of section 1547.11 of the Revised Code or of a substantially 1755
equivalent municipal ordinance within the previous ten years. 1756

(iii) The offender previously has been convicted of or 1757
pleaded guilty to three or more prior violations of division (A) 1758
(3) of section 4561.15 of the Revised Code or of a substantially 1759
equivalent municipal ordinance within the previous ten years. 1760

(iv) The offender previously has been convicted of or 1761
pleaded guilty to three or more prior violations of division (A) 1762
(1) of this section within the previous ten years. 1763

(v) The offender previously has been convicted of or 1764
pleaded guilty to three or more prior violations of division (A) 1765
(1) of section 2903.08 of the Revised Code within the previous 1766
ten years. 1767

(vi) The offender previously has been convicted of or 1768

pleaded guilty to three or more prior violations of section 1769
2903.04 of the Revised Code within the previous ten years in 1770
circumstances in which division (D) of that section applied 1771
regarding the violations. 1772

(vii) The offender previously has been convicted of or 1773
pleaded guilty to three or more violations of any combination of 1774
the offenses listed in division (B)(2)(c)(i), (ii), (iii), (iv), 1775
(v), or (vi) of this section within the previous ten years. 1776

(viii) The offender previously has been convicted of or 1777
pleaded guilty to a second or subsequent felony violation of 1778
division (A) of section 4511.19 of the Revised Code. 1779

(d) In addition to any other sanctions imposed pursuant to 1780
division (B)(2)(a), (b), or (c) of this section for aggravated 1781
vehicular homicide committed in violation of division (A)(1) of 1782
this section, the court shall impose upon the offender a class 1783
one suspension of the offender's driver's license, commercial 1784
driver's license, temporary instruction permit, probationary 1785
license, or nonresident operating privilege as specified in 1786
division (A)(1) of section 4510.02 of the Revised Code. 1787

Divisions (A)(1) to (3) of section 4510.54 of the Revised 1788
Code apply to a suspension imposed under division (B)(2)(d) of 1789
this section. 1790

(3) Except as otherwise provided in this division, 1791
aggravated vehicular homicide committed in violation of division 1792
(A)(2) of this section is a felony of the third degree. 1793
Aggravated vehicular homicide committed in violation of division 1794
(A)(2) of this section is a felony of the second degree if, at 1795
the time of the offense, the offender was driving under a 1796
suspension or cancellation imposed under Chapter 4510. or any 1797

other provision of the Revised Code or was operating a motor 1798
vehicle or motorcycle, did not have a valid driver's license, 1799
commercial driver's license, temporary instruction permit, 1800
probationary license, or nonresident operating privilege, and 1801
was not eligible for renewal of the offender's driver's license 1802
or commercial driver's license without examination under section 1803
4507.10 of the Revised Code or if the offender previously has 1804
been convicted of or pleaded guilty to a violation of this 1805
section or any traffic-related homicide, manslaughter, or 1806
assault offense. The court shall impose a mandatory prison term 1807
on the offender when required by division (E) of this section. 1808

In addition to any other sanctions imposed pursuant to 1809
this division for a violation of division (A) (2) of this 1810
section, the court shall impose upon the offender a class two 1811
suspension of the offender's driver's license, commercial 1812
driver's license, temporary instruction permit, probationary 1813
license, or nonresident operating privilege from the range 1814
specified in division (A) (2) of section 4510.02 of the Revised 1815
Code or, if the offender previously has been convicted of or 1816
pleaded guilty to a traffic-related murder, felonious assault, 1817
or attempted murder offense, a class one suspension of the 1818
offender's driver's license, commercial driver's license, 1819
temporary instruction permit, probationary license, or 1820
nonresident operating privilege as specified in division (A) (1) 1821
of that section. 1822

(C) Whoever violates division (A) (3) of this section is 1823
guilty of vehicular homicide. Except as otherwise provided in 1824
this division, vehicular homicide is a misdemeanor of the first 1825
degree. Vehicular homicide committed in violation of division 1826
(A) (3) of this section is a felony of the fourth degree if, at 1827
the time of the offense, the offender was driving under a 1828

suspension or cancellation imposed under Chapter 4510. or any 1829
other provision of the Revised Code or was operating a motor 1830
vehicle or motorcycle, did not have a valid driver's license, 1831
commercial driver's license, temporary instruction permit, 1832
probationary license, or nonresident operating privilege, and 1833
was not eligible for renewal of the offender's driver's license 1834
or commercial driver's license without examination under section 1835
4507.10 of the Revised Code or if the offender previously has 1836
been convicted of or pleaded guilty to a violation of this 1837
section or any traffic-related homicide, manslaughter, or 1838
assault offense. The court shall impose a mandatory jail term or 1839
a mandatory prison term on the offender when required by 1840
division (E) of this section. 1841

In addition to any other sanctions imposed pursuant to 1842
this division, the court shall impose upon the offender a class 1843
four suspension of the offender's driver's license, commercial 1844
driver's license, temporary instruction permit, probationary 1845
license, or nonresident operating privilege from the range 1846
specified in division (A) (4) of section 4510.02 of the Revised 1847
Code, or, if the offender previously has been convicted of or 1848
pleaded guilty to a violation of this section or any traffic- 1849
related homicide, manslaughter, or assault offense, a class 1850
three suspension of the offender's driver's license, commercial 1851
driver's license, temporary instruction permit, probationary 1852
license, or nonresident operating privilege from the range 1853
specified in division (A) (3) of that section, or, if the 1854
offender previously has been convicted of or pleaded guilty to a 1855
traffic-related murder, felonious assault, or attempted murder 1856
offense, a class two suspension of the offender's driver's 1857
license, commercial driver's license, temporary instruction 1858
permit, probationary license, or nonresident operating privilege 1859

as specified in division (A) (2) of that section. 1860

(D) Whoever violates division (A) (4) of this section is 1861
guilty of vehicular manslaughter. Except as otherwise provided 1862
in this division, vehicular manslaughter is a misdemeanor of the 1863
second degree. Vehicular manslaughter is a misdemeanor of the 1864
first degree if, at the time of the offense, the offender was 1865
driving under a suspension or cancellation imposed under Chapter 1866
4510. or any other provision of the Revised Code or was 1867
operating a motor vehicle or motorcycle, did not have a valid 1868
driver's license, commercial driver's license, temporary 1869
instruction permit, probationary license, or nonresident 1870
operating privilege, and was not eligible for renewal of the 1871
offender's driver's license or commercial driver's license 1872
without examination under section 4507.10 of the Revised Code or 1873
if the offender previously has been convicted of or pleaded 1874
guilty to a violation of this section or any traffic-related 1875
homicide, manslaughter, or assault offense. 1876

In addition to any other sanctions imposed pursuant to 1877
this division, the court shall impose upon the offender a class 1878
six suspension of the offender's driver's license, commercial 1879
driver's license, temporary instruction permit, probationary 1880
license, or nonresident operating privilege from the range 1881
specified in division (A) (6) of section 4510.02 of the Revised 1882
Code or, if the offender previously has been convicted of or 1883
pleaded guilty to a violation of this section, any traffic- 1884
related homicide, manslaughter, or assault offense, or a 1885
traffic-related murder, felonious assault, or attempted murder 1886
offense, a class four suspension of the offender's driver's 1887
license, commercial driver's license, temporary instruction 1888
permit, probationary license, or nonresident operating privilege 1889
from the range specified in division (A) (4) of that section. 1890

(E) (1) The court shall impose a mandatory prison term on 1891
an offender who is convicted of or pleads guilty to a violation 1892
of division (A) (1) of this section. Except as otherwise provided 1893
in this division, the mandatory prison term shall be a definite 1894
term from the range of prison terms provided in division (A) (1) 1895
(b) of section 2929.14 of the Revised Code for a felony of the 1896
first degree or from division (A) (2) (b) of that section for a 1897
felony of the second degree, whichever is applicable, except 1898
that if the violation is committed on or after the effective 1899
date of this amendment, the court shall impose as the minimum 1900
prison term for the offense a mandatory prison term that is one 1901
of the minimum terms prescribed for a felony of the first degree 1902
in division (A) (1) (a) of section 2929.14 of the Revised Code or 1903
one of the terms prescribed for a felony of the second degree in 1904
division (A) (2) (a) of that section, whichever is applicable. If 1905
division (B) (2) (c) (i), (ii), (iii), (iv), (v), (vi), (vii), or 1906
(viii) of this section applies to an offender who is convicted 1907
of or pleads guilty to the violation of division (A) (1) of this 1908
section, the court shall impose the mandatory prison term 1909
pursuant to division (B) of section 2929.142 of the Revised 1910
Code. The court shall impose a mandatory jail term of at least 1911
fifteen days on an offender who is convicted of or pleads guilty 1912
to a misdemeanor violation of division (A) (3) (b) of this section 1913
and may impose upon the offender a longer jail term as 1914
authorized pursuant to section 2929.24 of the Revised Code. ~~The~~ 1915

(2) The court shall impose a mandatory prison term on an 1916
offender who is convicted of or pleads guilty to a violation of 1917
division (A) (2) or (3) (a) of this section or a felony violation 1918
of division (A) (3) (b) of this section if either division (E) (2) 1919
(a) or (b) of this section applies. The mandatory prison term 1920
shall be a definite term from the range of prison terms provided 1921

in division (A) (3) (a) (ii) of section 2929.14 of the Revised Code 1922
for a felony of the third degree or from division (A) (4) of that 1923
section for a felony of the fourth degree, whichever is 1924
applicable, except that if the violation is a felony of the 1925
third degree committed on or after the effective date of this 1926
amendment, the court shall impose as the minimum prison term for 1927
the offense a mandatory prison term that is one of the minimum 1928
terms prescribed for a felony of the third degree in division 1929
(A) (3) (a) (i) of section 2929.14 of the Revised Code. The court 1930
shall impose a mandatory prison term on an offender in a 1931
category described in this division if either of the following 1932
applies: 1933

~~(1)~~ (a) The offender previously has been convicted of or 1934
pleaded guilty to a violation of this section or section 2903.08 1935
of the Revised Code. 1936

~~(2)~~ (b) At the time of the offense, the offender was 1937
driving under suspension or cancellation under Chapter 4510. or 1938
any other provision of the Revised Code or was operating a motor 1939
vehicle or motorcycle, did not have a valid driver's license, 1940
commercial driver's license, temporary instruction permit, 1941
probationary license, or nonresident operating privilege, and 1942
was not eligible for renewal of the offender's driver's license 1943
or commercial driver's license without examination under section 1944
4507.10 of the Revised Code. 1945

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 1946
apply in a particular construction zone unless signs of the type 1947
described in section 2903.081 of the Revised Code are erected in 1948
that construction zone in accordance with the guidelines and 1949
design specifications established by the director of 1950
transportation under section 5501.27 of the Revised Code. The 1951

failure to erect signs of the type described in section 2903.081 1952
of the Revised Code in a particular construction zone in 1953
accordance with those guidelines and design specifications does 1954
not limit or affect the application of division (A) (1), (A) (2) 1955
(a), (A) (3) (a), or (A) (4) of this section in that construction 1956
zone or the prosecution of any person who violates any of those 1957
divisions in that construction zone. 1958

(G) (1) As used in this section: 1959

(a) "Mandatory prison term" and "mandatory jail term" have 1960
the same meanings as in section 2929.01 of the Revised Code. 1961

(b) "Traffic-related homicide, manslaughter, or assault 1962
offense" means a violation of section 2903.04 of the Revised 1963
Code in circumstances in which division (D) of that section 1964
applies, a violation of section 2903.06 or 2903.08 of the 1965
Revised Code, or a violation of section 2903.06, 2903.07, or 1966
2903.08 of the Revised Code as they existed prior to March 23, 1967
2000. 1968

(c) "Construction zone" has the same meaning as in section 1969
5501.27 of the Revised Code. 1970

(d) "Reckless operation offense" means a violation of 1971
section 4511.20 of the Revised Code or a municipal ordinance 1972
substantially equivalent to section 4511.20 of the Revised Code. 1973

(e) "Speeding offense" means a violation of section 1974
4511.21 of the Revised Code or a municipal ordinance pertaining 1975
to speed. 1976

(f) "Traffic-related murder, felonious assault, or 1977
attempted murder offense" means a violation of section 2903.01 1978
or 2903.02 of the Revised Code in circumstances in which the 1979
offender used a motor vehicle as the means to commit the 1980

violation, a violation of division (A) (2) of section 2903.11 of 1981
the Revised Code in circumstances in which the deadly weapon 1982
used in the commission of the violation is a motor vehicle, or 1983
an attempt to commit aggravated murder or murder in violation of 1984
section 2923.02 of the Revised Code in circumstances in which 1985
the offender used a motor vehicle as the means to attempt to 1986
commit the aggravated murder or murder. 1987

(g) "Motor vehicle" has the same meaning as in section 1988
4501.01 of the Revised Code. 1989

(2) For the purposes of this section, when a penalty or 1990
suspension is enhanced because of a prior or current violation 1991
of a specified law or a prior or current specified offense, the 1992
reference to the violation of the specified law or the specified 1993
offense includes any violation of any substantially equivalent 1994
municipal ordinance, former law of this state, or current or 1995
former law of another state or the United States. 1996

Sec. 2903.08. (A) No person, while operating or 1997
participating in the operation of a motor vehicle, motorcycle, 1998
snowmobile, locomotive, watercraft, or aircraft, shall cause 1999
serious physical harm to another person or another's unborn in 2000
any of the following ways: 2001

(1) (a) As the proximate result of committing a violation 2002
of division (A) of section 4511.19 of the Revised Code or of a 2003
substantially equivalent municipal ordinance; 2004

(b) As the proximate result of committing a violation of 2005
division (A) of section 1547.11 of the Revised Code or of a 2006
substantially equivalent municipal ordinance; 2007

(c) As the proximate result of committing a violation of 2008
division (A) (3) of section 4561.15 of the Revised Code or of a 2009

substantially equivalent municipal ordinance. 2010

(2) In one of the following ways: 2011

(a) As the proximate result of committing, while operating 2012
or participating in the operation of a motor vehicle or 2013
motorcycle in a construction zone, a reckless operation offense, 2014
provided that this division applies only if the person to whom 2015
the serious physical harm is caused or to whose unborn the 2016
serious physical harm is caused is in the construction zone at 2017
the time of the offender's commission of the reckless operation 2018
offense in the construction zone and does not apply as described 2019
in division (E) of this section; 2020

(b) Recklessly. 2021

(3) As the proximate result of committing, while operating 2022
or participating in the operation of a motor vehicle or 2023
motorcycle in a construction zone, a speeding offense, provided 2024
that this division applies only if the person to whom the 2025
serious physical harm is caused or to whose unborn the serious 2026
physical harm is caused is in the construction zone at the time 2027
of the offender's commission of the speeding offense in the 2028
construction zone and does not apply as described in division 2029
(E) of this section. 2030

(B) (1) Whoever violates division (A) (1) of this section is 2031
guilty of aggravated vehicular assault. Except as otherwise 2032
provided in this division, aggravated vehicular assault is a 2033
felony of the third degree. Aggravated vehicular assault is a 2034
felony of the second degree if any of the following apply: 2035

(a) At the time of the offense, the offender was driving 2036
under a suspension imposed under Chapter 4510. or any other 2037
provision of the Revised Code. 2038

(b) The offender previously has been convicted of or 2039
pleaded guilty to a violation of this section. 2040

(c) The offender previously has been convicted of or 2041
pleaded guilty to any traffic-related homicide, manslaughter, or 2042
assault offense. 2043

(d) The offender previously has been convicted of or 2044
pleaded guilty to three or more prior violations of section 2045
4511.19 of the Revised Code or a substantially equivalent 2046
municipal ordinance within the previous ten years. 2047

(e) The offender previously has been convicted of or 2048
pleaded guilty to three or more prior violations of division (A) 2049
of section 1547.11 of the Revised Code or of a substantially 2050
equivalent municipal ordinance within the previous ten years. 2051

(f) The offender previously has been convicted of or 2052
pleaded guilty to three or more prior violations of division (A) 2053
(3) of section 4561.15 of the Revised Code or of a substantially 2054
equivalent municipal ordinance within the previous ten years. 2055

(g) The offender previously has been convicted of or 2056
pleaded guilty to three or more prior violations of any 2057
combination of the offenses listed in division (B) (1) (d), (e), 2058
or (f) of this section. 2059

(h) The offender previously has been convicted of or 2060
pleaded guilty to a second or subsequent felony violation of 2061
division (A) of section 4511.19 of the Revised Code. 2062

(2) In addition to any other sanctions imposed pursuant to 2063
division (B) (1) of this section, except as otherwise provided in 2064
this division, the court shall impose upon the offender a class 2065
three suspension of the offender's driver's license, commercial 2066
driver's license, temporary instruction permit, probationary 2067

license, or nonresident operating privilege from the range 2068
specified in division (A) (3) of section 4510.02 of the Revised 2069
Code. If the offender previously has been convicted of or 2070
pleaded guilty to a violation of this section, any traffic- 2071
related homicide, manslaughter, or assault offense, or any 2072
traffic-related murder, felonious assault, or attempted murder 2073
offense, the court shall impose either a class two suspension of 2074
the offender's driver's license, commercial driver's license, 2075
temporary instruction permit, probationary license, or 2076
nonresident operating privilege from the range specified in 2077
division (A) (2) of that section or a class one suspension as 2078
specified in division (A) (1) of that section. 2079

(C) (1) Whoever violates division (A) (2) or (3) of this 2080
section is guilty of vehicular assault and shall be punished as 2081
provided in divisions (C) (2) and (3) of this section. 2082

(2) Except as otherwise provided in this division, 2083
vehicular assault committed in violation of division (A) (2) of 2084
this section is a felony of the fourth degree. Vehicular assault 2085
committed in violation of division (A) (2) of this section is a 2086
felony of the third degree if, at the time of the offense, the 2087
offender was driving under a suspension imposed under Chapter 2088
4510. or any other provision of the Revised Code, if the 2089
offender previously has been convicted of or pleaded guilty to a 2090
violation of this section or any traffic-related homicide, 2091
manslaughter, or assault offense, or if, in the same course of 2092
conduct that resulted in the violation of division (A) (2) of 2093
this section, the offender also violated section 4549.02, 2094
4549.021, or 4549.03 of the Revised Code. 2095

In addition to any other sanctions imposed, the court 2096
shall impose upon the offender a class four suspension of the 2097

offender's driver's license, commercial driver's license, 2098
temporary instruction permit, probationary license, or 2099
nonresident operating privilege from the range specified in 2100
division (A) (4) of section 4510.02 of the Revised Code or, if 2101
the offender previously has been convicted of or pleaded guilty 2102
to a violation of this section, any traffic-related homicide, 2103
manslaughter, or assault offense, or any traffic-related murder, 2104
felonious assault, or attempted murder offense, a class three 2105
suspension of the offender's driver's license, commercial 2106
driver's license, temporary instruction permit, probationary 2107
license, or nonresident operating privilege from the range 2108
specified in division (A) (3) of that section. 2109

(3) Except as otherwise provided in this division, 2110
vehicular assault committed in violation of division (A) (3) of 2111
this section is a misdemeanor of the first degree. Vehicular 2112
assault committed in violation of division (A) (3) of this 2113
section is a felony of the fourth degree if, at the time of the 2114
offense, the offender was driving under a suspension imposed 2115
under Chapter 4510. or any other provision of the Revised Code 2116
or if the offender previously has been convicted of or pleaded 2117
guilty to a violation of this section or any traffic-related 2118
homicide, manslaughter, or assault offense. 2119

In addition to any other sanctions imposed, the court 2120
shall impose upon the offender a class four suspension of the 2121
offender's driver's license, commercial driver's license, 2122
temporary instruction permit, probationary license, or 2123
nonresident operating privilege from the range specified in 2124
division (A) (4) of section 4510.02 of the Revised Code or, if 2125
the offender previously has been convicted of or pleaded guilty 2126
to a violation of this section, any traffic-related homicide, 2127
manslaughter, or assault offense, or any traffic-related murder, 2128

felonious assault, or attempted murder offense, a class three 2129
suspension of the offender's driver's license, commercial 2130
driver's license, temporary instruction permit, probationary 2131
license, or nonresident operating privilege from the range 2132
specified in division (A) (3) of section 4510.02 of the Revised 2133
Code. 2134

(D) (1) The court shall impose a mandatory prison term, as 2135
described in division (D) (4) of this section, on an offender who 2136
is convicted of or pleads guilty to a violation of division (A) 2137
(1) of this section. 2138

(2) The court shall impose a mandatory prison term, as 2139
described in division (D) (4) of this section, on an offender who 2140
is convicted of or pleads guilty to a violation of division (A) 2141
(2) of this section or a felony violation of division (A) (3) of 2142
this section if either of the following applies: 2143

(a) The offender previously has been convicted of or 2144
pleaded guilty to a violation of this section or section 2903.06 2145
of the Revised Code. 2146

(b) At the time of the offense, the offender was driving 2147
under suspension under Chapter 4510. or any other provision of 2148
the Revised Code. 2149

(3) The court shall impose a mandatory jail term of at 2150
least seven days on an offender who is convicted of or pleads 2151
guilty to a misdemeanor violation of division (A) (3) of this 2152
section and may impose upon the offender a longer jail term as 2153
authorized pursuant to section 2929.24 of the Revised Code. 2154

(4) A mandatory prison term required under division (D) (1) 2155
or (2) of this section shall be a definite term from the range 2156
of prison terms provided in division (A) (2) (b) of section 2157

2929.14 of the Revised Code for a felony of the second degree, 2158
from division (A) (3) (a) (ii) of that section for a felony of the 2159
third degree, or from division (A) (4) of that section for a 2160
felony of the fourth degree, whichever is applicable, except 2161
that if the violation is a felony of the second or third degree 2162
committed on or after the effective date of this amendment, the 2163
court shall impose as the minimum prison term for the offense a 2164
mandatory prison term that is one of the minimum terms 2165
prescribed for a felony of the second degree in division (A) (2) 2166
(a) of section 2929.14 of the Revised Code or that is one of the 2167
minimum terms prescribed for a felony of the third degree in 2168
division (A) (3) (a) (i) of section 2929.14 of the Revised Code, 2169
whichever is applicable. 2170

(E) Divisions (A) (2) (a) and (3) of this section do not 2171
apply in a particular construction zone unless signs of the type 2172
described in section 2903.081 of the Revised Code are erected in 2173
that construction zone in accordance with the guidelines and 2174
design specifications established by the director of 2175
transportation under section 5501.27 of the Revised Code. The 2176
failure to erect signs of the type described in section 2903.081 2177
of the Revised Code in a particular construction zone in 2178
accordance with those guidelines and design specifications does 2179
not limit or affect the application of division (A) (1) or (2) (b) 2180
of this section in that construction zone or the prosecution of 2181
any person who violates either of those divisions in that 2182
construction zone. 2183

(F) As used in this section: 2184

(1) "Mandatory prison term" and "mandatory jail term" have 2185
the same meanings as in section 2929.01 of the Revised Code. 2186

(2) "Traffic-related homicide, manslaughter, or assault 2187

offense" and "traffic-related murder, felonious assault, or
attempted murder offense" have the same meanings as in section
2903.06 of the Revised Code.

(3) "Construction zone" has the same meaning as in section
5501.27 of the Revised Code.

(4) "Reckless operation offense" and "speeding offense"
have the same meanings as in section 2903.06 of the Revised
Code.

(G) For the purposes of this section, when a penalty or
suspension is enhanced because of a prior or current violation
of a specified law or a prior or current specified offense, the
reference to the violation of the specified law or the specified
offense includes any violation of any substantially equivalent
municipal ordinance, former law of this state, or current or
former law of another state or the United States.

Sec. 2903.11. (A) No person shall knowingly do either of
the following:

(1) Cause serious physical harm to another or to another's
unborn;

(2) Cause or attempt to cause physical harm to another or
to another's unborn by means of a deadly weapon or dangerous
ordnance.

(B) No person, with knowledge that the person has tested
positive as a carrier of a virus that causes acquired
immunodeficiency syndrome, shall knowingly do any of the
following:

(1) Engage in sexual conduct with another person without
disclosing that knowledge to the other person prior to engaging

in the sexual conduct; 2216

(2) Engage in sexual conduct with a person whom the 2217
offender knows or has reasonable cause to believe lacks the 2218
mental capacity to appreciate the significance of the knowledge 2219
that the offender has tested positive as a carrier of a virus 2220
that causes acquired immunodeficiency syndrome; 2221

(3) Engage in sexual conduct with a person under eighteen 2222
years of age who is not the spouse of the offender. 2223

(C) The prosecution of a person under this section does 2224
not preclude prosecution of that person under section 2907.02 of 2225
the Revised Code. 2226

(D) (1) (a) Whoever violates this section is guilty of 2227
felonious assault. Except as otherwise provided in this division 2228
or division (D) (1) (b) of this section, felonious assault is a 2229
felony of the second degree. If the victim of a violation of 2230
division (A) of this section is a peace officer or an 2231
investigator of the bureau of criminal identification and 2232
investigation, felonious assault is a felony of the first 2233
degree. 2234

(b) Regardless of whether the felonious assault is a 2235
felony of the first or second degree under division (D) (1) (a) of 2236
this section, if the offender also is convicted of or pleads 2237
guilty to a specification as described in section 2941.1423 of 2238
the Revised Code that was included in the indictment, count in 2239
the indictment, or information charging the offense, except as 2240
otherwise provided in this division or unless a longer prison 2241
term is required under any other provision of law, the court 2242
shall sentence the offender to a mandatory prison term as 2243
provided in division (B) (8) of section 2929.14 of the Revised 2244

Code. If the victim of the offense is a peace officer or an 2245
investigator of the bureau of criminal identification and 2246
investigation, and if the victim suffered serious physical harm 2247
as a result of the commission of the offense, felonious assault 2248
is a felony of the first degree, and the court, pursuant to 2249
division (F) of section 2929.13 of the Revised Code, shall 2250
impose as a mandatory prison term one of the definite prison 2251
terms prescribed for a felony of the first degree in division 2252
(A) (1) (b) of section 2929.14 of the Revised Code, except that if 2253
the violation is committed on or after the effective date of 2254
this amendment, the court shall impose as the minimum prison 2255
term for the offense a mandatory prison term that is one of the 2256
minimum terms prescribed for a felony of the first degree in 2257
division (A) (1) (a) of section 2929.14 of the Revised Code. 2258

(2) In addition to any other sanctions imposed pursuant to 2259
division (D) (1) of this section for felonious assault committed 2260
in violation of division (A) (1) or (2) of this section, if the 2261
offender also is convicted of or pleads guilty to a 2262
specification of the type described in section 2941.1425 of the 2263
Revised Code that was included in the indictment, count in the 2264
indictment, or information charging the offense, the court shall 2265
sentence the offender to a mandatory prison term under division 2266
(B) (9) of section 2929.14 of the Revised Code. 2267

(3) In addition to any other sanctions imposed pursuant to 2268
division (D) (1) of this section for felonious assault committed 2269
in violation of division (A) (2) of this section, if the deadly 2270
weapon used in the commission of the violation is a motor 2271
vehicle, the court shall impose upon the offender a class two 2272
suspension of the offender's driver's license, commercial 2273
driver's license, temporary instruction permit, probationary 2274
license, or nonresident operating privilege as specified in 2275

division (A) (2) of section 4510.02 of the Revised Code.	2276
(E) As used in this section:	2277
(1) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.	2278 2279
(2) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.	2280 2281
(3) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	2282 2283
(4) "Sexual conduct" has the same meaning as in section 2907.01 of the Revised Code, except that, as used in this section, it does not include the insertion of an instrument, apparatus, or other object that is not a part of the body into the vaginal or anal opening of another, unless the offender knew at the time of the insertion that the instrument, apparatus, or other object carried the offender's bodily fluid.	2284 2285 2286 2287 2288 2289 2290
(5) "Investigator of the bureau of criminal identification and investigation" means an investigator of the bureau of criminal identification and investigation who is commissioned by the superintendent of the bureau as a special agent for the purpose of assisting law enforcement officers or providing emergency assistance to peace officers pursuant to authority granted under section 109.541 of the Revised Code.	2291 2292 2293 2294 2295 2296 2297
(6) "Investigator" has the same meaning as in section 109.541 of the Revised Code.	2298 2299
(F) The provisions of division (D) (2) of this section and of division (F) (20) of section 2929.13, divisions (B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of the Revised Code shall be known as "Judy's Law."	2300 2301 2302 2303

Sec. 2903.12. (A) No person, while under the influence of 2304
sudden passion or in a sudden fit of rage, either of which is 2305
brought on by serious provocation occasioned by the victim that 2306
is reasonably sufficient to incite the person into using deadly 2307
force, shall knowingly: 2308

(1) Cause serious physical harm to another or to another's 2309
unborn; 2310

(2) Cause or attempt to cause physical harm to another or 2311
to another's unborn by means of a deadly weapon or dangerous 2312
ordnance, as defined in section 2923.11 of the Revised Code. 2313

(B) Whoever violates this section is guilty of aggravated 2314
assault. Except as otherwise provided in this division, 2315
aggravated assault is a felony of the fourth degree. If the 2316
victim of the offense is a peace officer or an investigator of 2317
the bureau of criminal identification and investigation, 2318
aggravated assault is a felony of the third degree. Regardless 2319
of whether the offense is a felony of the third or fourth degree 2320
under this division, if the offender also is convicted of or 2321
pleads guilty to a specification as described in section 2322
2941.1423 of the Revised Code that was included in the 2323
indictment, count in the indictment, or information charging the 2324
offense, except as otherwise provided in this division, the 2325
court shall sentence the offender to a mandatory prison term as 2326
provided in division (B) (8) of section 2929.14 of the Revised 2327
Code. If the victim of the offense is a peace officer or an 2328
investigator of the bureau of criminal identification and 2329
investigation, and if the victim suffered serious physical harm 2330
as a result of the commission of the offense, aggravated assault 2331
is a felony of the third degree, and the court, pursuant to 2332
division (F) of section 2929.13 of the Revised Code, shall 2333

impose as a mandatory prison term one of the definite prison 2334
terms prescribed in division (A) (3) (b) of section 2929.14 of the 2335
Revised Code for a felony of the third degree. 2336

(C) As used in this section: 2337

(1) "Investigator of the bureau of criminal identification 2338
and investigation" has the same meaning as in section 2903.11 of 2339
the Revised Code. 2340

(2) "Peace officer" has the same meaning as in section 2341
2935.01 of the Revised Code. 2342

Sec. 2905.01. (A) No person, by force, threat, or 2343
deception, or, in the case of a victim under the age of thirteen 2344
or mentally incompetent, by any means, shall remove another from 2345
the place where the other person is found or restrain the 2346
liberty of the other person, for any of the following purposes: 2347

(1) To hold for ransom, or as a shield or hostage; 2348

(2) To facilitate the commission of any felony or flight 2349
thereafter; 2350

(3) To terrorize, or to inflict serious physical harm on 2351
the victim or another; 2352

(4) To engage in sexual activity, as defined in section 2353
2907.01 of the Revised Code, with the victim against the 2354
victim's will; 2355

(5) To hinder, impede, or obstruct a function of 2356
government, or to force any action or concession on the part of 2357
governmental authority; 2358

(6) To hold in a condition of involuntary servitude. 2359

(B) No person, by force, threat, or deception, or, in the 2360

case of a victim under the age of thirteen or mentally 2361
incompetent, by any means, shall knowingly do any of the 2362
following, under circumstances that create a substantial risk of 2363
serious physical harm to the victim or, in the case of a minor 2364
victim, under circumstances that either create a substantial 2365
risk of serious physical harm to the victim or cause physical 2366
harm to the victim: 2367

(1) Remove another from the place where the other person 2368
is found; 2369

(2) Restrain another of the other person's liberty. 2370

(C)(1) Whoever violates this section is guilty of 2371
kidnapping. Except as otherwise provided in this division or 2372
division (C)(2) or (3) of this section, kidnapping is a felony 2373
of the first degree. Except as otherwise provided in this 2374
division or division (C)(2) or (3) of this section, if an 2375
offender who violates division (A)(1) to (5), (B)(1), or (B)(2) 2376
of this section releases the victim in a safe place unharmed, 2377
kidnapping is a felony of the second degree. 2378

(2) If the offender in any case also is convicted of or 2379
pleads guilty to a specification as described in section 2380
2941.1422 of the Revised Code that was included in the 2381
indictment, count in the indictment, or information charging the 2382
offense, the court shall order the offender to make restitution 2383
as provided in division (B)(8) of section 2929.18 of the Revised 2384
Code and, except as otherwise provided in division (C)(3) of 2385
this section, shall sentence the offender to a mandatory prison 2386
term as provided in division (B)(7) of section 2929.14 of the 2387
Revised Code. 2388

(3) If the victim of the offense is less than thirteen 2389

years of age and if the offender also is convicted of or pleads 2390
guilty to a sexual motivation specification that was included in 2391
the indictment, count in the indictment, or information charging 2392
the offense, kidnapping is a felony of the first degree, and, 2393
notwithstanding the definite or indefinite sentence provided for 2394
a felony of the first degree in section 2929.14 of the Revised 2395
Code, the offender shall be sentenced pursuant to section 2396
2971.03 of the Revised Code as follows: 2397

(a) Except as otherwise provided in division (C) (3) (b) of 2398
this section, the offender shall be sentenced pursuant to that 2399
section to an indefinite prison term consisting of a minimum 2400
term of fifteen years and a maximum term of life imprisonment. 2401

(b) If the offender releases the victim in a safe place 2402
unharmd, the offender shall be sentenced pursuant to that 2403
section to an indefinite term consisting of a minimum term of 2404
ten years and a maximum term of life imprisonment. 2405

(D) As used in this section: 2406

(1) "Involuntary servitude" has the same meaning as in 2407
section 2905.31 of the Revised Code. 2408

(2) "Sexual motivation specification" has the same meaning 2409
as in section 2971.01 of the Revised Code. 2410

Sec. 2905.32. (A) No person shall knowingly recruit, lure, 2411
entice, isolate, harbor, transport, provide, obtain, or 2412
maintain, or knowingly attempt to recruit, lure, entice, 2413
isolate, harbor, transport, provide, obtain, or maintain, 2414
another person if any of the following applies: 2415

(1) The offender knows that the other person will be 2416
subjected to involuntary servitude or be compelled to engage in 2417
sexual activity for hire, engage in a performance that is 2418

obscene, sexually oriented, or nudity oriented, or be a model or 2419
participant in the production of material that is obscene, 2420
sexually oriented, or nudity oriented. 2421

(2) The other person is less than sixteen years of age or 2422
is a person with a developmental disability whom the offender 2423
knows or has reasonable cause to believe is a person with a 2424
developmental disability, and either the offender knows that the 2425
other person will be subjected to involuntary servitude or the 2426
offender's knowing recruitment, luring, enticement, isolation, 2427
harboring, transportation, provision, obtaining, or maintenance 2428
of the other person or knowing attempt to recruit, lure, entice, 2429
isolate, harbor, transport, provide, obtain, or maintain the 2430
other person is for any of the following purposes: 2431

(a) To engage in sexual activity for hire; 2432

(b) To engage in a performance for hire that is obscene, 2433
sexually oriented, or nudity oriented; 2434

(c) To be a model or participant for hire in the 2435
production of material that is obscene, sexually oriented, or 2436
nudity oriented. 2437

(3) The other person is sixteen or seventeen years of age, 2438
either the offender knows that the other person will be 2439
subjected to involuntary servitude or the offender's knowing 2440
recruitment, luring, enticement, isolation, harboring, 2441
transportation, provision, obtaining, or maintenance of the 2442
other person or knowing attempt to recruit, lure, entice, 2443
isolate, harbor, transport, provide, obtain, or maintain the 2444
other person is for any purpose described in divisions (A) (2) (a) 2445
to (c) of this section, and the circumstances described in 2446
division (A) (5), (6), (7), (8), (9), (10), (11), (12), or (13) 2447

of section 2907.03 of the Revised Code apply with respect to the 2448
offender and the other person. 2449

(B) For a prosecution under division (A)(1) of this 2450
section, the element "compelled" does not require that the 2451
compulsion be openly displayed or physically exerted. The 2452
element "compelled" has been established if the state proves 2453
that the victim's will was overcome by force, fear, duress, 2454
intimidation, or fraud. 2455

(C) In a prosecution under this section, proof that the 2456
defendant engaged in sexual activity with any person, or 2457
solicited sexual activity with any person, whether or not for 2458
hire, without more, does not constitute a violation of this 2459
section. 2460

(D) A prosecution for a violation of this section does not 2461
preclude a prosecution of a violation of any other section of 2462
the Revised Code. One or more acts, a series of acts, or a 2463
course of behavior that can be prosecuted under this section or 2464
any other section of the Revised Code may be prosecuted under 2465
this section, the other section of the Revised Code, or both 2466
sections. However, if an offender is convicted of or pleads 2467
guilty to a violation of this section and also is convicted of 2468
or pleads guilty to a violation of section 2907.21 of the 2469
Revised Code based on the same conduct involving the same victim 2470
that was the basis of the violation of this section, or is 2471
convicted of or pleads guilty to any other violation of Chapter 2472
2907. of the Revised Code based on the same conduct involving 2473
the same victim that was the basis of the violation of this 2474
section, the two offenses are allied offenses of similar import 2475
under section 2941.25 of the Revised Code. 2476

(E) Whoever violates this section is guilty of trafficking 2477

in persons, a felony of the first degree. ~~Notwithstanding~~ For a 2478
violation committed prior to the effective date of this 2479
amendment, notwithstanding the range of definite terms set forth 2480
in division (A) (1) (b) of section 2929.14 of the Revised Code, 2481
the court shall sentence the offender to a definite prison term 2482
of ten, eleven, twelve, thirteen, fourteen, or fifteen years. 2483
For a violation committed on or after the effective date of this 2484
amendment, notwithstanding the range of minimum terms set forth 2485
in division (A) (1) (a) of section 2929.14 of the Revised Code, 2486
the court shall sentence the offender to an indefinite prison 2487
term pursuant to that division, with a minimum term under that 2488
sentence of ten, eleven, twelve, thirteen, fourteen, or fifteen 2489
years. 2490

(F) As used in this section: 2491

(1) "Person with a developmental disability" means a 2492
person whose ability to resist or consent to an act is 2493
substantially impaired because of a mental or physical condition 2494
or because of advanced age. 2495

(2) "Sexual activity for hire," "performance for hire," 2496
and "model or participant for hire" mean an implicit or explicit 2497
agreement to provide sexual activity, engage in an obscene, 2498
sexually oriented, or nudity oriented performance, or be a model 2499
or participant in the production of obscene, sexually oriented, 2500
or nudity oriented material, whichever is applicable, in 2501
exchange for anything of value paid to any of the following: 2502

(a) The person engaging in such sexual activity, 2503
performance, or modeling or participation; 2504

(b) Any person who recruits, lures, entices, isolates, 2505
harbors, transports, provides, obtains, or maintains, or 2506

attempts to recruit, lure, entice, isolate, harbor, transport, 2507
provide, obtain, or maintain the person described in division 2508
(F) (2) (a) of this section; 2509

(c) Any person associated with a person described in 2510
division (F) (2) (a) or (b) of this section. 2511

(3) "Material that is obscene, sexually oriented, or 2512
nudity oriented" and "performance that is obscene, sexually 2513
oriented, or nudity oriented" have the same meanings as in 2514
section 2929.01 of the Revised Code. 2515

Sec. 2907.02. (A) (1) No person shall engage in sexual 2516
conduct with another who is not the spouse of the offender or 2517
who is the spouse of the offender but is living separate and 2518
apart from the offender, when any of the following applies: 2519

(a) For the purpose of preventing resistance, the offender 2520
substantially impairs the other person's judgment or control by 2521
administering any drug, intoxicant, or controlled substance to 2522
the other person surreptitiously or by force, threat of force, 2523
or deception. 2524

(b) The other person is less than thirteen years of age, 2525
whether or not the offender knows the age of the other person. 2526

(c) The other person's ability to resist or consent is 2527
substantially impaired because of a mental or physical condition 2528
or because of advanced age, and the offender knows or has 2529
reasonable cause to believe that the other person's ability to 2530
resist or consent is substantially impaired because of a mental 2531
or physical condition or because of advanced age. 2532

(2) No person shall engage in sexual conduct with another 2533
when the offender purposely compels the other person to submit 2534
by force or threat of force. 2535

(B) Whoever violates this section is guilty of rape, a 2536
felony of the first degree. If the offender under division (A) 2537
(1) (a) of this section substantially impairs the other person's 2538
judgment or control by administering any controlled substance 2539
described in section 3719.41 of the Revised Code to the other 2540
person surreptitiously or by force, threat of force, or 2541
deception, the prison term imposed upon the offender shall be 2542
one of the definite prison terms prescribed for a felony of the 2543
first degree in division (A) (1) (b) of section 2929.14 of the 2544
Revised Code that is not less than five years, except that if 2545
the violation is committed on or after the effective date of 2546
this amendment, the court shall impose as the minimum prison 2547
term for the offense a mandatory prison term that is one of the 2548
minimum terms prescribed for a felony of the first degree in 2549
division (A) (1) (a) of section 2929.14 of the Revised Code that 2550
is not less than five years. Except as otherwise provided in 2551
this division, notwithstanding sections 2929.11 to 2929.14 of 2552
the Revised Code, an offender under division (A) (1) (b) of this 2553
section shall be sentenced to a prison term or term of life 2554
imprisonment pursuant to section 2971.03 of the Revised Code. If 2555
an offender is convicted of or pleads guilty to a violation of 2556
division (A) (1) (b) of this section, if the offender was less 2557
than sixteen years of age at the time the offender committed the 2558
violation of that division, and if the offender during or 2559
immediately after the commission of the offense did not cause 2560
serious physical harm to the victim, the victim was ten years of 2561
age or older at the time of the commission of the violation, and 2562
the offender has not previously been convicted of or pleaded 2563
guilty to a violation of this section or a substantially similar 2564
existing or former law of this state, another state, or the 2565
United States, the court shall not sentence the offender to a 2566
prison term or term of life imprisonment pursuant to section 2567

2971.03 of the Revised Code, and instead the court shall 2568
sentence the offender as otherwise provided in this division. If 2569
an offender under division (A) (1) (b) of this section previously 2570
has been convicted of or pleaded guilty to violating division 2571
(A) (1) (b) of this section or to violating an existing or former 2572
law of this state, another state, or the United States that is 2573
substantially similar to division (A) (1) (b) of this section, if 2574
the offender during or immediately after the commission of the 2575
offense caused serious physical harm to the victim, or if the 2576
victim under division (A) (1) (b) of this section is less than ten 2577
years of age, in lieu of sentencing the offender to a prison 2578
term or term of life imprisonment pursuant to section 2971.03 of 2579
the Revised Code, the court may impose upon the offender a term 2580
of life without parole. If the court imposes a term of life 2581
without parole pursuant to this division, division (F) of 2582
section 2971.03 of the Revised Code applies, and the offender 2583
automatically is classified a tier III sex offender/child-victim 2584
offender, as described in that division. 2585

(C) A victim need not prove physical resistance to the 2586
offender in prosecutions under this section. 2587

(D) Evidence of specific instances of the victim's sexual 2588
activity, opinion evidence of the victim's sexual activity, and 2589
reputation evidence of the victim's sexual activity shall not be 2590
admitted under this section unless it involves evidence of the 2591
origin of semen, pregnancy, or disease, or the victim's past 2592
sexual activity with the offender, and only to the extent that 2593
the court finds that the evidence is material to a fact at issue 2594
in the case and that its inflammatory or prejudicial nature does 2595
not outweigh its probative value. 2596

Evidence of specific instances of the defendant's sexual 2597

activity, opinion evidence of the defendant's sexual activity, 2598
and reputation evidence of the defendant's sexual activity shall 2599
not be admitted under this section unless it involves evidence 2600
of the origin of semen, pregnancy, or disease, the defendant's 2601
past sexual activity with the victim, or is admissible against 2602
the defendant under section 2945.59 of the Revised Code, and 2603
only to the extent that the court finds that the evidence is 2604
material to a fact at issue in the case and that its 2605
inflammatory or prejudicial nature does not outweigh its 2606
probative value. 2607

(E) Prior to taking testimony or receiving evidence of any 2608
sexual activity of the victim or the defendant in a proceeding 2609
under this section, the court shall resolve the admissibility of 2610
the proposed evidence in a hearing in chambers, which shall be 2611
held at or before preliminary hearing and not less than three 2612
days before trial, or for good cause shown during the trial. 2613

(F) Upon approval by the court, the victim may be 2614
represented by counsel in any hearing in chambers or other 2615
proceeding to resolve the admissibility of evidence. If the 2616
victim is indigent or otherwise is unable to obtain the services 2617
of counsel, the court, upon request, may appoint counsel to 2618
represent the victim without cost to the victim. 2619

(G) It is not a defense to a charge under division (A) (2) 2620
of this section that the offender and the victim were married or 2621
were cohabiting at the time of the commission of the offense. 2622

Sec. 2907.03. (A) No person shall engage in sexual conduct 2623
with another, not the spouse of the offender, when any of the 2624
following apply: 2625

(1) The offender knowingly coerces the other person to 2626

submit by any means that would prevent resistance by a person of ordinary resolution. 2627
2628

(2) The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired. 2629
2630
2631

(3) The offender knows that the other person submits because the other person is unaware that the act is being committed. 2632
2633
2634

(4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse. 2635
2636
2637

(5) The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person. 2638
2639
2640

(6) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person. 2641
2642
2643

(7) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the other person is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school. 2644
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(8) The other person is a minor, the offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the other person is enrolled in or attends that institution. 2650
2651
2652
2653

(9) The other person is a minor, and the offender is the 2654

other person's athletic or other type of coach, is the other 2655
person's instructor, is the leader of a scouting troop of which 2656
the other person is a member, or is a person with temporary or 2657
occasional disciplinary control over the other person. 2658

(10) The offender is a mental health professional, the 2659
other person is a mental health client or patient of the 2660
offender, and the offender induces the other person to submit by 2661
falsely representing to the other person that the sexual conduct 2662
is necessary for mental health treatment purposes. 2663

(11) The other person is confined in a detention facility, 2664
and the offender is an employee of that detention facility. 2665

(12) The other person is a minor, the offender is a 2666
cleric, and the other person is a member of, or attends, the 2667
church or congregation served by the cleric. 2668

(13) The other person is a minor, the offender is a peace 2669
officer, and the offender is more than two years older than the 2670
other person. 2671

(B) Whoever violates this section is guilty of sexual 2672
battery. Except as otherwise provided in this division, sexual 2673
battery is a felony of the third degree. If the other person is 2674
less than thirteen years of age, sexual battery is a felony of 2675
the second degree, and the court shall impose upon the offender 2676
a mandatory prison term equal to one of the definite prison 2677
terms prescribed in division (A) (2) (b) of section 2929.14 of the 2678
Revised Code for a felony of the second degree, except that if 2679
the violation is committed on or after the effective date of 2680
this amendment, the court shall impose as the minimum prison 2681
term for the offense a mandatory prison term that is one of the 2682
minimum terms prescribed in division (A) (2) (a) of that section 2683

for a felony of the second degree. 2684

(C) As used in this section: 2685

(1) "Cleric" has the same meaning as in section 2317.02 of 2686
the Revised Code. 2687

(2) "Detention facility" has the same meaning as in 2688
section 2921.01 of the Revised Code. 2689

(3) "Institution of higher education" means a state 2690
institution of higher education defined in section 3345.011 of 2691
the Revised Code, a private nonprofit college or university 2692
located in this state that possesses a certificate of 2693
authorization issued by the Ohio board of regents pursuant to 2694
Chapter 1713. of the Revised Code, or a school certified under 2695
Chapter 3332. of the Revised Code. 2696

(4) "Peace officer" has the same meaning as in section 2697
2935.01 of the Revised Code. 2698

Sec. 2907.05. (A) No person shall have sexual contact with 2699
another, not the spouse of the offender; cause another, not the 2700
spouse of the offender, to have sexual contact with the 2701
offender; or cause two or more other persons to have sexual 2702
contact when any of the following applies: 2703

(1) The offender purposely compels the other person, or 2704
one of the other persons, to submit by force or threat of force. 2705

(2) For the purpose of preventing resistance, the offender 2706
substantially impairs the judgment or control of the other 2707
person or of one of the other persons by administering any drug, 2708
intoxicant, or controlled substance to the other person 2709
surreptitiously or by force, threat of force, or deception. 2710

(3) The offender knows that the judgment or control of the 2711

other person or of one of the other persons is substantially 2712
impaired as a result of the influence of any drug or intoxicant 2713
administered to the other person with the other person's consent 2714
for the purpose of any kind of medical or dental examination, 2715
treatment, or surgery. 2716

(4) The other person, or one of the other persons, is less 2717
than thirteen years of age, whether or not the offender knows 2718
the age of that person. 2719

(5) The ability of the other person to resist or consent 2720
or the ability of one of the other persons to resist or consent 2721
is substantially impaired because of a mental or physical 2722
condition or because of advanced age, and the offender knows or 2723
has reasonable cause to believe that the ability to resist or 2724
consent of the other person or of one of the other persons is 2725
substantially impaired because of a mental or physical condition 2726
or because of advanced age. 2727

(B) No person shall knowingly touch the genitalia of 2728
another, when the touching is not through clothing, the other 2729
person is less than twelve years of age, whether or not the 2730
offender knows the age of that person, and the touching is done 2731
with an intent to abuse, humiliate, harass, degrade, or arouse 2732
or gratify the sexual desire of any person. 2733

(C) Whoever violates this section is guilty of gross 2734
sexual imposition. 2735

(1) Except as otherwise provided in this section, gross 2736
sexual imposition committed in violation of division (A) (1), 2737
(2), (3), or (5) of this section is a felony of the fourth 2738
degree. If the offender under division (A) (2) of this section 2739
substantially impairs the judgment or control of the other 2740

person or one of the other persons by administering any 2741
controlled substance described in section 3719.41 of the Revised 2742
Code to the person surreptitiously or by force, threat of force, 2743
or deception, gross sexual imposition committed in violation of 2744
division (A) (2) of this section is a felony of the third degree. 2745

(2) Gross sexual imposition committed in violation of 2746
division (A) (4) or (B) of this section is a felony of the third 2747
degree. Except as otherwise provided in this division, for gross 2748
sexual imposition committed in violation of division (A) (4) or 2749
(B) of this section there is a presumption that a prison term 2750
shall be imposed for the offense. The court shall impose on an 2751
offender convicted of gross sexual imposition in violation of 2752
division (A) (4) or (B) of this section a mandatory prison term 2753
~~equal to one of the prison terms prescribed in section 2929.14~~ 2754
~~of the Revised Code, as described in division (C) (3) of this~~ 2755
section, for a felony of the third degree if either of the 2756
following applies: 2757

(a) Evidence other than the testimony of the victim was 2758
admitted in the case corroborating the violation; 2759

(b) The offender previously was convicted of or pleaded 2760
guilty to a violation of this section, rape, the former offense 2761
of felonious sexual penetration, or sexual battery, and the 2762
victim of the previous offense was less than thirteen years of 2763
age. 2764

(3) A mandatory prison term required under division (C) (2) 2765
of this section shall be a definite term from the range of 2766
prison terms provided in division (A) (3) (a) (ii) of section 2767
2929.14 of the Revised Code for a felony of the third degree, 2768
except that if the violation is committed on or after the 2769
effective date of this amendment, the court shall impose as the 2770

minimum prison term for the offense a mandatory prison term that 2771
is one of the minimum terms prescribed for a felony of the third 2772
degree in division (A) (3) (a) (i) of section 2929.14 of the 2773
Revised Code. 2774

(D) A victim need not prove physical resistance to the 2775
offender in prosecutions under this section. 2776

(E) Evidence of specific instances of the victim's sexual 2777
activity, opinion evidence of the victim's sexual activity, and 2778
reputation evidence of the victim's sexual activity shall not be 2779
admitted under this section unless it involves evidence of the 2780
origin of semen, pregnancy, or disease, or the victim's past 2781
sexual activity with the offender, and only to the extent that 2782
the court finds that the evidence is material to a fact at issue 2783
in the case and that its inflammatory or prejudicial nature does 2784
not outweigh its probative value. 2785

Evidence of specific instances of the defendant's sexual 2786
activity, opinion evidence of the defendant's sexual activity, 2787
and reputation evidence of the defendant's sexual activity shall 2788
not be admitted under this section unless it involves evidence 2789
of the origin of semen, pregnancy, or disease, the defendant's 2790
past sexual activity with the victim, or is admissible against 2791
the defendant under section 2945.59 of the Revised Code, and 2792
only to the extent that the court finds that the evidence is 2793
material to a fact at issue in the case and that its 2794
inflammatory or prejudicial nature does not outweigh its 2795
probative value. 2796

(F) Prior to taking testimony or receiving evidence of any 2797
sexual activity of the victim or the defendant in a proceeding 2798
under this section, the court shall resolve the admissibility of 2799
the proposed evidence in a hearing in chambers, which shall be 2800

held at or before preliminary hearing and not less than three 2801
days before trial, or for good cause shown during the trial. 2802

(G) Upon approval by the court, the victim may be 2803
represented by counsel in any hearing in chambers or other 2804
proceeding to resolve the admissibility of evidence. If the 2805
victim is indigent or otherwise is unable to obtain the services 2806
of counsel, the court, upon request, may appoint counsel to 2807
represent the victim without cost to the victim. 2808

Sec. 2907.07. (A) No person shall solicit a person who is 2809
less than thirteen years of age to engage in sexual activity 2810
with the offender, whether or not the offender knows the age of 2811
such person. 2812

(B) (1) No person shall solicit another, not the spouse of 2813
the offender, to engage in sexual conduct with the offender, 2814
when the offender is eighteen years of age or older and four or 2815
more years older than the other person, and the other person is 2816
thirteen years of age or older but less than sixteen years of 2817
age, whether or not the offender knows the age of the other 2818
person. 2819

(2) No person shall solicit another, not the spouse of the 2820
offender, to engage in sexual conduct with the offender, when 2821
the offender is eighteen years of age or older and four or more 2822
years older than the other person, the other person is sixteen 2823
or seventeen years of age and a victim of a violation of section 2824
2905.32 of the Revised Code, and the offender knows or has 2825
reckless disregard of the age of the other person. 2826

(C) No person shall solicit another by means of a 2827
telecommunications device, as defined in section 2913.01 of the 2828
Revised Code, to engage in sexual activity with the offender 2829

when the offender is eighteen years of age or older and either 2830
of the following applies: 2831

(1) The other person is less than thirteen years of age, 2832
and the offender knows that the other person is less than 2833
thirteen years of age or is reckless in that regard. 2834

(2) The other person is a law enforcement officer posing 2835
as a person who is less than thirteen years of age, and the 2836
offender believes that the other person is less than thirteen 2837
years of age or is reckless in that regard. 2838

(D) No person shall solicit another by means of a 2839
telecommunications device, as defined in section 2913.01 of the 2840
Revised Code, to engage in sexual activity with the offender 2841
when the offender is eighteen years of age or older and either 2842
of the following applies: 2843

(1) The other person is thirteen years of age or older but 2844
less than sixteen years of age, the offender knows that the 2845
other person is thirteen years of age or older but less than 2846
sixteen years of age or is reckless in that regard, and the 2847
offender is four or more years older than the other person. 2848

(2) The other person is a law enforcement officer posing 2849
as a person who is thirteen years of age or older but less than 2850
sixteen years of age, the offender believes that the other 2851
person is thirteen years of age or older but less than sixteen 2852
years of age or is reckless in that regard, and the offender is 2853
four or more years older than the age the law enforcement 2854
officer assumes in posing as the person who is thirteen years of 2855
age or older but less than sixteen years of age. 2856

(E) Divisions (C) and (D) of this section apply to any 2857
solicitation that is contained in a transmission via a 2858

telecommunications device that either originates in this state 2859
or is received in this state. 2860

(F) (1) Whoever violates this section is guilty of 2861
importuning. 2862

(2) Except as otherwise provided in this division, a 2863
violation of division (A) or (C) of this section is a felony of 2864
the third degree on a first offense, and, notwithstanding 2865
division (C) of section 2929.13 of the Revised Code, there is a 2866
presumption that a prison term shall be imposed as described in 2867
division (D) of section 2929.13 of the Revised Code. If the 2868
offender previously has been convicted of a sexually oriented 2869
offense or a child-victim oriented offense, a violation of 2870
division (A) or (C) of this section is a felony of the second 2871
degree, and the court shall impose upon the offender as a 2872
mandatory prison term one of the definite prison terms 2873
prescribed in division (A) (2) (b) of section 2929.14 of the 2874
Revised Code for a felony of the second degree, except that if 2875
the violation is committed on or after the effective date of 2876
this amendment, the court shall impose as the minimum prison 2877
term for the offense a mandatory prison term that is one of the 2878
minimum terms prescribed in division (A) (2) (a) of that section 2879
for a felony of the second degree. 2880

(3) A violation of division (B) or (D) of this section is 2881
a felony of the fifth degree on a first offense, and, 2882
notwithstanding division (B) of section 2929.13 of the Revised 2883
Code, there is a presumption that a prison term shall be imposed 2884
as described in division (D) of section 2929.13 of the Revised 2885
Code. If the offender previously has been convicted of a 2886
sexually oriented offense or a child-victim oriented offense, a 2887
violation of division (B) or (D) of this section is a felony of 2888

the fourth degree, and the court shall impose upon the offender 2889
as a mandatory prison term one of the prison terms prescribed in 2890
section 2929.14 of the Revised Code for a felony of the fourth 2891
degree that is not less than twelve months in duration. 2892

Sec. 2919.22. (A) No person, who is the parent, guardian, 2893
custodian, person having custody or control, or person in loco 2894
parentis of a child under eighteen years of age or a mentally or 2895
physically handicapped child under twenty-one years of age, 2896
shall create a substantial risk to the health or safety of the 2897
child, by violating a duty of care, protection, or support. It 2898
is not a violation of a duty of care, protection, or support 2899
under this division when the parent, guardian, custodian, or 2900
person having custody or control of a child treats the physical 2901
or mental illness or defect of the child by spiritual means 2902
through prayer alone, in accordance with the tenets of a 2903
recognized religious body. 2904

(B) No person shall do any of the following to a child 2905
under eighteen years of age or a mentally or physically 2906
handicapped child under twenty-one years of age: 2907

(1) Abuse the child; 2908

(2) Torture or cruelly abuse the child; 2909

(3) Administer corporal punishment or other physical 2910
disciplinary measure, or physically restrain the child in a 2911
cruel manner or for a prolonged period, which punishment, 2912
discipline, or restraint is excessive under the circumstances 2913
and creates a substantial risk of serious physical harm to the 2914
child; 2915

(4) Repeatedly administer unwarranted disciplinary 2916
measures to the child, when there is a substantial risk that 2917

such conduct, if continued, will seriously impair or retard the 2918
child's mental health or development; 2919

(5) Entice, coerce, permit, encourage, compel, hire, 2920
employ, use, or allow the child to act, model, or in any other 2921
way participate in, or be photographed for, the production, 2922
presentation, dissemination, or advertisement of any material or 2923
performance that the offender knows or reasonably should know is 2924
obscene, is sexually oriented matter, or is nudity-oriented 2925
matter; 2926

(6) Allow the child to be on the same parcel of real 2927
property and within one hundred feet of, or, in the case of more 2928
than one housing unit on the same parcel of real property, in 2929
the same housing unit and within one hundred feet of, any act in 2930
violation of section 2925.04 or 2925.041 of the Revised Code 2931
when the person knows that the act is occurring, whether or not 2932
any person is prosecuted for or convicted of the violation of 2933
section 2925.04 or 2925.041 of the Revised Code that is the 2934
basis of the violation of this division. 2935

(C) (1) No person shall operate a vehicle, streetcar, or 2936
trackless trolley within this state in violation of division (A) 2937
of section 4511.19 of the Revised Code when one or more children 2938
under eighteen years of age are in the vehicle, streetcar, or 2939
trackless trolley. Notwithstanding any other provision of law, a 2940
person may be convicted at the same trial or proceeding of a 2941
violation of this division and a violation of division (A) of 2942
section 4511.19 of the Revised Code that constitutes the basis 2943
of the charge of the violation of this division. For purposes of 2944
sections 4511.191 to 4511.197 of the Revised Code and all 2945
related provisions of law, a person arrested for a violation of 2946
this division shall be considered to be under arrest for 2947

operating a vehicle while under the influence of alcohol, a drug 2948
of abuse, or a combination of them or for operating a vehicle 2949
with a prohibited concentration of alcohol, a controlled 2950
substance, or a metabolite of a controlled substance in the 2951
whole blood, blood serum or plasma, breath, or urine. 2952

(2) As used in division (C) (1) of this section: 2953

(a) "Controlled substance" has the same meaning as in 2954
section 3719.01 of the Revised Code. 2955

(b) "Vehicle," "streetcar," and "trackless trolley" have 2956
the same meanings as in section 4511.01 of the Revised Code. 2957

(D) (1) Division (B) (5) of this section does not apply to 2958
any material or performance that is produced, presented, or 2959
disseminated for a bona fide medical, scientific, educational, 2960
religious, governmental, judicial, or other proper purpose, by 2961
or to a physician, psychologist, sociologist, scientist, 2962
teacher, person pursuing bona fide studies or research, 2963
librarian, member of the clergy, prosecutor, judge, or other 2964
person having a proper interest in the material or performance. 2965

(2) Mistake of age is not a defense to a charge under 2966
division (B) (5) of this section. 2967

(3) In a prosecution under division (B) (5) of this 2968
section, the trier of fact may infer that an actor, model, or 2969
participant in the material or performance involved is a 2970
juvenile if the material or performance, through its title, 2971
text, visual representation, or otherwise, represents or depicts 2972
the actor, model, or participant as a juvenile. 2973

(4) As used in this division and division (B) (5) of this 2974
section: 2975

(a) "Material," "performance," "obscene," and "sexual activity" have the same meanings as in section 2907.01 of the Revised Code. 2976
2977
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(b) "Nudity-oriented matter" means any material or performance that shows a minor in a state of nudity and that, taken as a whole by the average person applying contemporary community standards, appeals to prurient interest. 2979
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(c) "Sexually oriented matter" means any material or performance that shows a minor participating or engaging in sexual activity, masturbation, or bestiality. 2983
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(E) (1) Whoever violates this section is guilty of endangering children. 2986
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(2) If the offender violates division (A) or (B) (1) of this section, endangering children is one of the following, and, in the circumstances described in division (E) (2) (e) of this section, that division applies: 2988
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(a) Except as otherwise provided in division (E) (2) (b), (c), or (d) of this section, a misdemeanor of the first degree; 2992
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(b) If the offender previously has been convicted of an offense under this section or of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, except as otherwise provided in division (E) (2) (c) or (d) of this section, a felony of the fourth degree; 2994
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(c) If the violation is a violation of division (A) of this section and results in serious physical harm to the child involved, a felony of the third degree; 2999
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3001

(d) If the violation is a violation of division (B) (1) of this section and results in serious physical harm to the child 3002
3003

involved, a felony of the second degree. 3004

(e) If the violation is a felony violation of division (B) 3005
(1) of this section and the offender also is convicted of or 3006
pleads guilty to a specification as described in section 3007
2941.1422 of the Revised Code that was included in the 3008
indictment, count in the indictment, or information charging the 3009
offense, the court shall sentence the offender to a mandatory 3010
prison term as provided in division (B) (7) of section 2929.14 of 3011
the Revised Code and shall order the offender to make 3012
restitution as provided in division (B) (8) of section 2929.18 of 3013
the Revised Code. 3014

(3) If the offender violates division (B) (2), (3), (4), or 3015
(6) of this section, except as otherwise provided in this 3016
division, endangering children is a felony of the third degree. 3017
If the violation results in serious physical harm to the child 3018
involved, or if the offender previously has been convicted of an 3019
offense under this section or of any offense involving neglect, 3020
abandonment, contributing to the delinquency of, or physical 3021
abuse of a child, endangering children is a felony of the second 3022
degree. If the offender violates division (B) (2), (3), or (4) of 3023
this section and the offender also is convicted of or pleads 3024
guilty to a specification as described in section 2941.1422 of 3025
the Revised Code that was included in the indictment, count in 3026
the indictment, or information charging the offense, the court 3027
shall sentence the offender to a mandatory prison term as 3028
provided in division (B) (7) of section 2929.14 of the Revised 3029
Code and shall order the offender to make restitution as 3030
provided in division (B) (8) of section 2929.18 of the Revised 3031
Code. If the offender violates division (B) (6) of this section 3032
and the drug involved is methamphetamine, the court shall impose 3033
a mandatory prison term on the offender as follows: 3034

(a) If the violation is a violation of division (B) (6) of 3035
this section that is a felony of the third degree under division 3036
(E) (3) of this section and the drug involved is methamphetamine, 3037
except as otherwise provided in this division, the court shall 3038
impose as a mandatory prison term one of the prison terms 3039
prescribed for a felony of the third degree that is not less 3040
than two years. If the violation is a violation of division (B) 3041
(6) of this section that is a felony of the third degree under 3042
division (E) (3) of this section, if the drug involved is 3043
methamphetamine, and if the offender previously has been 3044
convicted of or pleaded guilty to a violation of division (B) (6) 3045
of this section, a violation of division (A) of section 2925.04 3046
of the Revised Code, or a violation of division (A) of section 3047
2925.041 of the Revised Code, the court shall impose as a 3048
mandatory prison term one of the prison terms prescribed for a 3049
felony of the third degree that is not less than five years. 3050

(b) If the violation is a violation of division (B) (6) of 3051
this section that is a felony of the second degree under 3052
division (E) (3) of this section and the drug involved is 3053
methamphetamine, except as otherwise provided in this division, 3054
the court shall impose as a mandatory prison term one of the 3055
definite prison terms prescribed for a felony of the second 3056
degree in division (A) (2) (b) of section 2929.14 of the Revised 3057
Code that is not less than three years, except that if the 3058
violation is committed on or after the effective date of this 3059
amendment, the court shall impose as the minimum prison term for 3060
the offense a mandatory prison term that is one of the minimum 3061
terms prescribed for a felony of the second degree in division 3062
(A) (2) (a) of that section that is not less than three years. If 3063
the violation is a violation of division (B) (6) of this section 3064
that is a felony of the second degree under division (E) (3) of 3065

this section, if the drug involved is methamphetamine, and if 3066
the offender previously has been convicted of or pleaded guilty 3067
to a violation of division (B) (6) of this section, a violation 3068
of division (A) of section 2925.04 of the Revised Code, or a 3069
violation of division (A) of section 2925.041 of the Revised 3070
Code, the court shall impose as a mandatory prison term one of 3071
the definite prison terms prescribed for a felony of the second 3072
degree in division (A) (2) (b) of section 2929.14 of the Revised 3073
Code that is not less than five years, except that if the 3074
violation is committed on or after the effective date of this 3075
amendment, the court shall impose as the minimum prison term for 3076
the offense a mandatory prison term that is one of the minimum 3077
terms prescribed for a felony of the second degree in division 3078
(A) (2) (a) of that section that is not less than five years. 3079

(4) If the offender violates division (B) (5) of this 3080
section, endangering children is a felony of the second degree. 3081
If the offender also is convicted of or pleads guilty to a 3082
specification as described in section 2941.1422 of the Revised 3083
Code that was included in the indictment, count in the 3084
indictment, or information charging the offense, the court shall 3085
sentence the offender to a mandatory prison term as provided in 3086
division (B) (7) of section 2929.14 of the Revised Code and shall 3087
order the offender to make restitution as provided in division 3088
(B) (8) of section 2929.18 of the Revised Code. 3089

(5) If the offender violates division (C) of this section, 3090
the offender shall be punished as follows: 3091

(a) Except as otherwise provided in division (E) (5) (b) or 3092
(c) of this section, endangering children in violation of 3093
division (C) of this section is a misdemeanor of the first 3094
degree. 3095

(b) If the violation results in serious physical harm to 3096
the child involved or the offender previously has been convicted 3097
of an offense under this section or any offense involving 3098
neglect, abandonment, contributing to the delinquency of, or 3099
physical abuse of a child, except as otherwise provided in 3100
division (E) (5) (c) of this section, endangering children in 3101
violation of division (C) of this section is a felony of the 3102
fifth degree. 3103

(c) If the violation results in serious physical harm to 3104
the child involved and if the offender previously has been 3105
convicted of a violation of division (C) of this section, 3106
section 2903.06 or 2903.08 of the Revised Code, section 2903.07 3107
of the Revised Code as it existed prior to March 23, 2000, or 3108
section 2903.04 of the Revised Code in a case in which the 3109
offender was subject to the sanctions described in division (D) 3110
of that section, endangering children in violation of division 3111
(C) of this section is a felony of the fourth degree. 3112

(d) In addition to any term of imprisonment, fine, or 3113
other sentence, penalty, or sanction it imposes upon the 3114
offender pursuant to division (E) (5) (a), (b), or (c) of this 3115
section or pursuant to any other provision of law and in 3116
addition to any suspension of the offender's driver's or 3117
commercial driver's license or permit or nonresident operating 3118
privilege under Chapter 4506., 4509., 4510., or 4511. of the 3119
Revised Code or under any other provision of law, the court also 3120
may impose upon the offender a class seven suspension of the 3121
offender's driver's or commercial driver's license or permit or 3122
nonresident operating privilege from the range specified in 3123
division (A) (7) of section 4510.02 of the Revised Code. 3124

(e) In addition to any term of imprisonment, fine, or 3125

other sentence, penalty, or sanction imposed upon the offender 3126
pursuant to division (E) (5) (a), (b), (c), or (d) of this section 3127
or pursuant to any other provision of law for the violation of 3128
division (C) of this section, if as part of the same trial or 3129
proceeding the offender also is convicted of or pleads guilty to 3130
a separate charge charging the violation of division (A) of 3131
section 4511.19 of the Revised Code that was the basis of the 3132
charge of the violation of division (C) of this section, the 3133
offender also shall be sentenced in accordance with section 3134
4511.19 of the Revised Code for that violation of division (A) 3135
of section 4511.19 of the Revised Code. 3136

(F) (1) (a) A court may require an offender to perform not 3137
more than two hundred hours of supervised community service work 3138
under the authority of an agency, subdivision, or charitable 3139
organization. The requirement shall be part of the community 3140
control sanction or sentence of the offender, and the court 3141
shall impose the community service in accordance with and 3142
subject to divisions (F) (1) (a) and (b) of this section. The 3143
court may require an offender whom it requires to perform 3144
supervised community service work as part of the offender's 3145
community control sanction or sentence to pay the court a 3146
reasonable fee to cover the costs of the offender's 3147
participation in the work, including, but not limited to, the 3148
costs of procuring a policy or policies of liability insurance 3149
to cover the period during which the offender will perform the 3150
work. If the court requires the offender to perform supervised 3151
community service work as part of the offender's community 3152
control sanction or sentence, the court shall do so in 3153
accordance with the following limitations and criteria: 3154

(i) The court shall require that the community service 3155
work be performed after completion of the term of imprisonment 3156

or jail term imposed upon the offender for the violation of 3157
division (C) of this section, if applicable. 3158

(ii) The supervised community service work shall be 3159
subject to the limitations set forth in divisions (B) (1), (2), 3160
and (3) of section 2951.02 of the Revised Code. 3161

(iii) The community service work shall be supervised in 3162
the manner described in division (B) (4) of section 2951.02 of 3163
the Revised Code by an official or person with the 3164
qualifications described in that division. The official or 3165
person periodically shall report in writing to the court 3166
concerning the conduct of the offender in performing the work. 3167

(iv) The court shall inform the offender in writing that 3168
if the offender does not adequately perform, as determined by 3169
the court, all of the required community service work, the court 3170
may order that the offender be committed to a jail or workhouse 3171
for a period of time that does not exceed the term of 3172
imprisonment that the court could have imposed upon the offender 3173
for the violation of division (C) of this section, reduced by 3174
the total amount of time that the offender actually was 3175
imprisoned under the sentence or term that was imposed upon the 3176
offender for that violation and by the total amount of time that 3177
the offender was confined for any reason arising out of the 3178
offense for which the offender was convicted and sentenced as 3179
described in sections 2949.08 and 2967.191 of the Revised Code, 3180
and that, if the court orders that the offender be so committed, 3181
the court is authorized, but not required, to grant the offender 3182
credit upon the period of the commitment for the community 3183
service work that the offender adequately performed. 3184

(b) If a court, pursuant to division (F) (1) (a) of this 3185
section, orders an offender to perform community service work as 3186

part of the offender's community control sanction or sentence 3187
and if the offender does not adequately perform all of the 3188
required community service work, as determined by the court, the 3189
court may order that the offender be committed to a jail or 3190
workhouse for a period of time that does not exceed the term of 3191
imprisonment that the court could have imposed upon the offender 3192
for the violation of division (C) of this section, reduced by 3193
the total amount of time that the offender actually was 3194
imprisoned under the sentence or term that was imposed upon the 3195
offender for that violation and by the total amount of time that 3196
the offender was confined for any reason arising out of the 3197
offense for which the offender was convicted and sentenced as 3198
described in sections 2949.08 and 2967.191 of the Revised Code. 3199
The court may order that a person committed pursuant to this 3200
division shall receive hour-for-hour credit upon the period of 3201
the commitment for the community service work that the offender 3202
adequately performed. No commitment pursuant to this division 3203
shall exceed the period of the term of imprisonment that the 3204
sentencing court could have imposed upon the offender for the 3205
violation of division (C) of this section, reduced by the total 3206
amount of time that the offender actually was imprisoned under 3207
that sentence or term and by the total amount of time that the 3208
offender was confined for any reason arising out of the offense 3209
for which the offender was convicted and sentenced as described 3210
in sections 2949.08 and 2967.191 of the Revised Code. 3211

(2) Division (F)(1) of this section does not limit or 3212
affect the authority of the court to suspend the sentence 3213
imposed upon a misdemeanor offender and place the offender under 3214
a community control sanction pursuant to section 2929.25 of the 3215
Revised Code, to require a misdemeanor or felony offender to 3216
perform supervised community service work in accordance with 3217

division (B) of section 2951.02 of the Revised Code, or to place 3218
a felony offender under a community control sanction. 3219

(G) (1) If a court suspends an offender's driver's or 3220
commercial driver's license or permit or nonresident operating 3221
privilege under division (E) (5) (d) of this section, the period 3222
of the suspension shall be consecutive to, and commence after, 3223
the period of suspension of the offender's driver's or 3224
commercial driver's license or permit or nonresident operating 3225
privilege that is imposed under Chapter 4506., 4509., 4510., or 3226
4511. of the Revised Code or under any other provision of law in 3227
relation to the violation of division (C) of this section that 3228
is the basis of the suspension under division (E) (5) (d) of this 3229
section or in relation to the violation of division (A) of 3230
section 4511.19 of the Revised Code that is the basis for that 3231
violation of division (C) of this section. 3232

(2) An offender is not entitled to request, and the court 3233
shall not grant to the offender, limited driving privileges if 3234
the offender's license, permit, or privilege has been suspended 3235
under division (E) (5) (d) of this section and the offender, 3236
within the preceding six years, has been convicted of or pleaded 3237
guilty to three or more violations of one or more of the 3238
following: 3239

(a) Division (C) of this section; 3240

(b) Any equivalent offense, as defined in section 4511.181 3241
of the Revised Code. 3242

(H) (1) If a person violates division (C) of this section 3243
and if, at the time of the violation, there were two or more 3244
children under eighteen years of age in the motor vehicle 3245
involved in the violation, the offender may be convicted of a 3246

violation of division (C) of this section for each of the 3247
children, but the court may sentence the offender for only one 3248
of the violations. 3249

(2) (a) If a person is convicted of or pleads guilty to a 3250
violation of division (C) of this section but the person is not 3251
also convicted of and does not also plead guilty to a separate 3252
charge charging the violation of division (A) of section 4511.19 3253
of the Revised Code that was the basis of the charge of the 3254
violation of division (C) of this section, both of the following 3255
apply: 3256

(i) For purposes of the provisions of section 4511.19 of 3257
the Revised Code that set forth the penalties and sanctions for 3258
a violation of division (A) of section 4511.19 of the Revised 3259
Code, the conviction of or plea of guilty to the violation of 3260
division (C) of this section shall not constitute a violation of 3261
division (A) of section 4511.19 of the Revised Code; 3262

(ii) For purposes of any provision of law that refers to a 3263
conviction of or plea of guilty to a violation of division (A) 3264
of section 4511.19 of the Revised Code and that is not described 3265
in division (H) (2) (a) (i) of this section, the conviction of or 3266
plea of guilty to the violation of division (C) of this section 3267
shall constitute a conviction of or plea of guilty to a 3268
violation of division (A) of section 4511.19 of the Revised 3269
Code. 3270

(b) If a person is convicted of or pleads guilty to a 3271
violation of division (C) of this section and the person also is 3272
convicted of or pleads guilty to a separate charge charging the 3273
violation of division (A) of section 4511.19 of the Revised Code 3274
that was the basis of the charge of the violation of division 3275
(C) of this section, the conviction of or plea of guilty to the 3276

violation of division (C) of this section shall not constitute, 3277
for purposes of any provision of law that refers to a conviction 3278
of or plea of guilty to a violation of division (A) of section 3279
4511.19 of the Revised Code, a conviction of or plea of guilty 3280
to a violation of division (A) of section 4511.19 of the Revised 3281
Code. 3282

(I) As used in this section: 3283

(1) "Community control sanction" has the same meaning as 3284
in section 2929.01 of the Revised Code; 3285

(2) "Limited driving privileges" has the same meaning as 3286
in section 4501.01 of the Revised Code; 3287

(3) "Methamphetamine" has the same meaning as in section 3288
2925.01 of the Revised Code. 3289

Sec. 2919.25. (A) No person shall knowingly cause or 3290
attempt to cause physical harm to a family or household member. 3291

(B) No person shall recklessly cause serious physical harm 3292
to a family or household member. 3293

(C) No person, by threat of force, shall knowingly cause a 3294
family or household member to believe that the offender will 3295
cause imminent physical harm to the family or household member. 3296

(D) (1) Whoever violates this section is guilty of domestic 3297
violence, and the court shall sentence the offender as provided 3298
in divisions (D) (2) to (6) of this section. 3299

(2) Except as otherwise provided in divisions (D) (3) to 3300
(5) of this section, a violation of division (C) of this section 3301
is a misdemeanor of the fourth degree, and a violation of 3302
division (A) or (B) of this section is a misdemeanor of the 3303
first degree. 3304

(3) Except as otherwise provided in division (D)(4) of 3305
this section, if the offender previously has pleaded guilty to 3306
or been convicted of domestic violence, a violation of an 3307
existing or former municipal ordinance or law of this or any 3308
other state or the United States that is substantially similar 3309
to domestic violence, a violation of section 2903.14, 2909.06, 3310
2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if 3311
the victim of the violation was a family or household member at 3312
the time of the violation, a violation of an existing or former 3313
municipal ordinance or law of this or any other state or the 3314
United States that is substantially similar to any of those 3315
sections if the victim of the violation was a family or 3316
household member at the time of the commission of the violation, 3317
or any offense of violence if the victim of the offense was a 3318
family or household member at the time of the commission of the 3319
offense, a violation of division (A) or (B) of this section is a 3320
felony of the fourth degree, and, if the offender knew that the 3321
victim of the violation was pregnant at the time of the 3322
violation, the court shall impose a mandatory prison term on the 3323
offender pursuant to division (D)(6) of this section, and a 3324
violation of division (C) of this section is a misdemeanor of 3325
the second degree. 3326

(4) If the offender previously has pleaded guilty to or 3327
been convicted of two or more offenses of domestic violence or 3328
two or more violations or offenses of the type described in 3329
division (D)(3) of this section involving a person who was a 3330
family or household member at the time of the violations or 3331
offenses, a violation of division (A) or (B) of this section is 3332
a felony of the third degree, and, if the offender knew that the 3333
victim of the violation was pregnant at the time of the 3334
violation, the court shall impose a mandatory prison term on the 3335

offender pursuant to division (D)(6) of this section, and a 3336
violation of division (C) of this section is a misdemeanor of 3337
the first degree. 3338

(5) Except as otherwise provided in division (D)(3) or (4) 3339
of this section, if the offender knew that the victim of the 3340
violation was pregnant at the time of the violation, a violation 3341
of division (A) or (B) of this section is a felony of the fifth 3342
degree, and the court shall impose a mandatory prison term on 3343
the offender pursuant to division (D)(6) of this section, and a 3344
violation of division (C) of this section is a misdemeanor of 3345
the third degree. 3346

(6) If division (D)(3), (4), or (5) of this section 3347
requires the court that sentences an offender for a violation of 3348
division (A) or (B) of this section to impose a mandatory prison 3349
term on the offender pursuant to this division, the court shall 3350
impose the mandatory prison term as follows: 3351

(a) If the violation of division (A) or (B) of this 3352
section is a felony of the fourth or fifth degree, except as 3353
otherwise provided in division (D)(6)(b) or (c) of this section, 3354
the court shall impose a mandatory prison term on the offender 3355
of at least six months. 3356

(b) If the violation of division (A) or (B) of this 3357
section is a felony of the fifth degree and the offender, in 3358
committing the violation, caused serious physical harm to the 3359
pregnant woman's unborn or caused the termination of the 3360
pregnant woman's pregnancy, the court shall impose a mandatory 3361
prison term on the offender of twelve months. 3362

(c) If the violation of division (A) or (B) of this 3363
section is a felony of the fourth degree and the offender, in 3364

committing the violation, caused serious physical harm to the 3365
pregnant woman's unborn or caused the termination of the 3366
pregnant woman's pregnancy, the court shall impose a mandatory 3367
prison term on the offender of at least twelve months. 3368

(d) If the violation of division (A) or (B) of this 3369
section is a felony of the third degree, except as otherwise 3370
provided in division (D)(6)(e) of this section and 3371
notwithstanding the range of definite prison terms prescribed in 3372
division (A)(3) of section 2929.14 of the Revised Code for a 3373
felony of the third degree, the court shall impose a mandatory 3374
prison term on the offender of either a definite term of six 3375
months or one of the prison terms prescribed in division (A)(3) 3376
(b) of section 2929.14 of the Revised Code for felonies of the 3377
third degree. 3378

(e) If the violation of division (A) or (B) of this 3379
section is a felony of the third degree and the offender, in 3380
committing the violation, caused serious physical harm to the 3381
pregnant woman's unborn or caused the termination of the 3382
pregnant woman's pregnancy, notwithstanding the range of 3383
definite prison terms prescribed in division (A)(3) of section 3384
2929.14 of the Revised Code for a felony of the third degree, 3385
the court shall impose a mandatory prison term on the offender 3386
of either a definite term of one year or one of the prison terms 3387
prescribed in division (A)(3)(b) of section 2929.14 of the 3388
Revised Code for felonies of the third degree. 3389

(E) Notwithstanding any provision of law to the contrary, 3390
no court or unit of state or local government shall charge any 3391
fee, cost, deposit, or money in connection with the filing of 3392
charges against a person alleging that the person violated this 3393
section or a municipal ordinance substantially similar to this 3394

section or in connection with the prosecution of any charges so
filed.

(F) As used in this section and sections 2919.251 and
2919.26 of the Revised Code:

(1) "Family or household member" means any of the
following:

(a) Any of the following who is residing or has resided
with the offender:

(i) A spouse, a person living as a spouse, or a former
spouse of the offender;

(ii) A parent, a foster parent, or a child of the
offender, or another person related by consanguinity or affinity
to the offender;

(iii) A parent or a child of a spouse, person living as a
spouse, or former spouse of the offender, or another person
related by consanguinity or affinity to a spouse, person living
as a spouse, or former spouse of the offender.

(b) The natural parent of any child of whom the offender
is the other natural parent or is the putative other natural
parent.

(2) "Person living as a spouse" means a person who is
living or has lived with the offender in a common law marital
relationship, who otherwise is cohabiting with the offender, or
who otherwise has cohabited with the offender within five years
prior to the date of the alleged commission of the act in
question.

(3) "Pregnant woman's unborn" has the same meaning as
"such other person's unborn," as set forth in section 2903.09 of

the Revised Code, as it relates to the pregnant woman. Division 3423
(C) of that section applies regarding the use of the term in 3424
this section, except that the second and third sentences of 3425
division (C) (1) of that section shall be construed for purposes 3426
of this section as if they included a reference to this section 3427
in the listing of Revised Code sections they contain. 3428

(4) "Termination of the pregnant woman's pregnancy" has 3429
the same meaning as "unlawful termination of another's 3430
pregnancy," as set forth in section 2903.09 of the Revised Code, 3431
as it relates to the pregnant woman. Division (C) of that 3432
section applies regarding the use of the term in this section, 3433
except that the second and third sentences of division (C) (1) of 3434
that section shall be construed for purposes of this section as 3435
if they included a reference to this section in the listing of 3436
Revised Code sections they contain. 3437

Sec. 2921.321. (A) No person shall knowingly cause, or 3438
attempt to cause, physical harm to a police dog or horse in 3439
either of the following circumstances: 3440

(1) The police dog or horse is assisting a law enforcement 3441
officer in the performance of the officer's official duties at 3442
the time the physical harm is caused or attempted. 3443

(2) The police dog or horse is not assisting a law 3444
enforcement officer in the performance of the officer's official 3445
duties at the time the physical harm is caused or attempted, but 3446
the offender has actual knowledge that the dog or horse is a 3447
police dog or horse. 3448

(B) No person shall recklessly do any of the following: 3449

(1) Taunt, torment, or strike a police dog or horse; 3450

(2) Throw an object or substance at a police dog or horse; 3451

(3) Interfere with or obstruct a police dog or horse, or 3452
interfere with or obstruct a law enforcement officer who is 3453
being assisted by a police dog or horse, in a manner that does 3454
any of the following: 3455

(a) Inhibits or restricts the law enforcement officer's 3456
control of the police dog or horse; 3457

(b) Deprives the law enforcement officer of control of the 3458
police dog or horse; 3459

(c) Releases the police dog or horse from its area of 3460
control; 3461

(d) Enters the area of control of the police dog or horse 3462
without the consent of the law enforcement officer, including 3463
placing food or any other object or substance into that area; 3464

(e) Inhibits or restricts the ability of the police dog or 3465
horse to assist a law enforcement officer. 3466

(4) Engage in any conduct that is likely to cause serious 3467
physical injury or death to a police dog or horse; 3468

(5) If the person is the owner, keeper, or harbinger of a 3469
dog, fail to reasonably restrain the dog from taunting, 3470
tormenting, chasing, approaching in a menacing fashion or 3471
apparent attitude of attack, or attempting to bite or otherwise 3472
endanger a police dog or horse that at the time of the conduct 3473
is assisting a law enforcement officer in the performance of the 3474
officer's duties or that the person knows is a police dog or 3475
horse. 3476

(C) No person shall knowingly cause, or attempt to cause, 3477
physical harm to an assistance dog in either of the following 3478
circumstances: 3479

- (1) The dog is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted. 3480
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- (2) The dog is not assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog is an assistance dog. 3483
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- (D) No person shall recklessly do any of the following: 3487
- (1) Taunt, torment, or strike an assistance dog; 3488
- (2) Throw an object or substance at an assistance dog; 3489
- (3) Interfere with or obstruct an assistance dog, or interfere with or obstruct a blind, deaf or hearing impaired, or mobility impaired person who is being assisted or served by an assistance dog, in a manner that does any of the following: 3490
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3493
- (a) Inhibits or restricts the assisted or served person's control of the dog; 3494
3495
- (b) Deprives the assisted or served person of control of the dog; 3496
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- (c) Releases the dog from its area of control; 3498
- (d) Enters the area of control of the dog without the consent of the assisted or served person, including placing food or any other object or substance into that area; 3499
3500
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- (e) Inhibits or restricts the ability of the dog to assist the assisted or served person. 3502
3503
- (4) Engage in any conduct that is likely to cause serious physical injury or death to an assistance dog; 3504
3505
- (5) If the person is the owner, keeper, or harbinger of a 3506

dog, fail to reasonably restrain the dog from taunting, 3507
tormenting, chasing, approaching in a menacing fashion or 3508
apparent attitude of attack, or attempting to bite or otherwise 3509
endanger an assistance dog that at the time of the conduct is 3510
assisting or serving a blind, deaf or hearing impaired, or 3511
mobility impaired person or that the person knows is an 3512
assistance dog. 3513

(E) (1) Whoever violates division (A) of this section is 3514
guilty of assaulting a police dog or horse, and shall be 3515
punished as provided in divisions (E) (1) (a) and (b) of this 3516
section. 3517

(a) Except as otherwise provided in this division, 3518
assaulting a police dog or horse is a misdemeanor of the second 3519
degree. If the violation results in the death of the police dog 3520
or horse, assaulting a police dog or horse is a felony of the 3521
third degree and the court shall impose as a mandatory prison 3522
term one of the definite prison terms prescribed in division (A) 3523
(3) (b) of section 2929.14 of the Revised Code for a felony of 3524
the third degree. If the violation results in serious physical 3525
harm to the police dog or horse other than its death, assaulting 3526
a police dog or horse is a felony of the fourth degree. If the 3527
violation results in physical harm to the police dog or horse 3528
other than death or serious physical harm, assaulting a police 3529
dog or horse is a misdemeanor of the first degree. 3530

(b) In addition to any other sanction imposed for 3531
assaulting a police dog or horse, if the violation of division 3532
(A) of this section results in the death of the police dog or 3533
horse, the sentencing court shall impose as a financial sanction 3534
a mandatory fine under division (B) (10) of section 2929.18 of 3535
the Revised Code. The fine shall be paid to the law enforcement 3536

agency that was served by the police dog or horse that was 3537
killed, and shall be used by that agency only for one or more of 3538
the following purposes: 3539

(i) If the dog or horse was not owned by the agency, the 3540
payment to the owner of the dog or horse of the cost of the dog 3541
or horse and the cost of the training of the dog or horse to 3542
qualify it as a police dog or horse, if that cost has not 3543
previously been paid by the agency; 3544

(ii) After payment of the costs described in division (E) 3545
(1)(b)(i) of this section, if applicable, payment of the cost of 3546
replacing the dog or horse that was killed; 3547

(iii) After payment of the costs described in division (E) 3548
(1)(b)(i) of this section, if applicable, payment of the cost of 3549
training the replacement dog or horse to qualify it as a police 3550
dog or horse; 3551

(iv) After payment of the costs described in division (E) 3552
(1)(b)(i) of this section, if applicable, payment of the cost of 3553
further training of the replacement dog or horse that is needed 3554
to train it to the level of training that had been achieved by 3555
the dog or horse that was killed. 3556

(2) Whoever violates division (B) of this section is 3557
guilty of harassing a police dog or horse. Except as otherwise 3558
provided in this division, harassing a police dog or horse is a 3559
misdemeanor of the second degree. If the violation results in 3560
the death of the police dog or horse, harassing a police dog or 3561
horse is a felony of the third degree. If the violation results 3562
in serious physical harm to the police dog or horse, but does 3563
not result in its death, harassing a police dog or horse, is a 3564
felony of the fourth degree. If the violation results in 3565

physical harm to the police dog or horse, but does not result in 3566
its death or in serious physical harm to it, harassing a police 3567
dog or horse is a misdemeanor of the first degree. 3568

(3) Whoever violates division (C) of this section is 3569
guilty of assaulting an assistance dog. Except as otherwise 3570
provided in this division, assaulting an assistance dog is a 3571
misdemeanor of the second degree. If the violation results in 3572
the death of the assistance dog, assaulting an assistance dog is 3573
a felony of the third degree. If the violation results in 3574
serious physical harm to the assistance dog other than its 3575
death, assaulting an assistance dog is a felony of the fourth 3576
degree. If the violation results in physical harm to the 3577
assistance dog other than death or serious physical harm, 3578
assaulting an assistance dog is a misdemeanor of the first 3579
degree. 3580

(4) Whoever violates division (D) of this section is 3581
guilty of harassing an assistance dog. Except as otherwise 3582
provided in this division, harassing an assistance dog is a 3583
misdemeanor of the second degree. If the violation results in 3584
the death of the assistance dog, harassing an assistance dog is 3585
a felony of the third degree. If the violation results in 3586
serious physical harm to the assistance dog, but does not result 3587
in its death, harassing an assistance dog is a felony of the 3588
fourth degree. If the violation results in physical harm to the 3589
assistance dog, but does not result in its death or in serious 3590
physical harm to it, harassing an assistance dog is a 3591
misdemeanor of the first degree. 3592

(5) In addition to any other sanction or penalty imposed 3593
for the offense under this section, Chapter 2929., or any other 3594
provision of the Revised Code, whoever violates division (A), 3595

(B), (C), or (D) of this section is responsible for the payment 3596
of all of the following: 3597

(a) Any veterinary bill or bill for medication incurred as 3598
a result of the violation by the police department regarding a 3599
violation of division (A) or (B) of this section or by the 3600
blind, deaf or hearing impaired, or mobility impaired person 3601
assisted or served by the assistance dog regarding a violation 3602
of division (C) or (D) of this section; 3603

(b) The cost of any damaged equipment that results from 3604
the violation; 3605

(c) If the violation did not result in the death of the 3606
police dog or horse or the assistance dog that was the subject 3607
of the violation and if, as a result of that dog or horse being 3608
the subject of the violation, the dog or horse needs further 3609
training or retraining to be able to continue in the capacity of 3610
a police dog or horse or an assistance dog, the cost of any 3611
further training or retraining of that dog or horse by a law 3612
enforcement officer or by the blind, deaf or hearing impaired, 3613
or mobility impaired person assisted or served by the assistance 3614
dog; 3615

(d) If the violation resulted in the death of the 3616
assistance dog that was the subject of the violation or resulted 3617
in serious physical harm to the police dog or horse or the 3618
assistance dog or horse that was the subject of the violation to 3619
the extent that the dog or horse needs to be replaced on either 3620
a temporary or a permanent basis, the cost of replacing that dog 3621
or horse and of any further training of a new police dog or 3622
horse or a new assistance dog by a law enforcement officer or by 3623
the blind, deaf or hearing impaired, or mobility impaired person 3624
assisted or served by the assistance dog, which replacement or 3625

training is required because of the death of or the serious 3626
physical harm to the dog or horse that was the subject of the 3627
violation. 3628

(F) This section does not apply to a licensed veterinarian 3629
whose conduct is in accordance with Chapter 4741. of the Revised 3630
Code. 3631

(G) This section only applies to an offender who knows or 3632
should know at the time of the violation that the police dog or 3633
horse or assistance dog that is the subject of a violation under 3634
this section is a police dog or horse or an assistance dog. 3635

(H) As used in this section: 3636

(1) "Physical harm" means any injury, illness, or other 3637
physiological impairment, regardless of its gravity or duration. 3638

(2) "Police dog or horse" means a dog or horse that has 3639
been trained, and may be used, to assist law enforcement 3640
officers in the performance of their official duties. 3641

(3) "Serious physical harm" means any of the following: 3642

(a) Any physical harm that carries a substantial risk of 3643
death; 3644

(b) Any physical harm that causes permanent maiming or 3645
that involves some temporary, substantial maiming; 3646

(c) Any physical harm that causes acute pain of a duration 3647
that results in substantial suffering. 3648

(4) "Assistance dog," "blind," and "mobility impaired 3649
person" have the same meanings as in section 955.011 of the 3650
Revised Code. 3651

Sec. 2921.36. (A) No person shall knowingly convey, or 3652

attempt to convey, onto the grounds of a detention facility or 3653
of an institution, office building, or other place that is under 3654
the control of the department of mental health and addiction 3655
services, the department of developmental disabilities, the 3656
department of youth services, or the department of 3657
rehabilitation and correction any of the following items: 3658

(1) Any deadly weapon or dangerous ordnance, as defined in 3659
section 2923.11 of the Revised Code, or any part of or 3660
ammunition for use in such a deadly weapon or dangerous 3661
ordnance; 3662

(2) Any drug of abuse, as defined in section 3719.011 of 3663
the Revised Code; 3664

(3) Any intoxicating liquor, as defined in section 4301.01 3665
of the Revised Code. 3666

(B) Division (A) of this section does not apply to any 3667
person who conveys or attempts to convey an item onto the 3668
grounds of a detention facility or of an institution, office 3669
building, or other place under the control of the department of 3670
mental health and addiction services, the department of 3671
developmental disabilities, the department of youth services, or 3672
the department of rehabilitation and correction pursuant to the 3673
written authorization of the person in charge of the detention 3674
facility or the institution, office building, or other place and 3675
in accordance with the written rules of the detention facility 3676
or the institution, office building, or other place. 3677

(C) No person shall knowingly deliver, or attempt to 3678
deliver, to any person who is confined in a detention facility, 3679
to a child confined in a youth services facility, to a prisoner 3680
who is temporarily released from confinement for a work 3681

assignment, or to any patient in an institution under the 3682
control of the department of mental health and addiction 3683
services or the department of developmental disabilities any 3684
item listed in division (A) (1), (2), or (3) of this section. 3685

(D) No person shall knowingly deliver, or attempt to 3686
deliver, cash to any person who is confined in a detention 3687
facility, to a child confined in a youth services facility, or 3688
to a prisoner who is temporarily released from confinement for a 3689
work assignment. 3690

(E) No person shall knowingly deliver, or attempt to 3691
deliver, to any person who is confined in a detention facility, 3692
to a child confined in a youth services facility, or to a 3693
prisoner who is temporarily released from confinement for a work 3694
assignment a cellular telephone, two-way radio, or other 3695
electronic communications device. 3696

(F) (1) It is an affirmative defense to a charge under 3697
division (A) (1) of this section that the weapon or dangerous 3698
ordnance in question was being transported in a motor vehicle 3699
for any lawful purpose, that it was not on the actor's person, 3700
and, if the weapon or dangerous ordnance in question was a 3701
firearm, that it was unloaded and was being carried in a closed 3702
package, box, or case or in a compartment that can be reached 3703
only by leaving the vehicle. 3704

(2) It is an affirmative defense to a charge under 3705
division (C) of this section that the actor was not otherwise 3706
prohibited by law from delivering the item to the confined 3707
person, the child, the prisoner, or the patient and that either 3708
of the following applies: 3709

(a) The actor was permitted by the written rules of the 3710

detention facility or the institution, office building, or other 3711
place to deliver the item to the confined person or the patient. 3712

(b) The actor was given written authorization by the 3713
person in charge of the detention facility or the institution, 3714
office building, or other place to deliver the item to the 3715
confined person or the patient. 3716

(G) (1) Whoever violates division (A) (1) of this section or 3717
commits a violation of division (C) of this section involving an 3718
item listed in division (A) (1) of this section is guilty of 3719
illegal conveyance of weapons onto the grounds of a specified 3720
governmental facility, a felony of the third degree. If the 3721
offender is an officer or employee of the department of 3722
rehabilitation and correction, the court shall impose a 3723
mandatory prison term from the range of definite prison terms 3724
prescribed in division (A) (3) (b) of section 2929.14 of the 3725
Revised Code for a felony of the third degree. 3726

(2) Whoever violates division (A) (2) of this section or 3727
commits a violation of division (C) of this section involving 3728
any drug of abuse is guilty of illegal conveyance of drugs of 3729
abuse onto the grounds of a specified governmental facility, a 3730
felony of the third degree. If the offender is an officer or 3731
employee of the department of rehabilitation and correction or 3732
of the department of youth services, the court shall impose a 3733
mandatory prison term from the range of definite prison terms 3734
prescribed in division (A) (3) (b) of section 2929.14 of the 3735
Revised Code for a felony of the third degree. 3736

(3) Whoever violates division (A) (3) of this section or 3737
commits a violation of division (C) of this section involving 3738
any intoxicating liquor is guilty of illegal conveyance of 3739
intoxicating liquor onto the grounds of a specified governmental 3740

facility, a misdemeanor of the second degree. 3741

(4) Whoever violates division (D) of this section is 3742
guilty of illegal conveyance of cash onto the grounds of a 3743
detention facility, a misdemeanor of the first degree. If the 3744
offender previously has been convicted of or pleaded guilty to a 3745
violation of division (D) of this section, illegal conveyance of 3746
cash onto the grounds of a detention facility is a felony of the 3747
fifth degree. 3748

(5) Whoever violates division (E) of this section is 3749
guilty of illegal conveyance of a communications device onto the 3750
grounds of a specified governmental facility, a misdemeanor of 3751
the first degree, or if the offender previously has been 3752
convicted of or pleaded guilty to a violation of division (E) of 3753
this section, a felony of the fifth degree. 3754

Sec. 2923.132. (A) As used in this section: 3755

(1) (a) "Violent career criminal" means a person who within 3756
the preceding eight years, subject to extension as provided in 3757
division (A) (1) (b) of this section, has been convicted of or 3758
pleaded guilty to two or more violent felony offenses that are 3759
separated by intervening sentences and are not so closely 3760
related to each other and connected in time and place that they 3761
constitute a course of criminal conduct. 3762

(b) Except as provided in division (A) (1) (c) of this 3763
section, the eight-year period described in division (A) (1) (a) 3764
of this section shall be extended by a period of time equal to 3765
any period of time during which the person, within that eight- 3766
year period, was confined as a result of having been accused of 3767
an offense, having been convicted of or pleaded guilty to an 3768
offense, or having been accused of violating or found to have 3769

violated any community control sanction, post-release control 3770
sanction, or term or condition of supervised release. 3771

(c) Division (A) (1) (b) of this section shall not apply to 3772
extend the eight-year period described in division (A) (1) (a) of 3773
this section by any period of time during which a person is 3774
confined if the person is acquitted of the charges or the 3775
charges are dismissed in final disposition of the case or during 3776
which a person is confined as a result of having been accused of 3777
violating any sanction, term, or condition described in division 3778
(A) (1) (b) of this section if the person subsequently is not 3779
found to have violated that sanction, term, or condition. 3780

(2) "Violent felony offense" means any of the following: 3781

(a) A violation of section 2903.01, 2903.02, 2903.03, 3782
2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2909.02, 2909.23, 3783
2911.01, 2911.02, or 2911.11 of the Revised Code; 3784

(b) A violation of division (A) (1) or (2) of section 3785
2911.12 of the Revised Code; 3786

(c) A felony violation of section 2907.02, 2907.03, 3787
2907.04, or 2907.05 of the Revised Code; 3788

(d) A felony violation of section 2909.24 of the Revised 3789
Code or a violation of section 2919.25 of the Revised Code that 3790
is a felony of the third degree; 3791

(e) A felony violation of any existing or former ordinance 3792
or law of this state, another state, or the United States that 3793
is or was substantially equivalent to any offense listed or 3794
described in divisions (A) (2) (a) to (e) of this section; 3795

(f) A conspiracy or attempt to commit, or complicity in 3796
committing, any of the offenses listed or described in divisions 3797

(A) (2) (a) to (e) of this section, if the conspiracy, attempt, or complicity is a felony of the first or second degree. 3798
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(3) "Dangerous ordnance" and "firearm" have the same meanings as in section 2923.11 of the Revised Code. 3800
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(4) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 3802
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(5) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 3804
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(6) "Supervised release" has the same meaning as in section 2950.01 of the Revised Code. 3806
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(B) No violent career criminal shall knowingly use any firearm or dangerous ordnance. 3808
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(C) Whoever violates this section is guilty of unlawful use of a weapon by a violent career criminal, a felony of the first degree, ~~and~~. For an offense committed prior to the effective date of this amendment, notwithstanding the range of definite prison terms set forth in division (A) (1) (b) of section 2929.14 of the Revised Code, the court shall impose upon the offender a mandatory prison term that is a definite prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years. For an offense committed on or after the effective date of this amendment, notwithstanding the range of minimum prison terms set forth in division (A) (1) (a) of section 2929.14 of the Revised Code, the court shall impose upon the offender an indefinite prison term pursuant to that division, with a minimum term under that sentence that is a mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years. 3810
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Sec. 2925.01. As used in this chapter: 3826

(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.

(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code.

(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.

(D) "Bulk amount" of a controlled substance means any of the following:

(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of controlled substance analogs, marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in division (D)(2) or (5) of this section, whichever of the following is applicable:

(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;

(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;

(c) An amount equal to or exceeding thirty grams or ten

unit doses of a compound, mixture, preparation, or substance 3856
that is or contains any amount of a schedule I hallucinogen 3857
other than tetrahydrocannabinol or lysergic acid amide, or a 3858
schedule I stimulant or depressant; 3859

(d) An amount equal to or exceeding twenty grams or five 3860
times the maximum daily dose in the usual dose range specified 3861
in a standard pharmaceutical reference manual of a compound, 3862
mixture, preparation, or substance that is or contains any 3863
amount of a schedule II opiate or opium derivative; 3864

(e) An amount equal to or exceeding five grams or ten unit 3865
doses of a compound, mixture, preparation, or substance that is 3866
or contains any amount of phencyclidine; 3867

(f) An amount equal to or exceeding one hundred twenty 3868
grams or thirty times the maximum daily dose in the usual dose 3869
range specified in a standard pharmaceutical reference manual of 3870
a compound, mixture, preparation, or substance that is or 3871
contains any amount of a schedule II stimulant that is in a 3872
final dosage form manufactured by a person authorized by the 3873
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 3874
U.S.C.A. 301, as amended, and the federal drug abuse control 3875
laws, as defined in section 3719.01 of the Revised Code, that is 3876
or contains any amount of a schedule II depressant substance or 3877
a schedule II hallucinogenic substance; 3878

(g) An amount equal to or exceeding three grams of a 3879
compound, mixture, preparation, or substance that is or contains 3880
any amount of a schedule II stimulant, or any of its salts or 3881
isomers, that is not in a final dosage form manufactured by a 3882
person authorized by the Federal Food, Drug, and Cosmetic Act 3883
and the federal drug abuse control laws. 3884

(2) An amount equal to or exceeding one hundred twenty 3885
grams or thirty times the maximum daily dose in the usual dose 3886
range specified in a standard pharmaceutical reference manual of 3887
a compound, mixture, preparation, or substance that is or 3888
contains any amount of a schedule III or IV substance other than 3889
an anabolic steroid or a schedule III opiate or opium 3890
derivative; 3891

(3) An amount equal to or exceeding twenty grams or five 3892
times the maximum daily dose in the usual dose range specified 3893
in a standard pharmaceutical reference manual of a compound, 3894
mixture, preparation, or substance that is or contains any 3895
amount of a schedule III opiate or opium derivative; 3896

(4) An amount equal to or exceeding two hundred fifty 3897
milliliters or two hundred fifty grams of a compound, mixture, 3898
preparation, or substance that is or contains any amount of a 3899
schedule V substance; 3900

(5) An amount equal to or exceeding two hundred solid 3901
dosage units, sixteen grams, or sixteen milliliters of a 3902
compound, mixture, preparation, or substance that is or contains 3903
any amount of a schedule III anabolic steroid. 3904

(E) "Unit dose" means an amount or unit of a compound, 3905
mixture, or preparation containing a controlled substance that 3906
is separately identifiable and in a form that indicates that it 3907
is the amount or unit by which the controlled substance is 3908
separately administered to or taken by an individual. 3909

(F) "Cultivate" includes planting, watering, fertilizing, 3910
or tilling. 3911

(G) "Drug abuse offense" means any of the following: 3912

(1) A violation of division (A) of section 2913.02 that 3913

constitutes theft of drugs, or a violation of section 2925.02, 3914
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 3915
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 3916
or 2925.37 of the Revised Code; 3917

(2) A violation of an existing or former law of this or 3918
any other state or of the United States that is substantially 3919
equivalent to any section listed in division (G) (1) of this 3920
section; 3921

(3) An offense under an existing or former law of this or 3922
any other state, or of the United States, of which planting, 3923
cultivating, harvesting, processing, making, manufacturing, 3924
producing, shipping, transporting, delivering, acquiring, 3925
possessing, storing, distributing, dispensing, selling, inducing 3926
another to use, administering to another, using, or otherwise 3927
dealing with a controlled substance is an element; 3928

(4) A conspiracy to commit, attempt to commit, or 3929
complicity in committing or attempting to commit any offense 3930
under division (G) (1), (2), or (3) of this section. 3931

(H) "Felony drug abuse offense" means any drug abuse 3932
offense that would constitute a felony under the laws of this 3933
state, any other state, or the United States. 3934

(I) "Harmful intoxicant" does not include beer or 3935
intoxicating liquor but means any of the following: 3936

(1) Any compound, mixture, preparation, or substance the 3937
gas, fumes, or vapor of which when inhaled can induce 3938
intoxication, excitement, giddiness, irrational behavior, 3939
depression, stupefaction, paralysis, unconsciousness, 3940
asphyxiation, or other harmful physiological effects, and 3941
includes, but is not limited to, any of the following: 3942

(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;	3943 3944 3945 3946
(b) Any aerosol propellant;	3947
(c) Any fluorocarbon refrigerant;	3948
(d) Any anesthetic gas.	3949
(2) Gamma Butyrolactone;	3950
(3) 1,4 Butanediol.	3951
(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.	3952 3953 3954 3955 3956 3957
(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.	3958 3959 3960 3961
(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.	3962 3963 3964 3965 3966 3967
(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.	3968 3969 3970

- (N) "Juvenile" means a person under eighteen years of age. 3971
- (O) "Counterfeit controlled substance" means any of the 3972
following: 3973
- (1) Any drug that bears, or whose container or label 3974
bears, a trademark, trade name, or other identifying mark used 3975
without authorization of the owner of rights to that trademark, 3976
trade name, or identifying mark; 3977
- (2) Any unmarked or unlabeled substance that is 3978
represented to be a controlled substance manufactured, 3979
processed, packed, or distributed by a person other than the 3980
person that manufactured, processed, packed, or distributed it; 3981
- (3) Any substance that is represented to be a controlled 3982
substance but is not a controlled substance or is a different 3983
controlled substance; 3984
- (4) Any substance other than a controlled substance that a 3985
reasonable person would believe to be a controlled substance 3986
because of its similarity in shape, size, and color, or its 3987
markings, labeling, packaging, distribution, or the price for 3988
which it is sold or offered for sale. 3989
- (P) An offense is "committed in the vicinity of a school" 3990
if the offender commits the offense on school premises, in a 3991
school building, or within one thousand feet of the boundaries 3992
of any school premises, regardless of whether the offender knows 3993
the offense is being committed on school premises, in a school 3994
building, or within one thousand feet of the boundaries of any 3995
school premises. 3996
- (Q) "School" means any school operated by a board of 3997
education, any community school established under Chapter 3314. 3998
of the Revised Code, or any nonpublic school for which the state 3999

board of education prescribes minimum standards under section 4000
3301.07 of the Revised Code, whether or not any instruction, 4001
extracurricular activities, or training provided by the school 4002
is being conducted at the time a criminal offense is committed. 4003

(R) "School premises" means either of the following: 4004

(1) The parcel of real property on which any school is 4005
situated, whether or not any instruction, extracurricular 4006
activities, or training provided by the school is being 4007
conducted on the premises at the time a criminal offense is 4008
committed; 4009

(2) Any other parcel of real property that is owned or 4010
leased by a board of education of a school, the governing 4011
authority of a community school established under Chapter 3314. 4012
of the Revised Code, or the governing body of a nonpublic school 4013
for which the state board of education prescribes minimum 4014
standards under section 3301.07 of the Revised Code and on which 4015
some of the instruction, extracurricular activities, or training 4016
of the school is conducted, whether or not any instruction, 4017
extracurricular activities, or training provided by the school 4018
is being conducted on the parcel of real property at the time a 4019
criminal offense is committed. 4020

(S) "School building" means any building in which any of 4021
the instruction, extracurricular activities, or training 4022
provided by a school is conducted, whether or not any 4023
instruction, extracurricular activities, or training provided by 4024
the school is being conducted in the school building at the time 4025
a criminal offense is committed. 4026

(T) "Disciplinary counsel" means the disciplinary counsel 4027
appointed by the board of commissioners on grievances and 4028

discipline of the supreme court under the Rules for the 4029
Government of the Bar of Ohio. 4030

(U) "Certified grievance committee" means a duly 4031
constituted and organized committee of the Ohio state bar 4032
association or of one or more local bar associations of the 4033
state of Ohio that complies with the criteria set forth in Rule 4034
V, section 6 of the Rules for the Government of the Bar of Ohio. 4035

(V) "Professional license" means any license, permit, 4036
certificate, registration, qualification, admission, temporary 4037
license, temporary permit, temporary certificate, or temporary 4038
registration that is described in divisions (W) (1) to (36) of 4039
this section and that qualifies a person as a professionally 4040
licensed person. 4041

(W) "Professionally licensed person" means any of the 4042
following: 4043

(1) A person who has obtained a license as a manufacturer 4044
of controlled substances or a wholesaler of controlled 4045
substances under Chapter 3719. of the Revised Code; 4046

(2) A person who has received a certificate or temporary 4047
certificate as a certified public accountant or who has 4048
registered as a public accountant under Chapter 4701. of the 4049
Revised Code and who holds an Ohio permit issued under that 4050
chapter; 4051

(3) A person who holds a certificate of qualification to 4052
practice architecture issued or renewed and registered under 4053
Chapter 4703. of the Revised Code; 4054

(4) A person who is registered as a landscape architect 4055
under Chapter 4703. of the Revised Code or who holds a permit as 4056
a landscape architect issued under that chapter; 4057

- (5) A person licensed under Chapter 4707. of the Revised Code; 4058
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- (6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code; 4060
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- (7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code; 4063
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- (8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code; 4066
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- (9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code; 4077
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- (10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the 4083
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Revised Code;	4087
(11) A person who has been licensed as a registered nurse	4088
or practical nurse, or who has been issued a certificate for the	4089
practice of nurse-midwifery under Chapter 4723. of the Revised	4090
Code;	4091
(12) A person who has been licensed to practice optometry	4092
or to engage in optical dispensing under Chapter 4725. of the	4093
Revised Code;	4094
(13) A person licensed to act as a pawnbroker under	4095
Chapter 4727. of the Revised Code;	4096
(14) A person licensed to act as a precious metals dealer	4097
under Chapter 4728. of the Revised Code;	4098
(15) A person licensed as a pharmacist, a pharmacy intern,	4099
a wholesale distributor of dangerous drugs, or a terminal	4100
distributor of dangerous drugs under Chapter 4729. of the	4101
Revised Code;	4102
(16) A person who is authorized to practice as a physician	4103
assistant under Chapter 4730. of the Revised Code;	4104
(17) A person who has been issued a license to practice	4105
medicine and surgery, osteopathic medicine and surgery, or	4106
podiatric medicine and surgery under Chapter 4731. of the	4107
Revised Code or has been issued a certificate to practice a	4108
limited branch of medicine under that chapter;	4109
(18) A person licensed as a psychologist or school	4110
psychologist under Chapter 4732. of the Revised Code;	4111
(19) A person registered to practice the profession of	4112
engineering or surveying under Chapter 4733. of the Revised	4113
Code;	4114

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	4115 4116
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	4117 4118
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	4119 4120
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	4121 4122
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	4123 4124
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	4125 4126
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	4127 4128 4129 4130
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	4131 4132 4133
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	4134 4135 4136
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	4137 4138 4139
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised	4140 4141

Code;	4142
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	4143 4144 4145
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	4146 4147 4148 4149 4150 4151
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	4152 4153
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	4154 4155 4156
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	4157 4158
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	4159 4160 4161
(X) "Cocaine" means any of the following:	4162
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	4163 4164
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	4165 4166 4167 4168

(3) A salt, compound, derivative, or preparation of a 4169
substance identified in division (X) (1) or (2) of this section 4170
that is chemically equivalent to or identical with any of those 4171
substances, except that the substances shall not include 4172
decocainized coca leaves or extraction of coca leaves if the 4173
extractions do not contain cocaine or ecgonine. 4174

(Y) "L.S.D." means lysergic acid diethylamide. 4175

(Z) "Hashish" means the resin or a preparation of the 4176
resin contained in marihuana, whether in solid form or in a 4177
liquid concentrate, liquid extract, or liquid distillate form. 4178

(AA) "Marihuana" has the same meaning as in section 4179
3719.01 of the Revised Code, except that it does not include 4180
hashish. 4181

(BB) An offense is "committed in the vicinity of a 4182
juvenile" if the offender commits the offense within one hundred 4183
feet of a juvenile or within the view of a juvenile, regardless 4184
of whether the offender knows the age of the juvenile, whether 4185
the offender knows the offense is being committed within one 4186
hundred feet of or within view of the juvenile, or whether the 4187
juvenile actually views the commission of the offense. 4188

(CC) "Presumption for a prison term" or "presumption that 4189
a prison term shall be imposed" means a presumption, as 4190
described in division (D) of section 2929.13 of the Revised 4191
Code, that a prison term is a necessary sanction for a felony in 4192
order to comply with the purposes and principles of sentencing 4193
under section 2929.11 of the Revised Code. 4194

(DD) "Major drug offender" has the same meaning as in 4195
section 2929.01 of the Revised Code. 4196

(EE) "Minor drug possession offense" means either of the 4197

following: 4198

(1) A violation of section 2925.11 of the Revised Code as 4199
it existed prior to July 1, 1996; 4200

(2) A violation of section 2925.11 of the Revised Code as 4201
it exists on and after July 1, 1996, that is a misdemeanor or a 4202
felony of the fifth degree. 4203

(FF) "Mandatory prison term" has the same meaning as in 4204
section 2929.01 of the Revised Code. 4205

(GG) "Adulterate" means to cause a drug to be adulterated 4206
as described in section 3715.63 of the Revised Code. 4207

(HH) "Public premises" means any hotel, restaurant, 4208
tavern, store, arena, hall, or other place of public 4209
accommodation, business, amusement, or resort. 4210

(II) "Methamphetamine" means methamphetamine, any salt, 4211
isomer, or salt of an isomer of methamphetamine, or any 4212
compound, mixture, preparation, or substance containing 4213
methamphetamine or any salt, isomer, or salt of an isomer of 4214
methamphetamine. 4215

(JJ) "Lawful prescription" means a prescription that is 4216
issued for a legitimate medical purpose by a licensed health 4217
professional authorized to prescribe drugs, that is not altered 4218
or forged, and that was not obtained by means of deception or by 4219
the commission of any theft offense. 4220

(KK) "Deception" and "theft offense" have the same 4221
meanings as in section 2913.01 of the Revised Code. 4222

(LL) "First degree felony mandatory prison term" means one 4223
of the definite prison terms prescribed in division (A) (1) (b) of 4224
section 2929.14 of the Revised Code for a felony of the first 4225

degree, except that if the violation for which sentence is being 4226
imposed is committed on or after the effective date of this 4227
amendment, it means one of the minimum prison terms prescribed 4228
in division (A) (1) (a) of that section for a felony of the first 4229
degree. 4230

(MM) "Second degree felony mandatory prison term" means 4231
one of the definite prison terms prescribed in division (A) (2) 4232
(b) of section 2929.14 of the Revised Code for a felony of the 4233
second degree, except that if the violation for which sentence 4234
is being imposed is committed on or after the effective date of 4235
this amendment, it means one of the minimum prison terms 4236
prescribed in division (A) (2) (a) of that section for a felony of 4237
the second degree. 4238

(NN) "Maximum first degree felony mandatory prison term" 4239
means the maximum definite prison term prescribed in division 4240
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 4241
the first degree, except that if the violation for which 4242
sentence is being imposed is committed on or after the effective 4243
date of this amendment, it means the longest minimum prison term 4244
prescribed in division (A) (1) (a) of that section for a felony of 4245
the first degree. 4246

(OO) "Maximum second degree felony mandatory prison term" 4247
means the maximum definite prison term prescribed in division 4248
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 4249
the second degree, except that if the violation for which 4250
sentence is being imposed is committed on or after the effective 4251
date of this amendment, it means the longest minimum prison term 4252
prescribed in division (A) (2) (a) of that section for a felony of 4253
the second degree. 4254

Sec. 2925.02. (A) No person shall knowingly do any of the 4255

following:	4256
(1) By force, threat, or deception, administer to another	4257
or induce or cause another to use a controlled substance;	4258
(2) By any means, administer or furnish to another or	4259
induce or cause another to use a controlled substance with	4260
purpose to cause serious physical harm to the other person, or	4261
with purpose to cause the other person to become drug dependent;	4262
(3) By any means, administer or furnish to another or	4263
induce or cause another to use a controlled substance, and	4264
thereby cause serious physical harm to the other person, or	4265
cause the other person to become drug dependent;	4266
(4) By any means, do any of the following:	4267
(a) Furnish or administer a controlled substance to a	4268
juvenile who is at least two years the offender's junior, when	4269
the offender knows the age of the juvenile or is reckless in	4270
that regard;	4271
(b) Induce or cause a juvenile who is at least two years	4272
the offender's junior to use a controlled substance, when the	4273
offender knows the age of the juvenile or is reckless in that	4274
regard;	4275
(c) Induce or cause a juvenile who is at least two years	4276
the offender's junior to commit a felony drug abuse offense,	4277
when the offender knows the age of the juvenile or is reckless	4278
in that regard;	4279
(d) Use a juvenile, whether or not the offender knows the	4280
age of the juvenile, to perform any surveillance activity that	4281
is intended to prevent the detection of the offender or any	4282
other person in the commission of a felony drug abuse offense or	4283

to prevent the arrest of the offender or any other person for 4284
the commission of a felony drug abuse offense. 4285

(5) By any means, furnish or administer a controlled 4286
substance to a pregnant woman or induce or cause a pregnant 4287
woman to use a controlled substance, when the offender knows 4288
that the woman is pregnant or is reckless in that regard. 4289

(B) Division (A) (1), (3), (4), or (5) of this section does 4290
not apply to manufacturers, wholesalers, licensed health 4291
professionals authorized to prescribe drugs, pharmacists, owners 4292
of pharmacies, and other persons whose conduct is in accordance 4293
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4294
4741. of the Revised Code. 4295

(C) Whoever violates this section is guilty of corrupting 4296
another with drugs. The penalty for the offense shall be 4297
determined as follows: 4298

(1) If the offense is a violation of division (A) (1), (2), 4299
(3), or (4) of this section and the drug involved is any 4300
compound, mixture, preparation, or substance included in 4301
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 4302
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 4303
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4304
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 4305
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 4306
offender shall be punished as follows: 4307

(a) Except as otherwise provided in division (C) (1) (b) of 4308
this section, corrupting another with drugs committed in those 4309
circumstances is a felony of the second degree and, subject to 4310
division (E) of this section, the court shall impose as a 4311
mandatory prison term ~~one of the prison terms prescribed for a~~ 4312

~~felony of the second degree~~ a second degree felony mandatory
prison term. 4313
4314

(b) If the offense was committed in the vicinity of a 4315
school, corrupting another with drugs committed in those 4316
circumstances is a felony of the first degree, and, subject to 4317
division (E) of this section, the court shall impose as a 4318
mandatory prison term ~~one of the prison terms prescribed for a~~ 4319
~~felony of the first degree~~ a first degree felony mandatory
prison term. 4320
4321

(2) If the offense is a violation of division (A) (1), (2), 4322
(3), or (4) of this section and the drug involved is any 4323
compound, mixture, preparation, or substance included in 4324
schedule III, IV, or V, the offender shall be punished as 4325
follows: 4326

(a) Except as otherwise provided in division (C) (2) (b) of 4327
this section, corrupting another with drugs committed in those 4328
circumstances is a felony of the second degree and there is a 4329
presumption for a prison term for the offense. 4330

(b) If the offense was committed in the vicinity of a 4331
school, corrupting another with drugs committed in those 4332
circumstances is a felony of the second degree and the court 4333
shall impose as a mandatory prison term ~~one of the prison terms~~ 4334
~~prescribed for a felony of the second degree~~ a second degree
felony mandatory prison term. 4335
4336

(3) If the offense is a violation of division (A) (1), (2), 4337
(3), or (4) of this section and the drug involved is marihuana, 4338
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 4339
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4340
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 4341

(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 4342
offender shall be punished as follows: 4343

(a) Except as otherwise provided in division (C) (3) (b) of 4344
this section, corrupting another with drugs committed in those 4345
circumstances is a felony of the fourth degree and division (C) 4346
of section 2929.13 of the Revised Code applies in determining 4347
whether to impose a prison term on the offender. 4348

(b) If the offense was committed in the vicinity of a 4349
school, corrupting another with drugs committed in those 4350
circumstances is a felony of the third degree and division (C) 4351
of section 2929.13 of the Revised Code applies in determining 4352
whether to impose a prison term on the offender. 4353

(4) If the offense is a violation of division (A) (5) of 4354
this section and the drug involved is any compound, mixture, 4355
preparation, or substance included in schedule I or II, with the 4356
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 4357
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 4358
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 4359
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 4360
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 4361
felony of the first degree and, subject to division (E) of this 4362
section, the court shall impose as a mandatory prison term ~~one~~ 4363
~~of the prison terms prescribed for a felony of the first degree~~ 4364
a first degree felony mandatory prison term. 4365

(5) If the offense is a violation of division (A) (5) of 4366
this section and the drug involved is any compound, mixture, 4367
preparation, or substance included in schedule III, IV, or V, 4368
corrupting another with drugs is a felony of the second degree 4369
and the court shall impose as a mandatory prison term ~~one of the~~ 4370
~~prison terms prescribed for a felony of the second degree~~ a 4371

second degree felony mandatory prison term. 4372

(6) If the offense is a violation of division (A) (5) of 4373
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 4374
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 4375
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4376
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 4377
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 4378
corrupting another with drugs is a felony of the third degree 4379
and division (C) of section 2929.13 of the Revised Code applies 4380
in determining whether to impose a prison term on the offender. 4381

(D) In addition to any prison term authorized or required 4382
by division (C) or (E) of this section and sections 2929.13 and 4383
2929.14 of the Revised Code and in addition to any other 4384
sanction imposed for the offense under this section or sections 4385
2929.11 to 2929.18 of the Revised Code, the court that sentences 4386
an offender who is convicted of or pleads guilty to a violation 4387
of division (A) of this section may suspend for not more than 4388
five years the offender's driver's or commercial driver's 4389
license or permit. However, if the offender pleaded guilty to or 4390
was convicted of a violation of section 4511.19 of the Revised 4391
Code or a substantially similar municipal ordinance or the law 4392
of another state or the United States arising out of the same 4393
set of circumstances as the violation, the court shall suspend 4394
the offender's driver's or commercial driver's license or permit 4395
for not more than five years. The court also shall do all of the 4396
following that are applicable regarding the offender: 4397

(1) (a) If the violation is a felony of the first, second, 4398
or third degree, the court shall impose upon the offender the 4399
mandatory fine specified for the offense under division (B) (1) 4400
of section 2929.18 of the Revised Code unless, as specified in 4401

that division, the court determines that the offender is 4402
indigent. 4403

(b) Notwithstanding any contrary provision of section 4404
3719.21 of the Revised Code, any mandatory fine imposed pursuant 4405
to division (D)(1)(a) of this section and any fine imposed for a 4406
violation of this section pursuant to division (A) of section 4407
2929.18 of the Revised Code shall be paid by the clerk of the 4408
court in accordance with and subject to the requirements of, and 4409
shall be used as specified in, division (F) of section 2925.03 4410
of the Revised Code. 4411

(c) If a person is charged with any violation of this 4412
section that is a felony of the first, second, or third degree, 4413
posts bail, and forfeits the bail, the forfeited bail shall be 4414
paid by the clerk of the court pursuant to division (D)(1)(b) of 4415
this section as if it were a fine imposed for a violation of 4416
this section. 4417

(2) If the offender is a professionally licensed person, 4418
in addition to any other sanction imposed for a violation of 4419
this section, the court immediately shall comply with section 4420
2925.38 of the Revised Code. 4421

(E) Notwithstanding the prison term otherwise authorized 4422
or required for the offense under division (C) of this section 4423
and sections 2929.13 and 2929.14 of the Revised Code, if the 4424
violation of division (A) of this section involves the sale, 4425
offer to sell, or possession of a schedule I or II controlled 4426
substance, with the exception of marihuana, 1-Pentyl-3-(1- 4427
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 4428
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4429
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 4430
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 4431

if the court imposing sentence upon the offender finds that the 4432
offender as a result of the violation is a major drug offender 4433
and is guilty of a specification of the type described in 4434
section 2941.1410 of the Revised Code, the court, in lieu of the 4435
prison term that otherwise is authorized or required, shall 4436
impose upon the offender the mandatory prison term specified in 4437
division (B) (3) (a) of section 2929.14 of the Revised Code. 4438

(F) (1) If the sentencing court suspends the offender's 4439
driver's or commercial driver's license or permit under division 4440
(D) of this section, the offender, at any time after the 4441
expiration of two years from the day on which the offender's 4442
sentence was imposed or from the day on which the offender 4443
finally was released from a prison term under the sentence, 4444
whichever is later, may file a motion with the sentencing court 4445
requesting termination of the suspension. Upon the filing of the 4446
motion and the court's finding of good cause for the 4447
determination, the court may terminate the suspension. 4448

(2) Any offender who received a mandatory suspension of 4449
the offender's driver's or commercial driver's license or permit 4450
under this section prior to ~~the effective date of this amendment~~ 4451
September 13, 2016, may file a motion with the sentencing court 4452
requesting the termination of the suspension. However, an 4453
offender who pleaded guilty to or was convicted of a violation 4454
of section 4511.19 of the Revised Code or a substantially 4455
similar municipal ordinance or law of another state or the 4456
United States that arose out of the same set of circumstances as 4457
the violation for which the offender's license or permit was 4458
suspended under this section shall not file such a motion. 4459

Upon the filing of a motion under division (F) (2) of this 4460
section, the sentencing court, in its discretion, may terminate 4461

the suspension. 4462

Sec. 2925.03. (A) No person shall knowingly do any of the 4463
following: 4464

(1) Sell or offer to sell a controlled substance or a 4465
controlled substance analog; 4466

(2) Prepare for shipment, ship, transport, deliver, 4467
prepare for distribution, or distribute a controlled substance 4468
or a controlled substance analog, when the offender knows or has 4469
reasonable cause to believe that the controlled substance or a 4470
controlled substance analog is intended for sale or resale by 4471
the offender or another person. 4472

(B) This section does not apply to any of the following: 4473

(1) Manufacturers, licensed health professionals 4474
authorized to prescribe drugs, pharmacists, owners of 4475
pharmacies, and other persons whose conduct is in accordance 4476
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4477
4741. of the Revised Code; 4478

(2) If the offense involves an anabolic steroid, any 4479
person who is conducting or participating in a research project 4480
involving the use of an anabolic steroid if the project has been 4481
approved by the United States food and drug administration; 4482

(3) Any person who sells, offers for sale, prescribes, 4483
dispenses, or administers for livestock or other nonhuman 4484
species an anabolic steroid that is expressly intended for 4485
administration through implants to livestock or other nonhuman 4486
species and approved for that purpose under the "Federal Food, 4487
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 4488
as amended, and is sold, offered for sale, prescribed, 4489
dispensed, or administered for that purpose in accordance with 4490

that act. 4491

(C) Whoever violates division (A) of this section is 4492
guilty of one of the following: 4493

(1) If the drug involved in the violation is any compound, 4494
mixture, preparation, or substance included in schedule I or 4495
schedule II, with the exception of marihuana, cocaine, L.S.D., 4496
heroin, hashish, and controlled substance analogs, whoever 4497
violates division (A) of this section is guilty of aggravated 4498
trafficking in drugs. The penalty for the offense shall be 4499
determined as follows: 4500

(a) Except as otherwise provided in division (C) (1) (b), 4501
(c), (d), (e), or (f) of this section, aggravated trafficking in 4502
drugs is a felony of the fourth degree, and division (C) of 4503
section 2929.13 of the Revised Code applies in determining 4504
whether to impose a prison term on the offender. 4505

(b) Except as otherwise provided in division (C) (1) (c), 4506
(d), (e), or (f) of this section, if the offense was committed 4507
in the vicinity of a school or in the vicinity of a juvenile, 4508
aggravated trafficking in drugs is a felony of the third degree, 4509
and division (C) of section 2929.13 of the Revised Code applies 4510
in determining whether to impose a prison term on the offender. 4511

(c) Except as otherwise provided in this division, if the 4512
amount of the drug involved equals or exceeds the bulk amount 4513
but is less than five times the bulk amount, aggravated 4514
trafficking in drugs is a felony of the third degree, and, 4515
except as otherwise provided in this division, there is a 4516
presumption for a prison term for the offense. If aggravated 4517
trafficking in drugs is a felony of the third degree under this 4518
division and if the offender two or more times previously has 4519

been convicted of or pleaded guilty to a felony drug abuse 4520
offense, the court shall impose as a mandatory prison term one 4521
of the prison terms prescribed for a felony of the third degree. 4522
If the amount of the drug involved is within that range and if 4523
the offense was committed in the vicinity of a school or in the 4524
vicinity of a juvenile, aggravated trafficking in drugs is a 4525
felony of the second degree, and the court shall impose as a 4526
mandatory prison term ~~one of the prison terms prescribed for a~~ 4527
~~felony of the second degree~~ a second degree felony mandatory 4528
prison term. 4529

(d) Except as otherwise provided in this division, if the 4530
amount of the drug involved equals or exceeds five times the 4531
bulk amount but is less than fifty times the bulk amount, 4532
aggravated trafficking in drugs is a felony of the second 4533
degree, and the court shall impose as a mandatory prison term 4534
~~one of the prison terms prescribed for a felony of the second-~~ 4535
~~degree~~ a second degree felony mandatory prison term. If the 4536
amount of the drug involved is within that range and if the 4537
offense was committed in the vicinity of a school or in the 4538
vicinity of a juvenile, aggravated trafficking in drugs is a 4539
felony of the first degree, and the court shall impose as a 4540
mandatory prison term ~~one of the prison terms prescribed for a~~ 4541
~~felony of the first degree~~ a first degree felony mandatory 4542
prison term. 4543

(e) If the amount of the drug involved equals or exceeds 4544
fifty times the bulk amount but is less than one hundred times 4545
the bulk amount and regardless of whether the offense was 4546
committed in the vicinity of a school or in the vicinity of a 4547
juvenile, aggravated trafficking in drugs is a felony of the 4548
first degree, and the court shall impose as a mandatory prison 4549
term ~~one of the prison terms prescribed for a felony of the~~ 4550

~~first degree a first degree felony mandatory prison term.~~ 4551

(f) If the amount of the drug involved equals or exceeds 4552
one hundred times the bulk amount and regardless of whether the 4553
offense was committed in the vicinity of a school or in the 4554
vicinity of a juvenile, aggravated trafficking in drugs is a 4555
felony of the first degree, the offender is a major drug 4556
offender, and the court shall impose as a mandatory prison term 4557
~~the maximum prison term prescribed for a felony of the first~~ 4558
~~degree a maximum first degree felony mandatory prison term.~~ 4559

(2) If the drug involved in the violation is any compound, 4560
mixture, preparation, or substance included in schedule III, IV, 4561
or V, whoever violates division (A) of this section is guilty of 4562
trafficking in drugs. The penalty for the offense shall be 4563
determined as follows: 4564

(a) Except as otherwise provided in division (C) (2) (b), 4565
(c), (d), or (e) of this section, trafficking in drugs is a 4566
felony of the fifth degree, and division (B) of section 2929.13 4567
of the Revised Code applies in determining whether to impose a 4568
prison term on the offender. 4569

(b) Except as otherwise provided in division (C) (2) (c), 4570
(d), or (e) of this section, if the offense was committed in the 4571
vicinity of a school or in the vicinity of a juvenile, 4572
trafficking in drugs is a felony of the fourth degree, and 4573
division (C) of section 2929.13 of the Revised Code applies in 4574
determining whether to impose a prison term on the offender. 4575

(c) Except as otherwise provided in this division, if the 4576
amount of the drug involved equals or exceeds the bulk amount 4577
but is less than five times the bulk amount, trafficking in 4578
drugs is a felony of the fourth degree, and division (B) of 4579

section 2929.13 of the Revised Code applies in determining 4580
whether to impose a prison term for the offense. If the amount 4581
of the drug involved is within that range and if the offense was 4582
committed in the vicinity of a school or in the vicinity of a 4583
juvenile, trafficking in drugs is a felony of the third degree, 4584
and there is a presumption for a prison term for the offense. 4585

(d) Except as otherwise provided in this division, if the 4586
amount of the drug involved equals or exceeds five times the 4587
bulk amount but is less than fifty times the bulk amount, 4588
trafficking in drugs is a felony of the third degree, and there 4589
is a presumption for a prison term for the offense. If the 4590
amount of the drug involved is within that range and if the 4591
offense was committed in the vicinity of a school or in the 4592
vicinity of a juvenile, trafficking in drugs is a felony of the 4593
second degree, and there is a presumption for a prison term for 4594
the offense. 4595

(e) Except as otherwise provided in this division, if the 4596
amount of the drug involved equals or exceeds fifty times the 4597
bulk amount, trafficking in drugs is a felony of the second 4598
degree, and the court shall impose as a mandatory prison term 4599
~~one of the prison terms prescribed for a felony of the second-~~ 4600
~~degree~~ a second degree felony mandatory prison term. If the 4601
amount of the drug involved equals or exceeds fifty times the 4602
bulk amount and if the offense was committed in the vicinity of 4603
a school or in the vicinity of a juvenile, trafficking in drugs 4604
is a felony of the first degree, and the court shall impose as a 4605
mandatory prison term ~~one of the prison terms prescribed for a~~ 4606
~~felony of the first degree~~ a first degree felony mandatory 4607
prison term. 4608

(3) If the drug involved in the violation is marihuana or 4609

a compound, mixture, preparation, or substance containing 4610
marihuana other than hashish, whoever violates division (A) of 4611
this section is guilty of trafficking in marihuana. The penalty 4612
for the offense shall be determined as follows: 4613

(a) Except as otherwise provided in division (C) (3) (b), 4614
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 4615
marihuana is a felony of the fifth degree, and division (B) of 4616
section 2929.13 of the Revised Code applies in determining 4617
whether to impose a prison term on the offender. 4618

(b) Except as otherwise provided in division (C) (3) (c), 4619
(d), (e), (f), (g), or (h) of this section, if the offense was 4620
committed in the vicinity of a school or in the vicinity of a 4621
juvenile, trafficking in marihuana is a felony of the fourth 4622
degree, and division (B) of section 2929.13 of the Revised Code 4623
applies in determining whether to impose a prison term on the 4624
offender. 4625

(c) Except as otherwise provided in this division, if the 4626
amount of the drug involved equals or exceeds two hundred grams 4627
but is less than one thousand grams, trafficking in marihuana is 4628
a felony of the fourth degree, and division (B) of section 4629
2929.13 of the Revised Code applies in determining whether to 4630
impose a prison term on the offender. If the amount of the drug 4631
involved is within that range and if the offense was committed 4632
in the vicinity of a school or in the vicinity of a juvenile, 4633
trafficking in marihuana is a felony of the third degree, and 4634
division (C) of section 2929.13 of the Revised Code applies in 4635
determining whether to impose a prison term on the offender. 4636

(d) Except as otherwise provided in this division, if the 4637
amount of the drug involved equals or exceeds one thousand grams 4638
but is less than five thousand grams, trafficking in marihuana 4639

is a felony of the third degree, and division (C) of section 4640
2929.13 of the Revised Code applies in determining whether to 4641
impose a prison term on the offender. If the amount of the drug 4642
involved is within that range and if the offense was committed 4643
in the vicinity of a school or in the vicinity of a juvenile, 4644
trafficking in marihuana is a felony of the second degree, and 4645
there is a presumption that a prison term shall be imposed for 4646
the offense. 4647

(e) Except as otherwise provided in this division, if the 4648
amount of the drug involved equals or exceeds five thousand 4649
grams but is less than twenty thousand grams, trafficking in 4650
marihuana is a felony of the third degree, and there is a 4651
presumption that a prison term shall be imposed for the offense. 4652
If the amount of the drug involved is within that range and if 4653
the offense was committed in the vicinity of a school or in the 4654
vicinity of a juvenile, trafficking in marihuana is a felony of 4655
the second degree, and there is a presumption that a prison term 4656
shall be imposed for the offense. 4657

(f) Except as otherwise provided in this division, if the 4658
amount of the drug involved equals or exceeds twenty thousand 4659
grams but is less than forty thousand grams, trafficking in 4660
marihuana is a felony of the second degree, and the court shall 4661
impose as a mandatory prison term a second degree felony 4662
mandatory prison term of five, six, seven, or eight years. If 4663
the amount of the drug involved is within that range and if the 4664
offense was committed in the vicinity of a school or in the 4665
vicinity of a juvenile, trafficking in marihuana is a felony of 4666
the first degree, and the court shall impose as a mandatory 4667
prison term ~~the maximum prison term prescribed for a felony of~~ 4668
~~the first degree~~ a maximum first degree felony mandatory prison 4669
term. 4670

(g) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds forty thousand grams, trafficking in marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term ~~the maximum prison term prescribed for a felony of the second degree~~ a maximum second degree felony mandatory prison term. If the amount of the drug involved equals or exceeds forty thousand grams and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the first degree, and the court shall impose as a mandatory prison term ~~the maximum prison term prescribed for a felony of the first degree~~ a maximum first degree felony mandatory prison term.

(h) Except as otherwise provided in this division, if the offense involves a gift of twenty grams or less of marihuana, trafficking in marihuana is a minor misdemeanor upon a first offense and a misdemeanor of the third degree upon a subsequent offense. If the offense involves a gift of twenty grams or less of marihuana and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a misdemeanor of the third degree.

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

(a) Except as otherwise provided in division (C) (4) (b), (c), (d), (e), (f), or (g) of this section, trafficking in cocaine is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining

whether to impose a prison term on the offender. 4701

(b) Except as otherwise provided in division (C) (4) (c), 4702
(d), (e), (f), or (g) of this section, if the offense was 4703
committed in the vicinity of a school or in the vicinity of a 4704
juvenile, trafficking in cocaine is a felony of the fourth 4705
degree, and division (C) of section 2929.13 of the Revised Code 4706
applies in determining whether to impose a prison term on the 4707
offender. 4708

(c) Except as otherwise provided in this division, if the 4709
amount of the drug involved equals or exceeds five grams but is 4710
less than ten grams of cocaine, trafficking in cocaine is a 4711
felony of the fourth degree, and division (B) of section 2929.13 4712
of the Revised Code applies in determining whether to impose a 4713
prison term for the offense. If the amount of the drug involved 4714
is within that range and if the offense was committed in the 4715
vicinity of a school or in the vicinity of a juvenile, 4716
trafficking in cocaine is a felony of the third degree, and 4717
there is a presumption for a prison term for the offense. 4718

(d) Except as otherwise provided in this division, if the 4719
amount of the drug involved equals or exceeds ten grams but is 4720
less than twenty grams of cocaine, trafficking in cocaine is a 4721
felony of the third degree, and, except as otherwise provided in 4722
this division, there is a presumption for a prison term for the 4723
offense. If trafficking in cocaine is a felony of the third 4724
degree under this division and if the offender two or more times 4725
previously has been convicted of or pleaded guilty to a felony 4726
drug abuse offense, the court shall impose as a mandatory prison 4727
term one of the prison terms prescribed for a felony of the 4728
third degree. If the amount of the drug involved is within that 4729
range and if the offense was committed in the vicinity of a 4730

school or in the vicinity of a juvenile, trafficking in cocaine 4731
is a felony of the second degree, and the court shall impose as 4732
a mandatory prison term ~~one of the prison terms prescribed for a~~ 4733
~~felony of the second degree~~ a second degree felony mandatory 4734
prison term. 4735

(e) Except as otherwise provided in this division, if the 4736
amount of the drug involved equals or exceeds twenty grams but 4737
is less than twenty-seven grams of cocaine, trafficking in 4738
cocaine is a felony of the second degree, and the court shall 4739
impose as a mandatory prison term ~~one of the prison terms~~ 4740
~~prescribed for a felony of the second degree~~ a second degree 4741
felony mandatory prison term. If the amount of the drug involved 4742
is within that range and if the offense was committed in the 4743
vicinity of a school or in the vicinity of a juvenile, 4744
trafficking in cocaine is a felony of the first degree, and the 4745
court shall impose as a mandatory prison term ~~one of the prison~~ 4746
~~terms prescribed for a felony of the first degree~~ a first degree 4747
felony mandatory prison term. 4748

(f) If the amount of the drug involved equals or exceeds 4749
twenty-seven grams but is less than one hundred grams of cocaine 4750
and regardless of whether the offense was committed in the 4751
vicinity of a school or in the vicinity of a juvenile, 4752
trafficking in cocaine is a felony of the first degree, and the 4753
court shall impose as a mandatory prison term ~~one of the prison~~ 4754
~~terms prescribed for a felony of the first degree~~ a first degree 4755
felony mandatory prison term. 4756

(g) If the amount of the drug involved equals or exceeds 4757
one hundred grams of cocaine and regardless of whether the 4758
offense was committed in the vicinity of a school or in the 4759
vicinity of a juvenile, trafficking in cocaine is a felony of 4760

the first degree, the offender is a major drug offender, and the 4761
court shall impose as a mandatory prison term ~~the maximum prison~~ 4762
~~term prescribed for a felony of the first degree~~ a maximum first 4763
degree felony mandatory prison term. 4764

(5) If the drug involved in the violation is L.S.D. or a 4765
compound, mixture, preparation, or substance containing L.S.D., 4766
whoever violates division (A) of this section is guilty of 4767
trafficking in L.S.D. The penalty for the offense shall be 4768
determined as follows: 4769

(a) Except as otherwise provided in division (C) (5) (b), 4770
(c), (d), (e), (f), or (g) of this section, trafficking in 4771
L.S.D. is a felony of the fifth degree, and division (B) of 4772
section 2929.13 of the Revised Code applies in determining 4773
whether to impose a prison term on the offender. 4774

(b) Except as otherwise provided in division (C) (5) (c), 4775
(d), (e), (f), or (g) of this section, if the offense was 4776
committed in the vicinity of a school or in the vicinity of a 4777
juvenile, trafficking in L.S.D. is a felony of the fourth 4778
degree, and division (C) of section 2929.13 of the Revised Code 4779
applies in determining whether to impose a prison term on the 4780
offender. 4781

(c) Except as otherwise provided in this division, if the 4782
amount of the drug involved equals or exceeds ten unit doses but 4783
is less than fifty unit doses of L.S.D. in a solid form or 4784
equals or exceeds one gram but is less than five grams of L.S.D. 4785
in a liquid concentrate, liquid extract, or liquid distillate 4786
form, trafficking in L.S.D. is a felony of the fourth degree, 4787
and division (B) of section 2929.13 of the Revised Code applies 4788
in determining whether to impose a prison term for the offense. 4789
If the amount of the drug involved is within that range and if 4790

the offense was committed in the vicinity of a school or in the 4791
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 4792
third degree, and there is a presumption for a prison term for 4793
the offense. 4794

(d) Except as otherwise provided in this division, if the 4795
amount of the drug involved equals or exceeds fifty unit doses 4796
but is less than two hundred fifty unit doses of L.S.D. in a 4797
solid form or equals or exceeds five grams but is less than 4798
twenty-five grams of L.S.D. in a liquid concentrate, liquid 4799
extract, or liquid distillate form, trafficking in L.S.D. is a 4800
felony of the third degree, and, except as otherwise provided in 4801
this division, there is a presumption for a prison term for the 4802
offense. If trafficking in L.S.D. is a felony of the third 4803
degree under this division and if the offender two or more times 4804
previously has been convicted of or pleaded guilty to a felony 4805
drug abuse offense, the court shall impose as a mandatory prison 4806
term one of the prison terms prescribed for a felony of the 4807
third degree. If the amount of the drug involved is within that 4808
range and if the offense was committed in the vicinity of a 4809
school or in the vicinity of a juvenile, trafficking in L.S.D. 4810
is a felony of the second degree, and the court shall impose as 4811
a mandatory prison term ~~one of the prison terms prescribed for a~~ 4812
~~felony of the second degree~~ a second degree felony mandatory 4813
prison term. 4814

(e) Except as otherwise provided in this division, if the 4815
amount of the drug involved equals or exceeds two hundred fifty 4816
unit doses but is less than one thousand unit doses of L.S.D. in 4817
a solid form or equals or exceeds twenty-five grams but is less 4818
than one hundred grams of L.S.D. in a liquid concentrate, liquid 4819
extract, or liquid distillate form, trafficking in L.S.D. is a 4820
felony of the second degree, and the court shall impose as a 4821

mandatory prison term ~~one of the prison terms prescribed for a~~ 4822
~~felony of the second degree~~ a second degree felony mandatory 4823
prison term. If the amount of the drug involved is within that 4824
range and if the offense was committed in the vicinity of a 4825
school or in the vicinity of a juvenile, trafficking in L.S.D. 4826
is a felony of the first degree, and the court shall impose as a 4827
mandatory prison term ~~one of the prison terms prescribed for a~~ 4828
~~felony of the first degree~~ a first degree felony mandatory 4829
prison term. 4830

(f) If the amount of the drug involved equals or exceeds 4831
one thousand unit doses but is less than five thousand unit 4832
doses of L.S.D. in a solid form or equals or exceeds one hundred 4833
grams but is less than five hundred grams of L.S.D. in a liquid 4834
concentrate, liquid extract, or liquid distillate form and 4835
regardless of whether the offense was committed in the vicinity 4836
of a school or in the vicinity of a juvenile, trafficking in 4837
L.S.D. is a felony of the first degree, and the court shall 4838
impose as a mandatory prison term ~~one of the prison terms~~ 4839
~~prescribed for a felony of the first degree~~ a first degree 4840
felony mandatory prison term. 4841

(g) If the amount of the drug involved equals or exceeds 4842
five thousand unit doses of L.S.D. in a solid form or equals or 4843
exceeds five hundred grams of L.S.D. in a liquid concentrate, 4844
liquid extract, or liquid distillate form and regardless of 4845
whether the offense was committed in the vicinity of a school or 4846
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 4847
of the first degree, the offender is a major drug offender, and 4848
the court shall impose as a mandatory prison term ~~the maximum~~ 4849
~~prison term prescribed for a felony of the first degree~~ a 4850
maximum first degree felony mandatory prison term. 4851

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

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

(b) Except as otherwise provided in division (C) (6) (c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in heroin is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses

but is less than one hundred unit doses or equals or exceeds 4882
five grams but is less than ten grams, trafficking in heroin is 4883
a felony of the third degree, and there is a presumption for a 4884
prison term for the offense. If the amount of the drug involved 4885
is within that range and if the offense was committed in the 4886
vicinity of a school or in the vicinity of a juvenile, 4887
trafficking in heroin is a felony of the second degree, and 4888
there is a presumption for a prison term for the offense. 4889

(e) Except as otherwise provided in this division, if the 4890
amount of the drug involved equals or exceeds one hundred unit 4891
doses but is less than five hundred unit doses or equals or 4892
exceeds ten grams but is less than fifty grams, trafficking in 4893
heroin is a felony of the second degree, and the court shall 4894
impose as a mandatory prison term ~~one of the prison terms~~ 4895
~~prescribed for a felony of the second degree~~ a second degree 4896
felony mandatory prison term. If the amount of the drug involved 4897
is within that range and if the offense was committed in the 4898
vicinity of a school or in the vicinity of a juvenile, 4899
trafficking in heroin is a felony of the first degree, and the 4900
court shall impose as a mandatory prison term ~~one of the prison~~ 4901
~~terms prescribed for a felony of the first degree~~ a first degree 4902
felony mandatory prison term. 4903

(f) If the amount of the drug involved equals or exceeds 4904
five hundred unit doses but is less than one thousand unit doses 4905
or equals or exceeds fifty grams but is less than one hundred 4906
grams and regardless of whether the offense was committed in the 4907
vicinity of a school or in the vicinity of a juvenile, 4908
trafficking in heroin is a felony of the first degree, and the 4909
court shall impose as a mandatory prison term ~~one of the prison~~ 4910
~~terms prescribed for a felony of the first degree~~ a first degree 4911
felony mandatory prison term. 4912

(g) If the amount of the drug involved equals or exceeds 4913
one thousand unit doses or equals or exceeds one hundred grams 4914
and regardless of whether the offense was committed in the 4915
vicinity of a school or in the vicinity of a juvenile, 4916
trafficking in heroin is a felony of the first degree, the 4917
offender is a major drug offender, and the court shall impose as 4918
a mandatory prison term ~~the maximum prison term prescribed for a~~ 4919
~~felony of the first degree~~ a maximum first degree felony 4920
mandatory prison term. 4921

(7) If the drug involved in the violation is hashish or a 4922
compound, mixture, preparation, or substance containing hashish, 4923
whoever violates division (A) of this section is guilty of 4924
trafficking in hashish. The penalty for the offense shall be 4925
determined as follows: 4926

(a) Except as otherwise provided in division (C) (7) (b), 4927
(c), (d), (e), (f), or (g) of this section, trafficking in 4928
hashish is a felony of the fifth degree, and division (B) of 4929
section 2929.13 of the Revised Code applies in determining 4930
whether to impose a prison term on the offender. 4931

(b) Except as otherwise provided in division (C) (7) (c), 4932
(d), (e), (f), or (g) of this section, if the offense was 4933
committed in the vicinity of a school or in the vicinity of a 4934
juvenile, trafficking in hashish is a felony of the fourth 4935
degree, and division (B) of section 2929.13 of the Revised Code 4936
applies in determining whether to impose a prison term on the 4937
offender. 4938

(c) Except as otherwise provided in this division, if the 4939
amount of the drug involved equals or exceeds ten grams but is 4940
less than fifty grams of hashish in a solid form or equals or 4941
exceeds two grams but is less than ten grams of hashish in a 4942

liquid concentrate, liquid extract, or liquid distillate form, 4943
trafficking in hashish is a felony of the fourth degree, and 4944
division (B) of section 2929.13 of the Revised Code applies in 4945
determining whether to impose a prison term on the offender. If 4946
the amount of the drug involved is within that range and if the 4947
offense was committed in the vicinity of a school or in the 4948
vicinity of a juvenile, trafficking in hashish is a felony of 4949
the third degree, and division (C) of section 2929.13 of the 4950
Revised Code applies in determining whether to impose a prison 4951
term on the offender. 4952

(d) Except as otherwise provided in this division, if the 4953
amount of the drug involved equals or exceeds fifty grams but is 4954
less than two hundred fifty grams of hashish in a solid form or 4955
equals or exceeds ten grams but is less than fifty grams of 4956
hashish in a liquid concentrate, liquid extract, or liquid 4957
distillate form, trafficking in hashish is a felony of the third 4958
degree, and division (C) of section 2929.13 of the Revised Code 4959
applies in determining whether to impose a prison term on the 4960
offender. If the amount of the drug involved is within that 4961
range and if the offense was committed in the vicinity of a 4962
school or in the vicinity of a juvenile, trafficking in hashish 4963
is a felony of the second degree, and there is a presumption 4964
that a prison term shall be imposed for the offense. 4965

(e) Except as otherwise provided in this division, if the 4966
amount of the drug involved equals or exceeds two hundred fifty 4967
grams but is less than one thousand grams of hashish in a solid 4968
form or equals or exceeds fifty grams but is less than two 4969
hundred grams of hashish in a liquid concentrate, liquid 4970
extract, or liquid distillate form, trafficking in hashish is a 4971
felony of the third degree, and there is a presumption that a 4972
prison term shall be imposed for the offense. If the amount of 4973

the drug involved is within that range and if the offense was 4974
committed in the vicinity of a school or in the vicinity of a 4975
juvenile, trafficking in hashish is a felony of the second 4976
degree, and there is a presumption that a prison term shall be 4977
imposed for the offense. 4978

(f) Except as otherwise provided in this division, if the 4979
amount of the drug involved equals or exceeds one thousand grams 4980
but is less than two thousand grams of hashish in a solid form 4981
or equals or exceeds two hundred grams but is less than four 4982
hundred grams of hashish in a liquid concentrate, liquid 4983
extract, or liquid distillate form, trafficking in hashish is a 4984
felony of the second degree, and the court shall impose as a 4985
mandatory prison term a second degree felony mandatory prison 4986
term of five, six, seven, or eight years. If the amount of the 4987
drug involved is within that range and if the offense was 4988
committed in the vicinity of a school or in the vicinity of a 4989
juvenile, trafficking in hashish is a felony of the first 4990
degree, and the court shall impose as a mandatory prison term 4991
~~the maximum prison term prescribed for a felony of the first~~ 4992
~~degree~~ a maximum first degree felony mandatory prison term. 4993

(g) Except as otherwise provided in this division, if the 4994
amount of the drug involved equals or exceeds two thousand grams 4995
of hashish in a solid form or equals or exceeds four hundred 4996
grams of hashish in a liquid concentrate, liquid extract, or 4997
liquid distillate form, trafficking in hashish is a felony of 4998
the second degree, and the court shall impose as a mandatory 4999
prison term ~~the maximum prison term prescribed for a felony of~~ 5000
~~the second degree~~ a maximum second degree felony mandatory 5001
prison term. If the amount of the drug involved equals or 5002
exceeds two thousand grams of hashish in a solid form or equals 5003
or exceeds four hundred grams of hashish in a liquid 5004

concentrate, liquid extract, or liquid distillate form and if 5005
the offense was committed in the vicinity of a school or in the 5006
vicinity of a juvenile, trafficking in hashish is a felony of 5007
the first degree, and the court shall impose as a mandatory 5008
prison term ~~the maximum prison term prescribed for a felony of~~ 5009
~~the first degree~~ a maximum first degree felony mandatory prison 5010
term. 5011

(8) If the drug involved in the violation is a controlled 5012
substance analog or compound, mixture, preparation, or substance 5013
that contains a controlled substance analog, whoever violates 5014
division (A) of this section is guilty of trafficking in a 5015
controlled substance analog. The penalty for the offense shall 5016
be determined as follows: 5017

(a) Except as otherwise provided in division (C) (8) (b), 5018
(c), (d), (e), (f), or (g) of this section, trafficking in a 5019
controlled substance analog is a felony of the fifth degree, and 5020
division (C) of section 2929.13 of the Revised Code applies in 5021
determining whether to impose a prison term on the offender. 5022

(b) Except as otherwise provided in division (C) (8) (c), 5023
(d), (e), (f), or (g) of this section, if the offense was 5024
committed in the vicinity of a school or in the vicinity of a 5025
juvenile, trafficking in a controlled substance analog is a 5026
felony of the fourth degree, and division (C) of section 2929.13 5027
of the Revised Code applies in determining whether to impose a 5028
prison term on the offender. 5029

(c) Except as otherwise provided in this division, if the 5030
amount of the drug involved equals or exceeds ten grams but is 5031
less than twenty grams, trafficking in a controlled substance 5032
analog is a felony of the fourth degree, and division (B) of 5033
section 2929.13 of the Revised Code applies in determining 5034

whether to impose a prison term for the offense. If the amount 5035
of the drug involved is within that range and if the offense was 5036
committed in the vicinity of a school or in the vicinity of a 5037
juvenile, trafficking in a controlled substance analog is a 5038
felony of the third degree, and there is a presumption for a 5039
prison term for the offense. 5040

(d) Except as otherwise provided in this division, if the 5041
amount of the drug involved equals or exceeds twenty grams but 5042
is less than thirty grams, trafficking in a controlled substance 5043
analog is a felony of the third degree, and there is a 5044
presumption for a prison term for the offense. If the amount of 5045
the drug involved is within that range and if the offense was 5046
committed in the vicinity of a school or in the vicinity of a 5047
juvenile, trafficking in a controlled substance analog is a 5048
felony of the second degree, and there is a presumption for a 5049
prison term for the offense. 5050

(e) Except as otherwise provided in this division, if the 5051
amount of the drug involved equals or exceeds thirty grams but 5052
is less than forty grams, trafficking in a controlled substance 5053
analog is a felony of the second degree, and the court shall 5054
impose as a mandatory prison term ~~one of the prison terms~~ 5055
prescribed for a felony of the second degree, a second degree 5056
felony mandatory prison term. If the amount of the drug involved 5057
is within that range and if the offense was committed in the 5058
vicinity of a school or in the vicinity of a juvenile, 5059
trafficking in a controlled substance analog is a felony of the 5060
first degree, and the court shall impose as a mandatory prison 5061
term ~~one of the prison terms prescribed for a felony of the~~ 5062
first degree, a first degree felony mandatory prison term. 5063

(f) If the amount of the drug involved equals or exceeds 5064

forty grams but is less than fifty grams and regardless of 5065
whether the offense was committed in the vicinity of a school or 5066
in the vicinity of a juvenile, trafficking in a controlled 5067
substance analog is a felony of the first degree, and the court 5068
shall impose as a mandatory prison term ~~one of the prison terms~~ 5069
~~prescribed for a felony of the first degree~~ a first degree 5070
felony mandatory prison term. 5071

(g) If the amount of the drug involved equals or exceeds 5072
fifty grams and regardless of whether the offense was committed 5073
in the vicinity of a school or in the vicinity of a juvenile, 5074
trafficking in a controlled substance analog is a felony of the 5075
first degree, the offender is a major drug offender, and the 5076
court shall impose as a mandatory prison term ~~the maximum prison~~ 5077
~~term prescribed for a felony of the first degree~~ a maximum first 5078
degree felony mandatory prison term. 5079

(D) In addition to any prison term authorized or required 5080
by division (C) of this section and sections 2929.13 and 2929.14 5081
of the Revised Code, and in addition to any other sanction 5082
imposed for the offense under this section or sections 2929.11 5083
to 2929.18 of the Revised Code, the court that sentences an 5084
offender who is convicted of or pleads guilty to a violation of 5085
division (A) of this section may suspend the driver's or 5086
commercial driver's license or permit of the offender in 5087
accordance with division (G) of this section. However, if the 5088
offender pleaded guilty to or was convicted of a violation of 5089
section 4511.19 of the Revised Code or a substantially similar 5090
municipal ordinance or the law of another state or the United 5091
States arising out of the same set of circumstances as the 5092
violation, the court shall suspend the offender's driver's or 5093
commercial driver's license or permit in accordance with 5094
division (G) of this section. If applicable, the court also 5095

shall do the following: 5096

(1) If the violation of division (A) of this section is a 5097
felony of the first, second, or third degree, the court shall 5098
impose upon the offender the mandatory fine specified for the 5099
offense under division (B)(1) of section 2929.18 of the Revised 5100
Code unless, as specified in that division, the court determines 5101
that the offender is indigent. Except as otherwise provided in 5102
division (H)(1) of this section, a mandatory fine or any other 5103
fine imposed for a violation of this section is subject to 5104
division (F) of this section. If a person is charged with a 5105
violation of this section that is a felony of the first, second, 5106
or third degree, posts bail, and forfeits the bail, the clerk of 5107
the court shall pay the forfeited bail pursuant to divisions (D) 5108
(1) and (F) of this section, as if the forfeited bail was a fine 5109
imposed for a violation of this section. If any amount of the 5110
forfeited bail remains after that payment and if a fine is 5111
imposed under division (H)(1) of this section, the clerk of the 5112
court shall pay the remaining amount of the forfeited bail 5113
pursuant to divisions (H)(2) and (3) of this section, as if that 5114
remaining amount was a fine imposed under division (H)(1) of 5115
this section. 5116

(2) If the offender is a professionally licensed person, 5117
the court immediately shall comply with section 2925.38 of the 5118
Revised Code. 5119

(E) When a person is charged with the sale of or offer to 5120
sell a bulk amount or a multiple of a bulk amount of a 5121
controlled substance, the jury, or the court trying the accused, 5122
shall determine the amount of the controlled substance involved 5123
at the time of the offense and, if a guilty verdict is returned, 5124
shall return the findings as part of the verdict. In any such 5125

case, it is unnecessary to find and return the exact amount of 5126
the controlled substance involved, and it is sufficient if the 5127
finding and return is to the effect that the amount of the 5128
controlled substance involved is the requisite amount, or that 5129
the amount of the controlled substance involved is less than the 5130
requisite amount. 5131

(F) (1) Notwithstanding any contrary provision of section 5132
3719.21 of the Revised Code and except as provided in division 5133
(H) of this section, the clerk of the court shall pay any 5134
mandatory fine imposed pursuant to division (D) (1) of this 5135
section and any fine other than a mandatory fine that is imposed 5136
for a violation of this section pursuant to division (A) or (B) 5137
(5) of section 2929.18 of the Revised Code to the county, 5138
township, municipal corporation, park district, as created 5139
pursuant to section 511.18 or 1545.04 of the Revised Code, or 5140
state law enforcement agencies in this state that primarily were 5141
responsible for or involved in making the arrest of, and in 5142
prosecuting, the offender. However, the clerk shall not pay a 5143
mandatory fine so imposed to a law enforcement agency unless the 5144
agency has adopted a written internal control policy under 5145
division (F) (2) of this section that addresses the use of the 5146
fine moneys that it receives. Each agency shall use the 5147
mandatory fines so paid to subsidize the agency's law 5148
enforcement efforts that pertain to drug offenses, in accordance 5149
with the written internal control policy adopted by the 5150
recipient agency under division (F) (2) of this section. 5151

(2) Prior to receiving any fine moneys under division (F) 5152
(1) of this section or division (B) of section 2925.42 of the 5153
Revised Code, a law enforcement agency shall adopt a written 5154
internal control policy that addresses the agency's use and 5155
disposition of all fine moneys so received and that provides for 5156

the keeping of detailed financial records of the receipts of 5157
those fine moneys, the general types of expenditures made out of 5158
those fine moneys, and the specific amount of each general type 5159
of expenditure. The policy shall not provide for or permit the 5160
identification of any specific expenditure that is made in an 5161
ongoing investigation. All financial records of the receipts of 5162
those fine moneys, the general types of expenditures made out of 5163
those fine moneys, and the specific amount of each general type 5164
of expenditure by an agency are public records open for 5165
inspection under section 149.43 of the Revised Code. 5166
Additionally, a written internal control policy adopted under 5167
this division is such a public record, and the agency that 5168
adopted it shall comply with it. 5169

(3) As used in division (F) of this section: 5170

(a) "Law enforcement agencies" includes, but is not 5171
limited to, the state board of pharmacy and the office of a 5172
prosecutor. 5173

(b) "Prosecutor" has the same meaning as in section 5174
2935.01 of the Revised Code. 5175

(G)(1) If the sentencing court suspends the offender's 5176
driver's or commercial driver's license or permit under division 5177
(D) of this section or any other provision of this chapter, the 5178
court shall suspend the license, by order, for not more than 5179
five years. If an offender's driver's or commercial driver's 5180
license or permit is suspended pursuant to this division, the 5181
offender, at any time after the expiration of two years from the 5182
day on which the offender's sentence was imposed or from the day 5183
on which the offender finally was released from a prison term 5184
under the sentence, whichever is later, may file a motion with 5185
the sentencing court requesting termination of the suspension; 5186

upon the filing of such a motion and the court's finding of good 5187
cause for the termination, the court may terminate the 5188
suspension. 5189

(2) Any offender who received a mandatory suspension of 5190
the offender's driver's or commercial driver's license or permit 5191
under this section prior to ~~the effective date of this amendment~~ 5192
September 13, 2016, may file a motion with the sentencing court 5193
requesting the termination of the suspension. However, an 5194
offender who pleaded guilty to or was convicted of a violation 5195
of section 4511.19 of the Revised Code or a substantially 5196
similar municipal ordinance or law of another state or the 5197
United States that arose out of the same set of circumstances as 5198
the violation for which the offender's license or permit was 5199
suspended under this section shall not file such a motion. 5200

Upon the filing of a motion under division (G) (2) of this 5201
section, the sentencing court, in its discretion, may terminate 5202
the suspension. 5203

(H) (1) In addition to any prison term authorized or 5204
required by division (C) of this section and sections 2929.13 5205
and 2929.14 of the Revised Code, in addition to any other 5206
penalty or sanction imposed for the offense under this section 5207
or sections 2929.11 to 2929.18 of the Revised Code, and in 5208
addition to the forfeiture of property in connection with the 5209
offense as prescribed in Chapter 2981. of the Revised Code, the 5210
court that sentences an offender who is convicted of or pleads 5211
guilty to a violation of division (A) of this section may impose 5212
upon the offender an additional fine specified for the offense 5213
in division (B) (4) of section 2929.18 of the Revised Code. A 5214
fine imposed under division (H) (1) of this section is not 5215
subject to division (F) of this section and shall be used solely 5216

for the support of one or more eligible community addiction 5217
services providers in accordance with divisions (H) (2) and (3) 5218
of this section. 5219

(2) The court that imposes a fine under division (H) (1) of 5220
this section shall specify in the judgment that imposes the fine 5221
one or more eligible community addiction services providers for 5222
the support of which the fine money is to be used. No community 5223
addiction services provider shall receive or use money paid or 5224
collected in satisfaction of a fine imposed under division (H) 5225
(1) of this section unless the services provider is specified in 5226
the judgment that imposes the fine. No community addiction 5227
services provider shall be specified in the judgment unless the 5228
services provider is an eligible community addiction services 5229
provider and, except as otherwise provided in division (H) (2) of 5230
this section, unless the services provider is located in the 5231
county in which the court that imposes the fine is located or in 5232
a county that is immediately contiguous to the county in which 5233
that court is located. If no eligible community addiction 5234
services provider is located in any of those counties, the 5235
judgment may specify an eligible community addiction services 5236
provider that is located anywhere within this state. 5237

(3) Notwithstanding any contrary provision of section 5238
3719.21 of the Revised Code, the clerk of the court shall pay 5239
any fine imposed under division (H) (1) of this section to the 5240
eligible community addiction services provider specified 5241
pursuant to division (H) (2) of this section in the judgment. The 5242
eligible community addiction services provider that receives the 5243
fine moneys shall use the moneys only for the alcohol and drug 5244
addiction services identified in the application for 5245
certification of services under section 5119.36 of the Revised 5246
Code or in the application for a license under section 5119.391 5247

of the Revised Code filed with the department of mental health 5248
and addiction services by the community addiction services 5249
provider specified in the judgment. 5250

(4) Each community addiction services provider that 5251
receives in a calendar year any fine moneys under division (H) 5252
(3) of this section shall file an annual report covering that 5253
calendar year with the court of common pleas and the board of 5254
county commissioners of the county in which the services 5255
provider is located, with the court of common pleas and the 5256
board of county commissioners of each county from which the 5257
services provider received the moneys if that county is 5258
different from the county in which the services provider is 5259
located, and with the attorney general. The community addiction 5260
services provider shall file the report no later than the first 5261
day of March in the calendar year following the calendar year in 5262
which the services provider received the fine moneys. The report 5263
shall include statistics on the number of persons served by the 5264
community addiction services provider, identify the types of 5265
alcohol and drug addiction services provided to those persons, 5266
and include a specific accounting of the purposes for which the 5267
fine moneys received were used. No information contained in the 5268
report shall identify, or enable a person to determine the 5269
identity of, any person served by the community addiction 5270
services provider. Each report received by a court of common 5271
pleas, a board of county commissioners, or the attorney general 5272
is a public record open for inspection under section 149.43 of 5273
the Revised Code. 5274

(5) As used in divisions (H)(1) to (5) of this section: 5275

(a) "Community addiction services provider" and "alcohol 5276
and drug addiction services" have the same meanings as in 5277

section 5119.01 of the Revised Code. 5278

(b) "Eligible community addiction services provider" means 5279
a community addiction services provider, as defined in section 5280
5119.01 of the Revised Code, or a community addiction services 5281
provider that maintains a methadone treatment program licensed 5282
under section 5119.391 of the Revised Code. 5283

(I) As used in this section, "drug" includes any substance 5284
that is represented to be a drug. 5285

(J) It is an affirmative defense to a charge of 5286
trafficking in a controlled substance analog under division (C) 5287
(8) of this section that the person charged with violating that 5288
offense sold or offered to sell, or prepared for shipment, 5289
shipped, transported, delivered, prepared for distribution, or 5290
distributed an item described in division (HH) (2) (a), (b), or 5291
(c) of section 3719.01 of the Revised Code. 5292

Sec. 2925.04. (A) No person shall knowingly cultivate 5293
marihuana or knowingly manufacture or otherwise engage in any 5294
part of the production of a controlled substance. 5295

(B) This section does not apply to any person listed in 5296
division (B) (1), (2), or (3) of section 2925.03 of the Revised 5297
Code to the extent and under the circumstances described in 5298
those divisions. 5299

(C) (1) Whoever commits a violation of division (A) of this 5300
section that involves any drug other than marihuana is guilty of 5301
illegal manufacture of drugs, and whoever commits a violation of 5302
division (A) of this section that involves marihuana is guilty 5303
of illegal cultivation of marihuana. 5304

(2) Except as otherwise provided in this division, if the 5305
drug involved in the violation of division (A) of this section 5306

is any compound, mixture, preparation, or substance included in 5307
schedule I or II, with the exception of methamphetamine or 5308
marihuana, illegal manufacture of drugs is a felony of the 5309
second degree, and, subject to division (E) of this section, the 5310
court shall impose as a mandatory prison term ~~one of the prison-~~ 5311
~~terms prescribed for a felony of the second degree~~ a second 5312
degree felony mandatory prison term. 5313

If the drug involved in the violation is any compound, 5314
mixture, preparation, or substance included in schedule I or II, 5315
with the exception of methamphetamine or marihuana, and if the 5316
offense was committed in the vicinity of a juvenile or in the 5317
vicinity of a school, illegal manufacture of drugs is a felony 5318
of the first degree, and, subject to division (E) of this 5319
section, the court shall impose as a mandatory prison term ~~one~~ 5320
~~of the prison terms prescribed for a felony of the first degree~~ 5321
a first degree felony mandatory prison term. 5322

(3) If the drug involved in the violation of division (A) 5323
of this section is methamphetamine, the penalty for the 5324
violation shall be determined as follows: 5325

(a) Except as otherwise provided in division (C) (3) (b) of 5326
this section, if the drug involved in the violation is 5327
methamphetamine, illegal manufacture of drugs is a felony of the 5328
second degree, and, subject to division (E) of this section, the 5329
court shall impose a mandatory prison term on the offender 5330
determined in accordance with this division. Except as otherwise 5331
provided in this division, the court shall impose as a mandatory 5332
prison term ~~one of the prison terms prescribed for a felony of-~~ 5333
~~the second degree~~ a second degree felony mandatory prison term 5334
that is not less than three years. If the offender previously 5335
has been convicted of or pleaded guilty to a violation of 5336

division (A) of this section, a violation of division (B) (6) of 5337
section 2919.22 of the Revised Code, or a violation of division 5338
(A) of section 2925.041 of the Revised Code, the court shall 5339
impose as a mandatory prison term ~~one of the prison terms~~ 5340
~~prescribed for a felony of the second degree~~ a second degree 5341
felony mandatory prison term that is not less than five years. 5342

(b) If the drug involved in the violation is 5343
methamphetamine and if the offense was committed in the vicinity 5344
of a juvenile, in the vicinity of a school, or on public 5345
premises, illegal manufacture of drugs is a felony of the first 5346
degree, and, subject to division (E) of this section, the court 5347
shall impose a mandatory prison term on the offender determined 5348
in accordance with this division. Except as otherwise provided 5349
in this division, the court shall impose as a mandatory prison 5350
term ~~one of the prison terms prescribed for a felony of the~~ 5351
~~first degree~~ a first degree felony mandatory prison term that is 5352
not less than four years. If the offender previously has been 5353
convicted of or pleaded guilty to a violation of division (A) of 5354
this section, a violation of division (B) (6) of section 2919.22 5355
of the Revised Code, or a violation of division (A) of section 5356
2925.041 of the Revised Code, the court shall impose as a 5357
mandatory prison term ~~one of the prison terms prescribed for a~~ 5358
~~felony of the first degree~~ a first degree felony mandatory 5359
prison term that is not less than five years. 5360

(4) If the drug involved in the violation of division (A) 5361
of this section is any compound, mixture, preparation, or 5362
substance included in schedule III, IV, or V, illegal 5363
manufacture of drugs is a felony of the third degree or, if the 5364
offense was committed in the vicinity of a school or in the 5365
vicinity of a juvenile, a felony of the second degree, and there 5366
is a presumption for a prison term for the offense. 5367

(5) If the drug involved in the violation is marihuana, 5368
the penalty for the offense shall be determined as follows: 5369

(a) Except as otherwise provided in division (C) (5) (b), 5370
(c), (d), (e), or (f) of this section, illegal cultivation of 5371
marihuana is a minor misdemeanor or, if the offense was 5372
committed in the vicinity of a school or in the vicinity of a 5373
juvenile, a misdemeanor of the fourth degree. 5374

(b) If the amount of marihuana involved equals or exceeds 5375
one hundred grams but is less than two hundred grams, illegal 5376
cultivation of marihuana is a misdemeanor of the fourth degree 5377
or, if the offense was committed in the vicinity of a school or 5378
in the vicinity of a juvenile, a misdemeanor of the third 5379
degree. 5380

(c) If the amount of marihuana involved equals or exceeds 5381
two hundred grams but is less than one thousand grams, illegal 5382
cultivation of marihuana is a felony of the fifth degree or, if 5383
the offense was committed in the vicinity of a school or in the 5384
vicinity of a juvenile, a felony of the fourth degree, and 5385
division (B) of section 2929.13 of the Revised Code applies in 5386
determining whether to impose a prison term on the offender. 5387

(d) If the amount of marihuana involved equals or exceeds 5388
one thousand grams but is less than five thousand grams, illegal 5389
cultivation of marihuana is a felony of the third degree or, if 5390
the offense was committed in the vicinity of a school or in the 5391
vicinity of a juvenile, a felony of the second degree, and 5392
division (C) of section 2929.13 of the Revised Code applies in 5393
determining whether to impose a prison term on the offender. 5394

(e) If the amount of marihuana involved equals or exceeds 5395
five thousand grams but is less than twenty thousand grams, 5396

illegal cultivation of marihuana is a felony of the third degree 5397
or, if the offense was committed in the vicinity of a school or 5398
in the vicinity of a juvenile, a felony of the second degree, 5399
and there is a presumption for a prison term for the offense. 5400

(f) Except as otherwise provided in this division, if the 5401
amount of marihuana involved equals or exceeds twenty thousand 5402
grams, illegal cultivation of marihuana is a felony of the 5403
second degree, and the court shall impose as a mandatory prison 5404
~~term the maximum prison term prescribed for a felony of the~~ 5405
~~second degree~~ a maximum second degree felony mandatory prison 5406
term. If the amount of the drug involved equals or exceeds 5407
twenty thousand grams and if the offense was committed in the 5408
vicinity of a school or in the vicinity of a juvenile, illegal 5409
cultivation of marihuana is a felony of the first degree, and 5410
the court shall impose as a mandatory prison term ~~the maximum~~ 5411
~~prison term prescribed for a felony of the first degree~~ a 5412
maximum first degree felony mandatory prison term. 5413

(D) In addition to any prison term authorized or required 5414
by division (C) or (E) of this section and sections 2929.13 and 5415
2929.14 of the Revised Code and in addition to any other 5416
sanction imposed for the offense under this section or sections 5417
2929.11 to 2929.18 of the Revised Code, the court that sentences 5418
an offender who is convicted of or pleads guilty to a violation 5419
of division (A) of this section may suspend the offender's 5420
driver's or commercial driver's license or permit in accordance 5421
with division (G) of section 2925.03 of the Revised Code. 5422
However, if the offender pleaded guilty to or was convicted of a 5423
violation of section 4511.19 of the Revised Code or a 5424
substantially similar municipal ordinance or the law of another 5425
state or the United States arising out of the same set of 5426
circumstances as the violation, the court shall suspend the 5427

offender's driver's or commercial driver's license or permit in 5428
accordance with division (G) of section 2925.03 of the Revised 5429
Code. If applicable, the court also shall do the following: 5430

(1) If the violation of division (A) of this section is a 5431
felony of the first, second, or third degree, the court shall 5432
impose upon the offender the mandatory fine specified for the 5433
offense under division (B)(1) of section 2929.18 of the Revised 5434
Code unless, as specified in that division, the court determines 5435
that the offender is indigent. The clerk of the court shall pay 5436
a mandatory fine or other fine imposed for a violation of this 5437
section pursuant to division (A) of section 2929.18 of the 5438
Revised Code in accordance with and subject to the requirements 5439
of division (F) of section 2925.03 of the Revised Code. The 5440
agency that receives the fine shall use the fine as specified in 5441
division (F) of section 2925.03 of the Revised Code. If a person 5442
is charged with a violation of this section that is a felony of 5443
the first, second, or third degree, posts bail, and forfeits the 5444
bail, the clerk shall pay the forfeited bail as if the forfeited 5445
bail were a fine imposed for a violation of this section. 5446

(2) If the offender is a professionally licensed person, 5447
the court immediately shall comply with section 2925.38 of the 5448
Revised Code. 5449

(E) Notwithstanding the prison term otherwise authorized 5450
or required for the offense under division (C) of this section 5451
and sections 2929.13 and 2929.14 of the Revised Code, if the 5452
violation of division (A) of this section involves the sale, 5453
offer to sell, or possession of a schedule I or II controlled 5454
substance, with the exception of marihuana, and if the court 5455
imposing sentence upon the offender finds that the offender as a 5456
result of the violation is a major drug offender and is guilty 5457

of a specification of the type described in section 2941.1410 of 5458
the Revised Code, the court, in lieu of the prison term 5459
otherwise authorized or required, shall impose upon the offender 5460
the mandatory prison term specified in division (B) (3) of 5461
section 2929.14 of the Revised Code. 5462

(F) It is an affirmative defense, as provided in section 5463
2901.05 of the Revised Code, to a charge under this section for 5464
a fifth degree felony violation of illegal cultivation of 5465
marihuana that the marihuana that gave rise to the charge is in 5466
an amount, is in a form, is prepared, compounded, or mixed with 5467
substances that are not controlled substances in a manner, or is 5468
possessed or cultivated under any other circumstances that 5469
indicate that the marihuana was solely for personal use. 5470

Notwithstanding any contrary provision of division (F) of 5471
this section, if, in accordance with section 2901.05 of the 5472
Revised Code, a person who is charged with a violation of 5473
illegal cultivation of marihuana that is a felony of the fifth 5474
degree sustains the burden of going forward with evidence of and 5475
establishes by a preponderance of the evidence the affirmative 5476
defense described in this division, the person may be prosecuted 5477
for and may be convicted of or plead guilty to a misdemeanor 5478
violation of illegal cultivation of marihuana. 5479

(G) Arrest or conviction for a minor misdemeanor violation 5480
of this section does not constitute a criminal record and need 5481
not be reported by the person so arrested or convicted in 5482
response to any inquiries about the person's criminal record, 5483
including any inquiries contained in an application for 5484
employment, a license, or any other right or privilege or made 5485
in connection with the person's appearance as a witness. 5486

(H) (1) If the sentencing court suspends the offender's 5487

driver's or commercial driver's license or permit under this 5488
section in accordance with division (G) of section 2925.03 of 5489
the Revised Code, the offender may request termination of, and 5490
the court may terminate, the suspension of the offender in 5491
accordance with that division. 5492

(2) Any offender who received a mandatory suspension of 5493
the offender's driver's or commercial driver's license or permit 5494
under this section prior to ~~the effective date of this amendment~~ 5495
September 13, 2016, may file a motion with the sentencing court 5496
requesting the termination of the suspension. However, an 5497
offender who pleaded guilty to or was convicted of a violation 5498
of section 4511.19 of the Revised Code or a substantially 5499
similar municipal ordinance or law of another state or the 5500
United States that arose out of the same set of circumstances as 5501
the violation for which the offender's license or permit was 5502
suspended under this section shall not file such a motion. 5503

Upon the filing of a motion under division (H) (2) of this 5504
section, the sentencing court, in its discretion, may terminate 5505
the suspension. 5506

Sec. 2925.041. (A) No person shall knowingly assemble or 5507
possess one or more chemicals that may be used to manufacture a 5508
controlled substance in schedule I or II with the intent to 5509
manufacture a controlled substance in schedule I or II in 5510
violation of section 2925.04 of the Revised Code. 5511

(B) In a prosecution under this section, it is not 5512
necessary to allege or prove that the offender assembled or 5513
possessed all chemicals necessary to manufacture a controlled 5514
substance in schedule I or II. The assembly or possession of a 5515
single chemical that may be used in the manufacture of a 5516
controlled substance in schedule I or II, with the intent to 5517

manufacture a controlled substance in either schedule, is 5518
sufficient to violate this section. 5519

(C) Whoever violates this section is guilty of illegal 5520
assembly or possession of chemicals for the manufacture of 5521
drugs. Except as otherwise provided in this division, illegal 5522
assembly or possession of chemicals for the manufacture of drugs 5523
is a felony of the third degree, and, except as otherwise 5524
provided in division (C)(1) or (2) of this section, division (C) 5525
of section 2929.13 of the Revised Code applies in determining 5526
whether to impose a prison term on the offender. If the offense 5527
was committed in the vicinity of a juvenile or in the vicinity 5528
of a school, illegal assembly or possession of chemicals for the 5529
manufacture of drugs is a felony of the second degree, and, 5530
except as otherwise provided in division (C)(1) or (2) of this 5531
section, division (C) of section 2929.13 of the Revised Code 5532
applies in determining whether to impose a prison term on the 5533
offender. If the violation of division (A) of this section is a 5534
felony of the third degree under this division and if the 5535
chemical or chemicals assembled or possessed in violation of 5536
division (A) of this section may be used to manufacture 5537
methamphetamine, there either is a presumption for a prison term 5538
for the offense or the court shall impose a mandatory prison 5539
term on the offender, determined as follows: 5540

(1) Except as otherwise provided in this division, there 5541
is a presumption for a prison term for the offense. If the 5542
offender two or more times previously has been convicted of or 5543
pleaded guilty to a felony drug abuse offense, except as 5544
otherwise provided in this division, the court shall impose as a 5545
mandatory prison term one of the prison terms prescribed for a 5546
felony of the third degree that is not less than two years. If 5547
the offender two or more times previously has been convicted of 5548

or pleaded guilty to a felony drug abuse offense and if at least 5549
one of those previous convictions or guilty pleas was to a 5550
violation of division (A) of this section, a violation of 5551
division (B) (6) of section 2919.22 of the Revised Code, or a 5552
violation of division (A) of section 2925.04 of the Revised 5553
Code, the court shall impose as a mandatory prison term one of 5554
the prison terms prescribed for a felony of the third degree 5555
that is not less than five years. 5556

(2) If the violation of division (A) of this section is a 5557
felony of the second degree under division (C) of this section 5558
and the chemical or chemicals assembled or possessed in 5559
committing the violation may be used to manufacture 5560
methamphetamine, the court shall impose as a mandatory prison 5561
term ~~one of the prison terms prescribed for a felony of the~~ 5562
~~second degree~~ a second degree felony mandatory prison term that 5563
is not less than three years. If the violation of division (A) 5564
of this section is a felony of the second degree under division 5565
(C) of this section, if the chemical or chemicals assembled or 5566
possessed in committing the violation may be used to manufacture 5567
methamphetamine, and if the offender previously has been 5568
convicted of or pleaded guilty to a violation of division (A) of 5569
this section, a violation of division (B) (6) of section 2919.22 5570
of the Revised Code, or a violation of division (A) of section 5571
2925.04 of the Revised Code, the court shall impose as a 5572
mandatory prison term ~~one of the prison terms prescribed for a~~ 5573
~~felony of the second degree~~ a second degree felony mandatory 5574
prison term that is not less than five years. 5575

(D) In addition to any prison term authorized by division 5576
(C) of this section and sections 2929.13 and 2929.14 of the 5577
Revised Code and in addition to any other sanction imposed for 5578
the offense under this section or sections 2929.11 to 2929.18 of 5579

the Revised Code, the court that sentences an offender who is 5580
convicted of or pleads guilty to a violation of this section may 5581
suspend the offender's driver's or commercial driver's license 5582
or permit in accordance with division (G) of section 2925.03 of 5583
the Revised Code. However, if the offender pleaded guilty to or 5584
was convicted of a violation of section 4511.19 of the Revised 5585
Code or a substantially similar municipal ordinance or the law 5586
of another state or the United States arising out of the same 5587
set of circumstances as the violation, the court shall suspend 5588
the offender's driver's or commercial driver's license or permit 5589
in accordance with division (G) of section 2925.03 of the 5590
Revised Code. If applicable, the court also shall do the 5591
following: 5592

(1) The court shall impose upon the offender the mandatory 5593
fine specified for the offense under division (B)(1) of section 5594
2929.18 of the Revised Code unless, as specified in that 5595
division, the court determines that the offender is indigent. 5596
The clerk of the court shall pay a mandatory fine or other fine 5597
imposed for a violation of this section under division (A) of 5598
section 2929.18 of the Revised Code in accordance with and 5599
subject to the requirements of division (F) of section 2925.03 5600
of the Revised Code. The agency that receives the fine shall use 5601
the fine as specified in division (F) of section 2925.03 of the 5602
Revised Code. If a person charged with a violation of this 5603
section posts bail and forfeits the bail, the clerk shall pay 5604
the forfeited bail as if the forfeited bail were a fine imposed 5605
for a violation of this section. 5606

(2) If the offender is a professionally licensed person or 5607
a person who has been admitted to the bar by order of the 5608
supreme court in compliance with its prescribed and published 5609
rules, the court shall comply with section 2925.38 of the 5610

Revised Code. 5611

(E) (1) If the sentencing court suspends the offender's 5612
driver's or commercial driver's license or permit under this 5613
section in accordance with division (G) of section 2925.03 of 5614
the Revised Code, the offender may request termination of, and 5615
the court may terminate, the suspension of the offender in 5616
accordance with that division. 5617

(2) Any offender who received a mandatory suspension of 5618
the offender's driver's or commercial driver's license or permit 5619
under this section prior to ~~the effective date of this amendment~~ 5620
September 13, 2016, may file a motion with the sentencing court 5621
requesting the termination of the suspension. However, an 5622
offender who pleaded guilty to or was convicted of a violation 5623
of section 4511.19 of the Revised Code or a substantially 5624
similar municipal ordinance or law of another state or the 5625
United States that arose out of the same set of circumstances as 5626
the violation for which the offender's license or permit was 5627
suspended under this section shall not file such a motion. 5628

Upon the filing of a motion under division (E) (2) of this 5629
section, the sentencing court, in its discretion, may terminate 5630
the suspension. 5631

Sec. 2925.05. (A) No person shall knowingly provide money 5632
or other items of value to another person with the purpose that 5633
the recipient of the money or items of value use them to obtain 5634
any controlled substance for the purpose of violating section 5635
2925.04 of the Revised Code or for the purpose of selling or 5636
offering to sell the controlled substance in the following 5637
amount: 5638

(1) If the drug to be sold or offered for sale is any 5639

compound, mixture, preparation, or substance included in 5640
schedule I or II, with the exception of marihuana, cocaine, 5641
L.S.D., heroin, and hashish, or schedule III, IV, or V, an 5642
amount of the drug that equals or exceeds the bulk amount of the 5643
drug; 5644

(2) If the drug to be sold or offered for sale is 5645
marihuana or a compound, mixture, preparation, or substance 5646
other than hashish containing marihuana, an amount of the 5647
marihuana that equals or exceeds two hundred grams; 5648

(3) If the drug to be sold or offered for sale is cocaine 5649
or a compound, mixture, preparation, or substance containing 5650
cocaine, an amount of the cocaine that equals or exceeds five 5651
grams; 5652

(4) If the drug to be sold or offered for sale is L.S.D. 5653
or a compound, mixture, preparation, or substance containing 5654
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 5655
doses if the L.S.D. is in a solid form or equals or exceeds one 5656
gram if the L.S.D. is in a liquid concentrate, liquid extract, 5657
or liquid distillate form; 5658

(5) If the drug to be sold or offered for sale is heroin 5659
or a compound, mixture, preparation, or substance containing 5660
heroin, an amount of the heroin that equals or exceeds ten unit 5661
doses or equals or exceeds one gram; 5662

(6) If the drug to be sold or offered for sale is hashish 5663
or a compound, mixture, preparation, or substance containing 5664
hashish, an amount of the hashish that equals or exceeds ten 5665
grams if the hashish is in a solid form or equals or exceeds two 5666
grams if the hashish is in a liquid concentrate, liquid extract, 5667
or liquid distillate form. 5668

(B) This section does not apply to any person listed in 5669
division (B) (1), (2), or (3) of section 2925.03 of the Revised 5670
Code to the extent and under the circumstances described in 5671
those divisions. 5672

(C) (1) If the drug involved in the violation is any 5673
compound, mixture, preparation, or substance included in 5674
schedule I or II, with the exception of marihuana, whoever 5675
violates division (A) of this section is guilty of aggravated 5676
funding of drug trafficking, a felony of the first degree, and, 5677
subject to division (E) of this section, the court shall impose 5678
as a mandatory prison term ~~one of the prison terms prescribed~~ 5679
~~for a felony of the first degree~~ a first degree felony mandatory 5680
prison term. 5681

(2) If the drug involved in the violation is any compound, 5682
mixture, preparation, or substance included in schedule III, IV, 5683
or V, whoever violates division (A) of this section is guilty of 5684
funding of drug trafficking, a felony of the second degree, and 5685
the court shall impose as a mandatory prison term ~~one of the~~ 5686
~~prison terms prescribed for a felony of the second degree~~ a 5687
second degree felony mandatory prison term. 5688

(3) If the drug involved in the violation is marihuana, 5689
whoever violates division (A) of this section is guilty of 5690
funding of marihuana trafficking, a felony of the third degree, 5691
and, except as otherwise provided in this division, there is a 5692
presumption for a prison term for the offense. If funding of 5693
marihuana trafficking is a felony of the third degree under this 5694
division and if the offender two or more times previously has 5695
been convicted of or pleaded guilty to a felony drug abuse 5696
offense, the court shall impose as a mandatory prison term one 5697
of the prison terms prescribed for a felony of the third degree. 5698

(D) In addition to any prison term authorized or required 5699
by division (C) or (E) of this section and sections 2929.13 and 5700
2929.14 of the Revised Code and in addition to any other 5701
sanction imposed for the offense under this section or sections 5702
2929.11 to 2929.18 of the Revised Code, the court that sentences 5703
an offender who is convicted of or pleads guilty to a violation 5704
of division (A) of this section may suspend the offender's 5705
driver's or commercial driver's license or permit in accordance 5706
with division (G) of section 2925.03 of the Revised Code. 5707
However, if the offender pleaded guilty to or was convicted of a 5708
violation of section 4511.19 of the Revised Code or a 5709
substantially similar municipal ordinance or the law of another 5710
state or the United States arising out of the same set of 5711
circumstances as the violation, the court shall suspend the 5712
offender's driver's or commercial driver's license or permit in 5713
accordance with division (G) of section 2925.03 of the Revised 5714
Code. If applicable, the court also shall do the following: 5715

(1) The court shall impose the mandatory fine specified 5716
for the offense under division (B)(1) of section 2929.18 of the 5717
Revised Code unless, as specified in that division, the court 5718
determines that the offender is indigent. The clerk of the court 5719
shall pay a mandatory fine or other fine imposed for a violation 5720
of this section pursuant to division (A) of section 2929.18 of 5721
the Revised Code in accordance with and subject to the 5722
requirements of division (F) of section 2925.03 of the Revised 5723
Code. The agency that receives the fine shall use the fine in 5724
accordance with division (F) of section 2925.03 of the Revised 5725
Code. If a person is charged with a violation of this section, 5726
posts bail, and forfeits the bail, the forfeited bail shall be 5727
paid as if the forfeited bail were a fine imposed for a 5728
violation of this section. 5729

(2) If the offender is a professionally licensed person, 5730
the court immediately shall comply with section 2925.38 of the 5731
Revised Code. 5732

(E) Notwithstanding the prison term otherwise authorized 5733
or required for the offense under division (C) of this section 5734
and sections 2929.13 and 2929.14 of the Revised Code, if the 5735
violation of division (A) of this section involves the sale, 5736
offer to sell, or possession of a schedule I or II controlled 5737
substance, with the exception of marihuana, and if the court 5738
imposing sentence upon the offender finds that the offender as a 5739
result of the violation is a major drug offender and is guilty 5740
of a specification of the type described in section 2941.1410 of 5741
the Revised Code, the court, in lieu of the prison term 5742
otherwise authorized or required, shall impose upon the offender 5743
the mandatory prison term specified in division (B) (3) of 5744
section 2929.14 of the Revised Code. 5745

(F) (1) If the sentencing court suspends the offender's 5746
driver's or commercial driver's license or permit under this 5747
section in accordance with division (G) of section 2925.03 of 5748
the Revised Code, the offender may request termination of, and 5749
the court may terminate, the suspension in accordance with that 5750
division. 5751

(2) Any offender who received a mandatory suspension of 5752
the offender's driver's or commercial driver's license or permit 5753
under this section prior to ~~the effective date of this amendment~~ 5754
September 13, 2016, may file a motion with the sentencing court 5755
requesting the termination of the suspension. However, an 5756
offender who pleaded guilty to or was convicted of a violation 5757
of section 4511.19 of the Revised Code or a substantially 5758
similar municipal ordinance or law of another state or the 5759

United States that arose out of the same set of circumstances as 5760
the violation for which the offender's license or permit was 5761
suspended under this section shall not file such a motion. 5762

Upon the filing of a motion under division (F) (2) of this 5763
section, the sentencing court, in its discretion, may terminate 5764
the suspension. 5765

Sec. 2925.11. (A) No person shall knowingly obtain, 5766
possess, or use a controlled substance or a controlled substance 5767
analog. 5768

(B) (1) This section does not apply to any of the 5769
following: 5770

(a) Manufacturers, licensed health professionals 5771
authorized to prescribe drugs, pharmacists, owners of 5772
pharmacies, and other persons whose conduct was in accordance 5773
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 5774
4741. of the Revised Code; 5775

(b) If the offense involves an anabolic steroid, any 5776
person who is conducting or participating in a research project 5777
involving the use of an anabolic steroid if the project has been 5778
approved by the United States food and drug administration; 5779

(c) Any person who sells, offers for sale, prescribes, 5780
dispenses, or administers for livestock or other nonhuman 5781
species an anabolic steroid that is expressly intended for 5782
administration through implants to livestock or other nonhuman 5783
species and approved for that purpose under the "Federal Food, 5784
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 5785
as amended, and is sold, offered for sale, prescribed, 5786
dispensed, or administered for that purpose in accordance with 5787
that act; 5788

(d) Any person who obtained the controlled substance 5789
pursuant to a lawful prescription issued by a licensed health 5790
professional authorized to prescribe drugs. 5791

(2) (a) As used in division (B) (2) of this section: 5792

(i) "Community addiction services provider" has the same 5793
meaning as in section 5119.01 of the Revised Code. 5794

(ii) "Community control sanction" and "drug treatment 5795
program" have the same meanings as in section 2929.01 of the 5796
Revised Code. 5797

(iii) "Health care facility" has the same meaning as in 5798
section 2919.16 of the Revised Code. 5799

(iv) "Minor drug possession offense" means a violation of 5800
this section that is a misdemeanor or a felony of the fifth 5801
degree. 5802

(v) "Post-release control sanction" has the same meaning 5803
as in section 2967.28 of the Revised Code. 5804

(vi) "Peace officer" has the same meaning as in section 5805
2935.01 of the Revised Code. 5806

(vii) "Public agency" has the same meaning as in section 5807
2930.01 of the Revised Code. 5808

(viii) "Qualified individual" means a person who is not on 5809
community control or post-release control and is a person acting 5810
in good faith who seeks or obtains medical assistance for 5811
another person who is experiencing a drug overdose, a person who 5812
experiences a drug overdose and who seeks medical assistance for 5813
that overdose, or a person who is the subject of another person 5814
seeking or obtaining medical assistance for that overdose as 5815
described in division (B) (2) (b) of this section. 5816

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

(b) Subject to division (B) (2) (f) of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted, or penalized pursuant to this chapter for a minor drug possession offense if all of the following apply:

(i) The evidence of the obtaining, possession, or use of the controlled substance or controlled substance analog that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or experiencing an overdose and needing medical assistance.

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

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

(c) If a person is found to be in violation of any community control sanction and if the violation is a result of

either of the following, the court shall first consider ordering 5846
the person's participation or continued participation in a drug 5847
treatment program or mitigating the penalty specified in section 5848
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 5849
applicable, after which the court has the discretion either to 5850
order the person's participation or continued participation in a 5851
drug treatment program or to impose the penalty with the 5852
mitigating factor specified in any of those applicable sections: 5853

(i) Seeking or obtaining medical assistance in good faith 5854
for another person who is experiencing a drug overdose; 5855

(ii) Experiencing a drug overdose and seeking medical 5856
assistance for that overdose or being the subject of another 5857
person seeking or obtaining medical assistance for that overdose 5858
as described in division (B) (2) (b) of this section. 5859

(d) If a person is found to be in violation of any post- 5860
release control sanction and if the violation is a result of 5861
either of the following, the court or the parole board shall 5862
first consider ordering the person's participation or continued 5863
participation in a drug treatment program or mitigating the 5864
penalty specified in section 2929.141 or 2967.28 of the Revised 5865
Code, whichever is applicable, after which the court or the 5866
parole board has the discretion either to order the person's 5867
participation or continued participation in a drug treatment 5868
program or to impose the penalty with the mitigating factor 5869
specified in either of those applicable sections: 5870

(i) Seeking or obtaining medical assistance in good faith 5871
for another person who is experiencing a drug overdose; 5872

(ii) Experiencing a drug overdose and seeking medical 5873
assistance for that emergency or being the subject of another 5874

person seeking or obtaining medical assistance for that overdose 5875
as described in division (B) (2) (b) of this section. 5876

(e) Nothing in division (B) (2) (b) of this section shall be 5877
construed to do any of the following: 5878

(i) Limit the admissibility of any evidence in connection 5879
with the investigation or prosecution of a crime with regards to 5880
a defendant who does not qualify for the protections of division 5881
(B) (2) (b) of this section or with regards to any crime other 5882
than a minor drug possession offense committed by a person who 5883
qualifies for protection pursuant to division (B) (2) (b) of this 5884
section for a minor drug possession offense; 5885

(ii) Limit any seizure of evidence or contraband otherwise 5886
permitted by law; 5887

(iii) Limit or abridge the authority of a peace officer to 5888
detain or take into custody a person in the course of an 5889
investigation or to effectuate an arrest for any offense except 5890
as provided in that division; 5891

(iv) Limit, modify, or remove any immunity from liability 5892
available pursuant to law in effect prior to ~~the effective date~~ 5893
~~of this amendment~~ September 13, 2016, to any public agency or to 5894
an employee of any public agency. 5895

(f) Division (B) (2) (b) of this section does not apply to 5896
any person who twice previously has been granted an immunity 5897
under division (B) (2) (b) of this section. No person shall be 5898
granted an immunity under division (B) (2) (b) of this section 5899
more than two times. 5900

(g) Nothing in this section shall compel any qualified 5901
individual to disclose protected health information in a way 5902
that conflicts with the requirements of the "Health Insurance 5903

Portability and Accountability Act of 1996," 104 Pub. L. No. 5904
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 5905
regulations promulgated by the United States department of 5906
health and human services to implement the act or the 5907
requirements of 42 C.F.R. Part 2. 5908

(C) Whoever violates division (A) of this section is 5909
guilty of one of the following: 5910

(1) If the drug involved in the violation is a compound, 5911
mixture, preparation, or substance included in schedule I or II, 5912
with the exception of marihuana, cocaine, L.S.D., heroin, 5913
hashish, and controlled substance analogs, whoever violates 5914
division (A) of this section is guilty of aggravated possession 5915
of drugs. The penalty for the offense shall be determined as 5916
follows: 5917

(a) Except as otherwise provided in division (C) (1) (b), 5918
(c), (d), or (e) of this section, aggravated possession of drugs 5919
is a felony of the fifth degree, and division (B) of section 5920
2929.13 of the Revised Code applies in determining whether to 5921
impose a prison term on the offender. 5922

(b) If the amount of the drug involved equals or exceeds 5923
the bulk amount but is less than five times the bulk amount, 5924
aggravated possession of drugs is a felony of the third degree, 5925
and there is a presumption for a prison term for the offense. 5926

(c) If the amount of the drug involved equals or exceeds 5927
five times the bulk amount but is less than fifty times the bulk 5928
amount, aggravated possession of drugs is a felony of the second 5929
degree, and the court shall impose as a mandatory prison term 5930
~~one of the prison terms prescribed for a felony of the second-~~ 5931
degree a second degree felony mandatory prison term. 5932

(d) If the amount of the drug involved equals or exceeds 5933
fifty times the bulk amount but is less than one hundred times 5934
the bulk amount, aggravated possession of drugs is a felony of 5935
the first degree, and the court shall impose as a mandatory 5936
prison term ~~one of the prison terms prescribed for a felony of~~ 5937
~~the first degree~~ a first degree felony mandatory prison term. 5938

(e) If the amount of the drug involved equals or exceeds 5939
one hundred times the bulk amount, aggravated possession of 5940
drugs is a felony of the first degree, the offender is a major 5941
drug offender, and the court shall impose as a mandatory prison 5942
term ~~the maximum prison term prescribed for a felony of the~~ 5943
~~first degree~~ a maximum first degree felony mandatory prison 5944
term. 5945

(2) If the drug involved in the violation is a compound, 5946
mixture, preparation, or substance included in schedule III, IV, 5947
or V, whoever violates division (A) of this section is guilty of 5948
possession of drugs. The penalty for the offense shall be 5949
determined as follows: 5950

(a) Except as otherwise provided in division (C) (2) (b), 5951
(c), or (d) of this section, possession of drugs is a 5952
misdemeanor of the first degree or, if the offender previously 5953
has been convicted of a drug abuse offense, a felony of the 5954
fifth degree. 5955

(b) If the amount of the drug involved equals or exceeds 5956
the bulk amount but is less than five times the bulk amount, 5957
possession of drugs is a felony of the fourth degree, and 5958
division (C) of section 2929.13 of the Revised Code applies in 5959
determining whether to impose a prison term on the offender. 5960

(c) If the amount of the drug involved equals or exceeds 5961

five times the bulk amount but is less than fifty times the bulk amount, possession of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount, possession of drugs is a felony of the second degree, and the court shall impose upon the offender as a mandatory prison term ~~one of the prison terms prescribed for a felony of the second degree~~ a second degree felony mandatory prison term.

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

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

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

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

(d) If the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, possession of marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in

determining whether to impose a prison term on the offender. 5991

(e) If the amount of the drug involved equals or exceeds 5992
five thousand grams but is less than twenty thousand grams, 5993
possession of marihuana is a felony of the third degree, and 5994
there is a presumption that a prison term shall be imposed for 5995
the offense. 5996

(f) If the amount of the drug involved equals or exceeds 5997
twenty thousand grams but is less than forty thousand grams, 5998
possession of marihuana is a felony of the second degree, and 5999
the court shall impose as a mandatory prison term a second 6000
degree felony mandatory prison term of five, six, seven, or 6001
eight years. 6002

(g) If the amount of the drug involved equals or exceeds 6003
forty thousand grams, possession of marihuana is a felony of the 6004
second degree, and the court shall impose as a mandatory prison 6005
~~term the maximum prison term prescribed for a felony of the~~ 6006
~~second degree~~ a maximum second degree felony mandatory prison 6007
term. 6008

(4) If the drug involved in the violation is cocaine or a 6009
compound, mixture, preparation, or substance containing cocaine, 6010
whoever violates division (A) of this section is guilty of 6011
possession of cocaine. The penalty for the offense shall be 6012
determined as follows: 6013

(a) Except as otherwise provided in division (C) (4) (b), 6014
(c), (d), (e), or (f) of this section, possession of cocaine is 6015
a felony of the fifth degree, and division (B) of section 6016
2929.13 of the Revised Code applies in determining whether to 6017
impose a prison term on the offender. 6018

(b) If the amount of the drug involved equals or exceeds 6019

five grams but is less than ten grams of cocaine, possession of 6020
cocaine is a felony of the fourth degree, and division (B) of 6021
section 2929.13 of the Revised Code applies in determining 6022
whether to impose a prison term on the offender. 6023

(c) If the amount of the drug involved equals or exceeds 6024
ten grams but is less than twenty grams of cocaine, possession 6025
of cocaine is a felony of the third degree, and, except as 6026
otherwise provided in this division, there is a presumption for 6027
a prison term for the offense. If possession of cocaine is a 6028
felony of the third degree under this division and if the 6029
offender two or more times previously has been convicted of or 6030
pleaded guilty to a felony drug abuse offense, the court shall 6031
impose as a mandatory prison term one of the prison terms 6032
prescribed for a felony of the third degree. 6033

(d) If the amount of the drug involved equals or exceeds 6034
twenty grams but is less than twenty-seven grams of cocaine, 6035
possession of cocaine is a felony of the second degree, and the 6036
court shall impose as a mandatory prison term ~~one of the prison~~ 6037
~~terms prescribed for a felony of the second degree~~ a second 6038
degree felony mandatory prison term. 6039

(e) If the amount of the drug involved equals or exceeds 6040
twenty-seven grams but is less than one hundred grams of 6041
cocaine, possession of cocaine is a felony of the first degree, 6042
and the court shall impose as a mandatory prison term ~~one of the~~ 6043
~~prison terms prescribed for a felony of the first degree~~ a first 6044
degree felony mandatory prison term. 6045

(f) If the amount of the drug involved equals or exceeds 6046
one hundred grams of cocaine, possession of cocaine is a felony 6047
of the first degree, the offender is a major drug offender, and 6048
the court shall impose as a mandatory prison term ~~the maximum~~ 6049

~~prison term prescribed for a felony of the first degree, a~~ 6050
maximum first degree felony mandatory prison term. 6051

(5) If the drug involved in the violation is L.S.D., 6052
whoever violates division (A) of this section is guilty of 6053
possession of L.S.D. The penalty for the offense shall be 6054
determined as follows: 6055

(a) Except as otherwise provided in division (C) (5) (b), 6056
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 6057
felony of the fifth degree, and division (B) of section 2929.13 6058
of the Revised Code applies in determining whether to impose a 6059
prison term on the offender. 6060

(b) If the amount of L.S.D. involved equals or exceeds ten 6061
unit doses but is less than fifty unit doses of L.S.D. in a 6062
solid form or equals or exceeds one gram but is less than five 6063
grams of L.S.D. in a liquid concentrate, liquid extract, or 6064
liquid distillate form, possession of L.S.D. is a felony of the 6065
fourth degree, and division (C) of section 2929.13 of the 6066
Revised Code applies in determining whether to impose a prison 6067
term on the offender. 6068

(c) If the amount of L.S.D. involved equals or exceeds 6069
fifty unit doses, but is less than two hundred fifty unit doses 6070
of L.S.D. in a solid form or equals or exceeds five grams but is 6071
less than twenty-five grams of L.S.D. in a liquid concentrate, 6072
liquid extract, or liquid distillate form, possession of L.S.D. 6073
is a felony of the third degree, and there is a presumption for 6074
a prison term for the offense. 6075

(d) If the amount of L.S.D. involved equals or exceeds two 6076
hundred fifty unit doses but is less than one thousand unit 6077
doses of L.S.D. in a solid form or equals or exceeds twenty-five 6078

grams but is less than one hundred grams of L.S.D. in a liquid 6079
concentrate, liquid extract, or liquid distillate form, 6080
possession of L.S.D. is a felony of the second degree, and the 6081
court shall impose as a mandatory prison term ~~one of the prison-~~ 6082
~~terms prescribed for a felony of the second degree~~ a second 6083
degree felony mandatory prison term. 6084

(e) If the amount of L.S.D. involved equals or exceeds one 6085
thousand unit doses but is less than five thousand unit doses of 6086
L.S.D. in a solid form or equals or exceeds one hundred grams 6087
but is less than five hundred grams of L.S.D. in a liquid 6088
concentrate, liquid extract, or liquid distillate form, 6089
possession of L.S.D. is a felony of the first degree, and the 6090
court shall impose as a mandatory prison term ~~one of the prison-~~ 6091
~~terms prescribed for a felony of the first degree~~ a first degree 6092
felony mandatory prison term. 6093

(f) If the amount of L.S.D. involved equals or exceeds 6094
five thousand unit doses of L.S.D. in a solid form or equals or 6095
exceeds five hundred grams of L.S.D. in a liquid concentrate, 6096
liquid extract, or liquid distillate form, possession of L.S.D. 6097
is a felony of the first degree, the offender is a major drug 6098
offender, and the court shall impose as a mandatory prison term 6099
~~the maximum prison term prescribed for a felony of the first-~~ 6100
~~degree~~ a maximum first degree felony mandatory prison term. 6101

(6) If the drug involved in the violation is heroin or a 6102
compound, mixture, preparation, or substance containing heroin, 6103
whoever violates division (A) of this section is guilty of 6104
possession of heroin. The penalty for the offense shall be 6105
determined as follows: 6106

(a) Except as otherwise provided in division (C) (6) (b), 6107
(c), (d), (e), or (f) of this section, possession of heroin is a 6108

felony of the fifth degree, and division (B) of section 2929.13 6109
of the Revised Code applies in determining whether to impose a 6110
prison term on the offender. 6111

(b) If the amount of the drug involved equals or exceeds 6112
ten unit doses but is less than fifty unit doses or equals or 6113
exceeds one gram but is less than five grams, possession of 6114
heroin is a felony of the fourth degree, and division (C) of 6115
section 2929.13 of the Revised Code applies in determining 6116
whether to impose a prison term on the offender. 6117

(c) If the amount of the drug involved equals or exceeds 6118
fifty unit doses but is less than one hundred unit doses or 6119
equals or exceeds five grams but is less than ten grams, 6120
possession of heroin is a felony of the third degree, and there 6121
is a presumption for a prison term for the offense. 6122

(d) If the amount of the drug involved equals or exceeds 6123
one hundred unit doses but is less than five hundred unit doses 6124
or equals or exceeds ten grams but is less than fifty grams, 6125
possession of heroin is a felony of the second degree, and the 6126
court shall impose as a mandatory prison term ~~one of the prison~~ 6127
~~terms prescribed for a felony of the second degree~~ a second 6128
degree felony mandatory prison term. 6129

(e) If the amount of the drug involved equals or exceeds 6130
five hundred unit doses but is less than one thousand unit doses 6131
or equals or exceeds fifty grams but is less than one hundred 6132
grams, possession of heroin is a felony of the first degree, and 6133
the court shall impose as a mandatory prison term ~~one of the~~ 6134
~~prison terms prescribed for a felony of the first degree~~ a first 6135
degree felony mandatory prison term. 6136

(f) If the amount of the drug involved equals or exceeds 6137

one thousand unit doses or equals or exceeds one hundred grams, 6138
possession of heroin is a felony of the first degree, the 6139
offender is a major drug offender, and the court shall impose as 6140
a mandatory prison term ~~the maximum prison term prescribed for a~~ 6141
~~felony of the first degree~~ a maximum first degree felony 6142
mandatory prison term. 6143

(7) If the drug involved in the violation is hashish or a 6144
compound, mixture, preparation, or substance containing hashish, 6145
whoever violates division (A) of this section is guilty of 6146
possession of hashish. The penalty for the offense shall be 6147
determined as follows: 6148

(a) Except as otherwise provided in division (C) (7) (b), 6149
(c), (d), (e), (f), or (g) of this section, possession of 6150
hashish is a minor misdemeanor. 6151

(b) If the amount of the drug involved equals or exceeds 6152
five grams but is less than ten grams of hashish in a solid form 6153
or equals or exceeds one gram but is less than two grams of 6154
hashish in a liquid concentrate, liquid extract, or liquid 6155
distillate form, possession of hashish is a misdemeanor of the 6156
fourth degree. 6157

(c) If the amount of the drug involved equals or exceeds 6158
ten grams but is less than fifty grams of hashish in a solid 6159
form or equals or exceeds two grams but is less than ten grams 6160
of hashish in a liquid concentrate, liquid extract, or liquid 6161
distillate form, possession of hashish is a felony of the fifth 6162
degree, and division (B) of section 2929.13 of the Revised Code 6163
applies in determining whether to impose a prison term on the 6164
offender. 6165

(d) If the amount of the drug involved equals or exceeds 6166

fifty grams but is less than two hundred fifty grams of hashish 6167
in a solid form or equals or exceeds ten grams but is less than 6168
fifty grams of hashish in a liquid concentrate, liquid extract, 6169
or liquid distillate form, possession of hashish is a felony of 6170
the third degree, and division (C) of section 2929.13 of the 6171
Revised Code applies in determining whether to impose a prison 6172
term on the offender. 6173

(e) If the amount of the drug involved equals or exceeds 6174
two hundred fifty grams but is less than one thousand grams of 6175
hashish in a solid form or equals or exceeds fifty grams but is 6176
less than two hundred grams of hashish in a liquid concentrate, 6177
liquid extract, or liquid distillate form, possession of hashish 6178
is a felony of the third degree, and there is a presumption that 6179
a prison term shall be imposed for the offense. 6180

(f) If the amount of the drug involved equals or exceeds 6181
one thousand grams but is less than two thousand grams of 6182
hashish in a solid form or equals or exceeds two hundred grams 6183
but is less than four hundred grams of hashish in a liquid 6184
concentrate, liquid extract, or liquid distillate form, 6185
possession of hashish is a felony of the second degree, and the 6186
court shall impose as a mandatory prison term a second degree 6187
felony mandatory prison term of five, six, seven, or eight 6188
years. 6189

(g) If the amount of the drug involved equals or exceeds 6190
two thousand grams of hashish in a solid form or equals or 6191
exceeds four hundred grams of hashish in a liquid concentrate, 6192
liquid extract, or liquid distillate form, possession of hashish 6193
is a felony of the second degree, and the court shall impose as 6194
a mandatory prison term ~~the maximum prison term prescribed for a~~ 6195
~~felony of the second degree~~ a maximum second degree felony 6196

mandatory prison term.

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

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

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

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

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(d) If the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, possession of a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term ~~one of the prison terms prescribed for a felony of the second degree~~ a second degree felony mandatory prison term.

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(e) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams, possession of a controlled substance analog is a felony of the first degree, and

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the court shall impose as a mandatory prison term ~~one of the~~ 6226
~~prison terms prescribed for a felony of the first degree~~ a first 6227
degree felony mandatory prison term. 6228

(f) If the amount of the drug involved equals or exceeds 6229
fifty grams, possession of a controlled substance analog is a 6230
felony of the first degree, the offender is a major drug 6231
offender, and the court shall impose as a mandatory prison term 6232
~~the maximum prison term prescribed for a felony of the first~~ 6233
~~degree~~ a maximum first degree felony mandatory prison term. 6234

(D) Arrest or conviction for a minor misdemeanor violation 6235
of this section does not constitute a criminal record and need 6236
not be reported by the person so arrested or convicted in 6237
response to any inquiries about the person's criminal record, 6238
including any inquiries contained in any application for 6239
employment, license, or other right or privilege, or made in 6240
connection with the person's appearance as a witness. 6241

(E) In addition to any prison term or jail term authorized 6242
or required by division (C) of this section and sections 6243
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 6244
Code and in addition to any other sanction that is imposed for 6245
the offense under this section, sections 2929.11 to 2929.18, or 6246
sections 2929.21 to 2929.28 of the Revised Code, the court that 6247
sentences an offender who is convicted of or pleads guilty to a 6248
violation of division (A) of this section may suspend the 6249
offender's driver's or commercial driver's license or permit for 6250
not more than five years. However, if the offender pleaded 6251
guilty to or was convicted of a violation of section 4511.19 of 6252
the Revised Code or a substantially similar municipal ordinance 6253
or the law of another state or the United States arising out of 6254
the same set of circumstances as the violation, the court shall 6255

suspend the offender's driver's or commercial driver's license 6256
or permit for not more than five years. If applicable, the court 6257
also shall do the following: 6258

(1) (a) If the violation is a felony of the first, second, 6259
or third degree, the court shall impose upon the offender the 6260
mandatory fine specified for the offense under division (B) (1) 6261
of section 2929.18 of the Revised Code unless, as specified in 6262
that division, the court determines that the offender is 6263
indigent. 6264

(b) Notwithstanding any contrary provision of section 6265
3719.21 of the Revised Code, the clerk of the court shall pay a 6266
mandatory fine or other fine imposed for a violation of this 6267
section pursuant to division (A) of section 2929.18 of the 6268
Revised Code in accordance with and subject to the requirements 6269
of division (F) of section 2925.03 of the Revised Code. The 6270
agency that receives the fine shall use the fine as specified in 6271
division (F) of section 2925.03 of the Revised Code. 6272

(c) If a person is charged with a violation of this 6273
section that is a felony of the first, second, or third degree, 6274
posts bail, and forfeits the bail, the clerk shall pay the 6275
forfeited bail pursuant to division (E) (1) (b) of this section as 6276
if it were a mandatory fine imposed under division (E) (1) (a) of 6277
this section. 6278

(2) If the offender is a professionally licensed person, 6279
in addition to any other sanction imposed for a violation of 6280
this section, the court immediately shall comply with section 6281
2925.38 of the Revised Code. 6282

(F) It is an affirmative defense, as provided in section 6283
2901.05 of the Revised Code, to a charge of a fourth degree 6284

felony violation under this section that the controlled 6285
substance that gave rise to the charge is in an amount, is in a 6286
form, is prepared, compounded, or mixed with substances that are 6287
not controlled substances in a manner, or is possessed under any 6288
other circumstances, that indicate that the substance was 6289
possessed solely for personal use. Notwithstanding any contrary 6290
provision of this section, if, in accordance with section 6291
2901.05 of the Revised Code, an accused who is charged with a 6292
fourth degree felony violation of division (C) (2), (4), (5), or 6293
(6) of this section sustains the burden of going forward with 6294
evidence of and establishes by a preponderance of the evidence 6295
the affirmative defense described in this division, the accused 6296
may be prosecuted for and may plead guilty to or be convicted of 6297
a misdemeanor violation of division (C) (2) of this section or a 6298
fifth degree felony violation of division (C) (4), (5), or (6) of 6299
this section respectively. 6300

(G) When a person is charged with possessing a bulk amount 6301
or multiple of a bulk amount, division (E) of section 2925.03 of 6302
the Revised Code applies regarding the determination of the 6303
amount of the controlled substance involved at the time of the 6304
offense. 6305

(H) It is an affirmative defense to a charge of possession 6306
of a controlled substance analog under division (C) (8) of this 6307
section that the person charged with violating that offense 6308
obtained, possessed, or used an item described in division (HH) 6309
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 6310

(I) Any offender who received a mandatory suspension of 6311
the offender's driver's or commercial driver's license or permit 6312
under this section prior to ~~the effective date of this amendment~~ 6313
September 13, 2016, may file a motion with the sentencing court 6314

requesting the termination of the suspension. However, an 6315
offender who pleaded guilty to or was convicted of a violation 6316
of section 4511.19 of the Revised Code or a substantially 6317
similar municipal ordinance or law of another state or the 6318
United States that arose out of the same set of circumstances as 6319
the violation for which the offender's license or permit was 6320
suspended under this section shall not file such a motion. 6321

Upon the filing of a motion under division (I) of this 6322
section, the sentencing court, in its discretion, may terminate 6323
the suspension. 6324

Sec. 2929.01. As used in this chapter: 6325

(A) (1) "Alternative residential facility" means, subject 6326
to division (A) (2) of this section, any facility other than an 6327
offender's home or residence in which an offender is assigned to 6328
live and that satisfies all of the following criteria: 6329

(a) It provides programs through which the offender may 6330
seek or maintain employment or may receive education, training, 6331
treatment, or habilitation. 6332

(b) It has received the appropriate license or certificate 6333
for any specialized education, training, treatment, 6334
habilitation, or other service that it provides from the 6335
government agency that is responsible for licensing or 6336
certifying that type of education, training, treatment, 6337
habilitation, or service. 6338

(2) "Alternative residential facility" does not include a 6339
community-based correctional facility, jail, halfway house, or 6340
prison. 6341

(B) "Basic probation supervision" means a requirement that 6342
the offender maintain contact with a person appointed to 6343

supervise the offender in accordance with sanctions imposed by 6344
the court or imposed by the parole board pursuant to section 6345
2967.28 of the Revised Code. "Basic probation supervision" 6346
includes basic parole supervision and basic post-release control 6347
supervision. 6348

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have 6349
the same meanings as in section 2925.01 of the Revised Code. 6350

(D) "Community-based correctional facility" means a 6351
community-based correctional facility and program or district 6352
community-based correctional facility and program developed 6353
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 6354

(E) "Community control sanction" means a sanction that is 6355
not a prison term and that is described in section 2929.15, 6356
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 6357
that is not a jail term and that is described in section 6358
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 6359
control sanction" includes probation if the sentence involved 6360
was imposed for a felony that was committed prior to July 1, 6361
1996, or if the sentence involved was imposed for a misdemeanor 6362
that was committed prior to January 1, 2004. 6363

(F) "Controlled substance," "marihuana," "schedule I," and 6364
"schedule II" have the same meanings as in section 3719.01 of 6365
the Revised Code. 6366

(G) "Curfew" means a requirement that an offender during a 6367
specified period of time be at a designated place. 6368

(H) "Day reporting" means a sanction pursuant to which an 6369
offender is required each day to report to and leave a center or 6370
other approved reporting location at specified times in order to 6371
participate in work, education or training, treatment, and other 6372

approved programs at the center or outside the center. 6373

(I) "Deadly weapon" has the same meaning as in section 6374
2923.11 of the Revised Code. 6375

(J) "Drug and alcohol use monitoring" means a program 6376
under which an offender agrees to submit to random chemical 6377
analysis of the offender's blood, breath, or urine to determine 6378
whether the offender has ingested any alcohol or other drugs. 6379

(K) "Drug treatment program" means any program under which 6380
a person undergoes assessment and treatment designed to reduce 6381
or completely eliminate the person's physical or emotional 6382
reliance upon alcohol, another drug, or alcohol and another drug 6383
and under which the person may be required to receive assessment 6384
and treatment on an outpatient basis or may be required to 6385
reside at a facility other than the person's home or residence 6386
while undergoing assessment and treatment. 6387

(L) "Economic loss" means any economic detriment suffered 6388
by a victim as a direct and proximate result of the commission 6389
of an offense and includes any loss of income due to lost time 6390
at work because of any injury caused to the victim, and any 6391
property loss, medical cost, or funeral expense incurred as a 6392
result of the commission of the offense. "Economic loss" does 6393
not include non-economic loss or any punitive or exemplary 6394
damages. 6395

(M) "Education or training" includes study at, or in 6396
conjunction with a program offered by, a university, college, or 6397
technical college or vocational study and also includes the 6398
completion of primary school, secondary school, and literacy 6399
curricula or their equivalent. 6400

(N) "Firearm" has the same meaning as in section 2923.11 6401

of the Revised Code. 6402

(O) "Halfway house" means a facility licensed by the 6403
division of parole and community services of the department of 6404
rehabilitation and correction pursuant to section 2967.14 of the 6405
Revised Code as a suitable facility for the care and treatment 6406
of adult offenders. 6407

(P) "House arrest" means a period of confinement of an 6408
offender that is in the offender's home or in other premises 6409
specified by the sentencing court or by the parole board 6410
pursuant to section 2967.28 of the Revised Code and during which 6411
all of the following apply: 6412

(1) The offender is required to remain in the offender's 6413
home or other specified premises for the specified period of 6414
confinement, except for periods of time during which the 6415
offender is at the offender's place of employment or at other 6416
premises as authorized by the sentencing court or by the parole 6417
board. 6418

(2) The offender is required to report periodically to a 6419
person designated by the court or parole board. 6420

(3) The offender is subject to any other restrictions and 6421
requirements that may be imposed by the sentencing court or by 6422
the parole board. 6423

(Q) "Intensive probation supervision" means a requirement 6424
that an offender maintain frequent contact with a person 6425
appointed by the court, or by the parole board pursuant to 6426
section 2967.28 of the Revised Code, to supervise the offender 6427
while the offender is seeking or maintaining necessary 6428
employment and participating in training, education, and 6429
treatment programs as required in the court's or parole board's 6430

order. "Intensive probation supervision" includes intensive 6431
parole supervision and intensive post-release control 6432
supervision. 6433

(R) "Jail" means a jail, workhouse, minimum security jail, 6434
or other residential facility used for the confinement of 6435
alleged or convicted offenders that is operated by a political 6436
subdivision or a combination of political subdivisions of this 6437
state. 6438

(S) "Jail term" means the term in a jail that a sentencing 6439
court imposes or is authorized to impose pursuant to section 6440
2929.24 or 2929.25 of the Revised Code or pursuant to any other 6441
provision of the Revised Code that authorizes a term in a jail 6442
for a misdemeanor conviction. 6443

(T) "Mandatory jail term" means the term in a jail that a 6444
sentencing court is required to impose pursuant to division (G) 6445
of section 1547.99 of the Revised Code, division (E) of section 6446
2903.06 or division (D) of section 2903.08 of the Revised Code, 6447
division (E) or (G) of section 2929.24 of the Revised Code, 6448
division (B) of section 4510.14 of the Revised Code, or division 6449
(G) of section 4511.19 of the Revised Code or pursuant to any 6450
other provision of the Revised Code that requires a term in a 6451
jail for a misdemeanor conviction. 6452

(U) "Delinquent child" has the same meaning as in section 6453
2152.02 of the Revised Code. 6454

(V) "License violation report" means a report that is made 6455
by a sentencing court, or by the parole board pursuant to 6456
section 2967.28 of the Revised Code, to the regulatory or 6457
licensing board or agency that issued an offender a professional 6458
license or a license or permit to do business in this state and 6459

that specifies that the offender has been convicted of or 6460
pleaded guilty to an offense that may violate the conditions 6461
under which the offender's professional license or license or 6462
permit to do business in this state was granted or an offense 6463
for which the offender's professional license or license or 6464
permit to do business in this state may be revoked or suspended. 6465

(W) "Major drug offender" means an offender who is 6466
convicted of or pleads guilty to the possession of, sale of, or 6467
offer to sell any drug, compound, mixture, preparation, or 6468
substance that consists of or contains at least one thousand 6469
grams of hashish; at least one hundred grams of cocaine; at 6470
least one thousand unit doses or one hundred grams of heroin; at 6471
least five thousand unit doses of L.S.D. or five hundred grams 6472
of L.S.D. in a liquid concentrate, liquid extract, or liquid 6473
distillate form; at least fifty grams of a controlled substance 6474
analog; or at least one hundred times the amount of any other 6475
schedule I or II controlled substance other than marihuana that 6476
is necessary to commit a felony of the third degree pursuant to 6477
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 6478
Code that is based on the possession of, sale of, or offer to 6479
sell the controlled substance. 6480

(X) "Mandatory prison term" means any of the following: 6481

(1) Subject to division (X)(2) of this section, the term 6482
in prison that must be imposed for the offenses or circumstances 6483
set forth in divisions (F)(1) to (8) or (F)(12) to (18) of 6484
section 2929.13 and division (B) of section 2929.14 of the 6485
Revised Code. Except as provided in sections 2925.02, 2925.03, 6486
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 6487
maximum or another specific term is required under section 6488
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 6489

described in this division may be any prison term authorized for 6490
the level of offense except that if the offense is a felony of 6491
the first or second degree committed on or after the effective 6492
date of this amendment or is a felony of the third degree that 6493
is described in division (A)(3)(a) of section 2929.14 of the 6494
Revised Code and committed on or after that effective date, a 6495
mandatory prison term described in this division may be one of 6496
the terms prescribed in division (A)(1)(a), (2)(a), or (3)(a)(i) 6497
of section 2929.14 of the Revised Code, whichever is applicable, 6498
that is authorized as the minimum term for the offense. 6499

(2) The term of sixty or one hundred twenty days in prison 6500
that a sentencing court is required to impose for a third or 6501
fourth degree felony OVI offense pursuant to division (G)(2) of 6502
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 6503
of the Revised Code or the term of one, two, three, four, or 6504
five years in prison that a sentencing court is required to 6505
impose pursuant to division (G)(2) of section 2929.13 of the 6506
Revised Code. 6507

(3) The term in prison imposed pursuant to division (A) of 6508
section 2971.03 of the Revised Code for the offenses and in the 6509
circumstances described in division (F)(11) of section 2929.13 6510
of the Revised Code or pursuant to division (B)(1)(a), (b), or 6511
(c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of 6512
section 2971.03 of the Revised Code and that term as modified or 6513
terminated pursuant to section 2971.05 of the Revised Code. 6514

(Y) "Monitored time" means a period of time during which 6515
an offender continues to be under the control of the sentencing 6516
court or parole board, subject to no conditions other than 6517
leading a law-abiding life. 6518

(Z) "Offender" means a person who, in this state, is 6519

convicted of or pleads guilty to a felony or a misdemeanor. 6520

(AA) "Prison" means a residential facility used for the 6521
confinement of convicted felony offenders that is under the 6522
control of the department of rehabilitation and correction but 6523
does not include a violation sanction center operated under 6524
authority of section 2967.141 of the Revised Code. 6525

(BB) (1) "Prison term" includes either of the following 6526
sanctions for an offender: 6527

~~(1)~~ (a) A stated prison term; 6528

~~(2)~~ (b) A term in a prison shortened by, or with the 6529
approval of, the sentencing court pursuant to section 2929.143, 6530
2929.20, 2967.26, 5120.031, 5120.032, or 5120.073 of the Revised 6531
Code. 6532

(2) With respect to a non-life felony indefinite prison 6533
term, references in any provision of law to a reduction of, or 6534
deduction from, the prison term mean a reduction in, or 6535
deduction from, the minimum term imposed as part of the 6536
indefinite term. 6537

(CC) "Repeat violent offender" means a person about whom 6538
both of the following apply: 6539

(1) The person is being sentenced for committing or for 6540
complicity in committing any of the following: 6541

(a) Aggravated murder, murder, any felony of the first or 6542
second degree that is an offense of violence, or an attempt to 6543
commit any of these offenses if the attempt is a felony of the 6544
first or second degree; 6545

(b) An offense under an existing or former law of this 6546
state, another state, or the United States that is or was 6547

substantially equivalent to an offense described in division 6548
(CC) (1) (a) of this section. 6549

(2) The person previously was convicted of or pleaded 6550
guilty to an offense described in division (CC) (1) (a) or (b) of 6551
this section. 6552

(DD) "Sanction" means any penalty imposed upon an offender 6553
who is convicted of or pleads guilty to an offense, as 6554
punishment for the offense. "Sanction" includes any sanction 6555
imposed pursuant to any provision of sections 2929.14 to 2929.18 6556
or 2929.24 to 2929.28 of the Revised Code. 6557

(EE) "Sentence" means the sanction or combination of 6558
sanctions imposed by the sentencing court on an offender who is 6559
convicted of or pleads guilty to an offense. 6560

(FF) (1) "Stated prison term" means the prison term, 6561
mandatory prison term, or combination of all prison terms and 6562
mandatory prison terms imposed by the sentencing court pursuant 6563
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 6564
under section 2919.25 of the Revised Code. "Stated prison term" 6565
includes any credit received by the offender for time spent in 6566
jail awaiting trial, sentencing, or transfer to prison for the 6567
offense and any time spent under house arrest or house arrest 6568
with electronic monitoring imposed after earning credits 6569
pursuant to section 2967.193 of the Revised Code. If an offender 6570
is serving a prison term as a risk reduction sentence under 6571
sections 2929.143 and 5120.036 of the Revised Code, "stated 6572
prison term" includes any period of time by which the prison 6573
term imposed upon the offender is shortened by the offender's 6574
successful completion of all assessment and treatment or 6575
programming pursuant to those sections. 6576

(2) As used in the definition of "stated prison term" set forth in division (FF) (1) of this section, a prison term is a definite prison term imposed under section 2929.14 of the Revised Code or any other provision of law, is the minimum and maximum prison terms under a non-life felony indefinite prison term, or is a term of life imprisonment except to the extent that the use of that definition in a section of the Revised Code clearly is not intended to include a term of life imprisonment. With respect to an offender sentenced to a non-life felony indefinite prison term, references in section 2967.191 or 2967.193 of the Revised Code or any other provision of law to a reduction of, or deduction from, the offender's stated prison term or to release of the offender before the expiration of the offender's stated prison term mean a reduction in, or deduction from, the minimum term imposed as part of the indefinite term or a release of the offender before the expiration of that minimum term, references in section 2929.19 or 2967.28 of the Revised Code to a stated prison term with respect to a prison term imposed for a violation of a post-release control sanction mean the minimum term so imposed, and references in any provision of law to an offender's service of the offender's stated prison term or the expiration of the offender's stated prison term mean service or expiration of the minimum term so imposed plus any additional period of incarceration under the sentence that is required under section 2967.271 of the Revised Code or minus any reduction in the minimum term that is granted under section 2967.272 of the Revised Code.

(GG) "Victim-offender mediation" means a reconciliation or mediation program that involves an offender and the victim of the offense committed by the offender and that includes a meeting in which the offender and the victim may discuss the

offense, discuss restitution, and consider other sanctions for 6608
the offense. 6609

(HH) "Fourth degree felony OVI offense" means a violation 6610
of division (A) of section 4511.19 of the Revised Code that, 6611
under division (G) of that section, is a felony of the fourth 6612
degree. 6613

(II) "Mandatory term of local incarceration" means the 6614
term of sixty or one hundred twenty days in a jail, a community- 6615
based correctional facility, a halfway house, or an alternative 6616
residential facility that a sentencing court may impose upon a 6617
person who is convicted of or pleads guilty to a fourth degree 6618
felony OVI offense pursuant to division (G) (1) of section 6619
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 6620
section 4511.19 of the Revised Code. 6621

(JJ) "Designated homicide, assault, or kidnapping 6622
offense," "violent sex offense," "sexual motivation 6623
specification," "sexually violent offense," "sexually violent 6624
predator," and "sexually violent predator specification" have 6625
the same meanings as in section 2971.01 of the Revised Code. 6626

(KK) "Sexually oriented offense," "child-victim oriented 6627
offense," and "tier III sex offender/child-victim offender" have 6628
the same meanings as in section 2950.01 of the Revised Code. 6629

(LL) An offense is "committed in the vicinity of a child" 6630
if the offender commits the offense within thirty feet of or 6631
within the same residential unit as a child who is under 6632
eighteen years of age, regardless of whether the offender knows 6633
the age of the child or whether the offender knows the offense 6634
is being committed within thirty feet of or within the same 6635
residential unit as the child and regardless of whether the 6636

child actually views the commission of the offense. 6637

(MM) "Family or household member" has the same meaning as 6638
in section 2919.25 of the Revised Code. 6639

(NN) "Motor vehicle" and "manufactured home" have the same 6640
meanings as in section 4501.01 of the Revised Code. 6641

(OO) "Detention" and "detention facility" have the same 6642
meanings as in section 2921.01 of the Revised Code. 6643

(PP) "Third degree felony OVI offense" means a violation 6644
of division (A) of section 4511.19 of the Revised Code that, 6645
under division (G) of that section, is a felony of the third 6646
degree. 6647

(QQ) "Random drug testing" has the same meaning as in 6648
section 5120.63 of the Revised Code. 6649

(RR) "Felony sex offense" has the same meaning as in 6650
section 2967.28 of the Revised Code. 6651

(SS) "Body armor" has the same meaning as in section 6652
2941.1411 of the Revised Code. 6653

(TT) "Electronic monitoring" means monitoring through the 6654
use of an electronic monitoring device. 6655

(UU) "Electronic monitoring device" means any of the 6656
following: 6657

(1) Any device that can be operated by electrical or 6658
battery power and that conforms with all of the following: 6659

(a) The device has a transmitter that can be attached to a 6660
person, that will transmit a specified signal to a receiver of 6661
the type described in division (UU) (1) (b) of this section if the 6662
transmitter is removed from the person, turned off, or altered 6663

in any manner without prior court approval in relation to 6664
electronic monitoring or without prior approval of the 6665
department of rehabilitation and correction in relation to the 6666
use of an electronic monitoring device for an inmate on 6667
transitional control or otherwise is tampered with, that can 6668
transmit continuously and periodically a signal to that receiver 6669
when the person is within a specified distance from the 6670
receiver, and that can transmit an appropriate signal to that 6671
receiver if the person to whom it is attached travels a 6672
specified distance from that receiver. 6673

(b) The device has a receiver that can receive 6674
continuously the signals transmitted by a transmitter of the 6675
type described in division (UU) (1) (a) of this section, can 6676
transmit continuously those signals by a wireless or landline 6677
telephone connection to a central monitoring computer of the 6678
type described in division (UU) (1) (c) of this section, and can 6679
transmit continuously an appropriate signal to that central 6680
monitoring computer if the device has been turned off or altered 6681
without prior court approval or otherwise tampered with. The 6682
device is designed specifically for use in electronic 6683
monitoring, is not a converted wireless phone or another 6684
tracking device that is clearly not designed for electronic 6685
monitoring, and provides a means of text-based or voice 6686
communication with the person. 6687

(c) The device has a central monitoring computer that can 6688
receive continuously the signals transmitted by a wireless or 6689
landline telephone connection by a receiver of the type 6690
described in division (UU) (1) (b) of this section and can monitor 6691
continuously the person to whom an electronic monitoring device 6692
of the type described in division (UU) (1) (a) of this section is 6693
attached. 6694

(2) Any device that is not a device of the type described 6695
in division (UU) (1) of this section and that conforms with all 6696
of the following: 6697

(a) The device includes a transmitter and receiver that 6698
can monitor and determine the location of a subject person at 6699
any time, or at a designated point in time, through the use of a 6700
central monitoring computer or through other electronic means. 6701

(b) The device includes a transmitter and receiver that 6702
can determine at any time, or at a designated point in time, 6703
through the use of a central monitoring computer or other 6704
electronic means the fact that the transmitter is turned off or 6705
altered in any manner without prior approval of the court in 6706
relation to the electronic monitoring or without prior approval 6707
of the department of rehabilitation and correction in relation 6708
to the use of an electronic monitoring device for an inmate on 6709
transitional control or otherwise is tampered with. 6710

(3) Any type of technology that can adequately track or 6711
determine the location of a subject person at any time and that 6712
is approved by the director of rehabilitation and correction, 6713
including, but not limited to, any satellite technology, voice 6714
tracking system, or retinal scanning system that is so approved. 6715

(VV) "Non-economic loss" means nonpecuniary harm suffered 6716
by a victim of an offense as a result of or related to the 6717
commission of the offense, including, but not limited to, pain 6718
and suffering; loss of society, consortium, companionship, care, 6719
assistance, attention, protection, advice, guidance, counsel, 6720
instruction, training, or education; mental anguish; and any 6721
other intangible loss. 6722

(WW) "Prosecutor" has the same meaning as in section 6723

2935.01 of the Revised Code. 6724

(XX) "Continuous alcohol monitoring" means the ability to 6725
automatically test and periodically transmit alcohol consumption 6726
levels and tamper attempts at least every hour, regardless of 6727
the location of the person who is being monitored. 6728

(YY) A person is "adjudicated a sexually violent predator" 6729
if the person is convicted of or pleads guilty to a violent sex 6730
offense and also is convicted of or pleads guilty to a sexually 6731
violent predator specification that was included in the 6732
indictment, count in the indictment, or information charging 6733
that violent sex offense or if the person is convicted of or 6734
pleads guilty to a designated homicide, assault, or kidnapping 6735
offense and also is convicted of or pleads guilty to both a 6736
sexual motivation specification and a sexually violent predator 6737
specification that were included in the indictment, count in the 6738
indictment, or information charging that designated homicide, 6739
assault, or kidnapping offense. 6740

(ZZ) An offense is "committed in proximity to a school" if 6741
the offender commits the offense in a school safety zone or 6742
within five hundred feet of any school building or the 6743
boundaries of any school premises, regardless of whether the 6744
offender knows the offense is being committed in a school safety 6745
zone or within five hundred feet of any school building or the 6746
boundaries of any school premises. 6747

(AAA) "Human trafficking" means a scheme or plan to which 6748
all of the following apply: 6749

(1) Its object is one or more of the following: 6750

(a) To subject a victim or victims to involuntary 6751
servitude, as defined in section 2905.31 of the Revised Code or 6752

to compel a victim or victims to engage in sexual activity for 6753
hire, to engage in a performance that is obscene, sexually 6754
oriented, or nudity oriented, or to be a model or participant in 6755
the production of material that is obscene, sexually oriented, 6756
or nudity oriented; 6757

(b) To facilitate, encourage, or recruit a victim who is 6758
less than sixteen years of age or is a person with a 6759
developmental disability, or victims who are less than sixteen 6760
years of age or are persons with developmental disabilities, for 6761
any purpose listed in divisions (A) (2) (a) to (c) of section 6762
2905.32 of the Revised Code; 6763

(c) To facilitate, encourage, or recruit a victim who is 6764
sixteen or seventeen years of age, or victims who are sixteen or 6765
seventeen years of age, for any purpose listed in divisions (A) 6766
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 6767
circumstances described in division (A) (5), (6), (7), (8), (9), 6768
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 6769
apply with respect to the person engaging in the conduct and the 6770
victim or victims. 6771

(2) It involves at least two felony offenses, whether or 6772
not there has been a prior conviction for any of the felony 6773
offenses, to which all of the following apply: 6774

(a) Each of the felony offenses is a violation of section 6775
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 6776
division (A) (1) or (2) of section 2907.323, or division (B) (1), 6777
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 6778
is a violation of a law of any state other than this state that 6779
is substantially similar to any of the sections or divisions of 6780
the Revised Code identified in this division. 6781

(b) At least one of the felony offenses was committed in 6782
this state. 6783

(c) The felony offenses are related to the same scheme or 6784
plan and are not isolated instances. 6785

(BBB) "Material," "nudity," "obscene," "performance," and 6786
"sexual activity" have the same meanings as in section 2907.01 6787
of the Revised Code. 6788

(CCC) "Material that is obscene, sexually oriented, or 6789
nudity oriented" means any material that is obscene, that shows 6790
a person participating or engaging in sexual activity, 6791
masturbation, or bestiality, or that shows a person in a state 6792
of nudity. 6793

(DDD) "Performance that is obscene, sexually oriented, or 6794
nudity oriented" means any performance that is obscene, that 6795
shows a person participating or engaging in sexual activity, 6796
masturbation, or bestiality, or that shows a person in a state 6797
of nudity. 6798

(EEE) "Accelerant" means a fuel or oxidizing agent, such 6799
as an ignitable liquid, used to initiate a fire or increase the 6800
rate of growth or spread of a fire. 6801

(FFF) "Non-life felony indefinite prison term" means a 6802
prison term imposed under division (A) (1) (a), (2) (a), or (3) (a) 6803
(i) of section 2929.14 and section 2929.144 of the Revised Code 6804
for a felony of the first or second degree committed on or after 6805
the effective date of this amendment or a felony of the third 6806
degree that is described in division (A) (3) (a) of section 6807
2929.14 of the Revised Code and committed on or after that 6808
effective date. 6809

Sec. 2929.14. (A) Except as provided in division (B) (1), 6810

(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 6811
(E), (G), (H), (J), or (K) of this section or in division (D) (6) 6812
of section 2919.25 of the Revised Code and except in relation to 6813
an offense for which a sentence of death or life imprisonment is 6814
to be imposed, if the court imposing a sentence upon an offender 6815
for a felony elects or is required to impose a prison term on 6816
the offender pursuant to this chapter, the court shall impose a 6817
~~definite~~ prison term that shall be one of the following: 6818

(1) (a) For a felony of the first degree committed on or 6819
after the effective date of this amendment, the prison term 6820
shall be an indefinite prison term with a stated minimum term 6821
selected by the court of three, four, five, six, seven, eight, 6822
nine, ten, or eleven years and a maximum term that is determined 6823
pursuant to section 2929.144 of the Revised Code, except that if 6824
the section that criminalizes the conduct constituting the 6825
felony specifies a different minimum term or penalty for the 6826
offense, the specific language of that section shall control in 6827
determining the minimum term or otherwise sentencing the 6828
offender but the minimum term or sentence imposed under that 6829
specific language shall be considered for purposes of the 6830
Revised Code as if it had been imposed under this division. 6831

(b) For a felony of the first degree committed prior to 6832
the effective date of this amendment, the prison term shall be a 6833
definite prison term of three, four, five, six, seven, eight, 6834
nine, ten, or eleven years. 6835

(2) (a) For a felony of the second degree committed on or 6836
after the effective date of this amendment, the prison term 6837
shall be an indefinite prison term with a stated minimum term 6838
selected by the court of two, three, four, five, six, seven, or 6839
eight years and a maximum term that is determined pursuant to 6840

section 2929.144 of the Revised Code, except that if the section 6841
that criminalizes the conduct constituting the felony specifies 6842
a different minimum term or penalty for the offense, the 6843
specific language of that section shall control in determining 6844
the minimum term or otherwise sentencing the offender but the 6845
minimum term or sentence imposed under that specific language 6846
shall be considered for purposes of the Revised Code as if it 6847
had been imposed under this division. 6848

(b) For a felony of the second degree committed prior to 6849
the effective date of this amendment, the prison term shall be a 6850
definite term of two, three, four, five, six, seven, or eight 6851
years. 6852

(3) (a) For a felony of the third degree that is a 6853
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 6854
2907.05, or 3795.04 of the Revised Code or that is a violation 6855
of section 2911.02 or 2911.12 of the Revised Code if the 6856
offender previously has been convicted of or pleaded guilty in 6857
two or more separate proceedings to two or more violations of 6858
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 6859
Code, the prison term shall be one of the following: 6860

(i) If the felony of the third degree is committed on or 6861
after the effective date of this amendment, the prison term 6862
shall be an indefinite prison term with a stated minimum 6863
selected by the court of twelve, eighteen, twenty-four, thirty, 6864
thirty-six, forty-two, forty-eight, fifty-four, or sixty months 6865
and a maximum term that is determined pursuant to section 6866
2929.144 of the Revised Code, except that if the section that 6867
criminalizes the conduct constituting the felony specifies a 6868
different minimum term or penalty for the offense, the specific 6869
language of that section shall control in determining the 6870

minimum term or otherwise sentencing the offender but the 6871
minimum term or sentence imposed under that specific language 6872
shall be considered for purposes of the Revised Code as if it 6873
had been imposed under this division. 6874

(ii) If the felony of the third degree is committed prior 6875
to the effective date of this amendment, the prison term shall 6876
be a definite term of twelve, eighteen, twenty-four, thirty, 6877
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 6878

(b) For a felony of the third degree that is not an 6879
offense for which division (A) (3) (a) of this section applies, 6880
the prison term shall be a definite term of nine, twelve, 6881
eighteen, twenty-four, thirty, or thirty-six months. 6882

(4) For a felony of the fourth degree, the prison term 6883
shall be a definite term of six, seven, eight, nine, ten, 6884
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 6885
or eighteen months. 6886

(5) For a felony of the fifth degree, the prison term 6887
shall be a definite term of six, seven, eight, nine, ten, 6888
eleven, or twelve months. 6889

(B) (1) (a) Except as provided in division (B) (1) (e) of this 6890
section, if an offender who is convicted of or pleads guilty to 6891
a felony also is convicted of or pleads guilty to a 6892
specification of the type described in section 2941.141, 6893
2941.144, or 2941.145 of the Revised Code, the court shall 6894
impose on the offender one of the following prison terms: 6895

(i) A prison term of six years if the specification is of 6896
the type described in division (A) of section 2941.144 of the 6897
Revised Code that charges the offender with having a firearm 6898
that is an automatic firearm or that was equipped with a firearm 6899

muffler or suppressor on or about the offender's person or under 6900
the offender's control while committing the offense; 6901

(ii) A prison term of three years if the specification is 6902
of the type described in division (A) of section 2941.145 of the 6903
Revised Code that charges the offender with having a firearm on 6904
or about the offender's person or under the offender's control 6905
while committing the offense and displaying the firearm, 6906
brandishing the firearm, indicating that the offender possessed 6907
the firearm, or using it to facilitate the offense; 6908

(iii) A prison term of one year if the specification is of 6909
the type described in division (A) of section 2941.141 of the 6910
Revised Code that charges the offender with having a firearm on 6911
or about the offender's person or under the offender's control 6912
while committing the offense; 6913

(iv) A prison term of nine years if the specification is 6914
of the type described in division (D) of section 2941.144 of the 6915
Revised Code that charges the offender with having a firearm 6916
that is an automatic firearm or that was equipped with a firearm 6917
muffler or suppressor on or about the offender's person or under 6918
the offender's control while committing the offense and 6919
specifies that the offender previously has been convicted of or 6920
pleaded guilty to a specification of the type described in 6921
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 6922
the Revised Code; 6923

(v) A prison term of fifty-four months if the 6924
specification is of the type described in division (D) of 6925
section 2941.145 of the Revised Code that charges the offender 6926
with having a firearm on or about the offender's person or under 6927
the offender's control while committing the offense and 6928
displaying the firearm, brandishing the firearm, indicating that 6929

the offender possessed the firearm, or using the firearm to 6930
facilitate the offense and that the offender previously has been 6931
convicted of or pleaded guilty to a specification of the type 6932
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 6933
2941.1412 of the Revised Code; 6934

(vi) A prison term of eighteen months if the specification 6935
is of the type described in division (D) of section 2941.141 of 6936
the Revised Code that charges the offender with having a firearm 6937
on or about the offender's person or under the offender's 6938
control while committing the offense and that the offender 6939
previously has been convicted of or pleaded guilty to a 6940
specification of the type described in section 2941.141, 6941
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 6942

(b) If a court imposes a prison term on an offender under 6943
division (B) (1) (a) of this section, the prison term shall not be 6944
reduced pursuant to section 2967.19, section 2929.20, section 6945
2967.193, or any other provision of Chapter 2967. or Chapter 6946
5120. of the Revised Code. Except as provided in division (B) (1) 6947
(g) of this section, a court shall not impose more than one 6948
prison term on an offender under division (B) (1) (a) of this 6949
section for felonies committed as part of the same act or 6950
transaction. 6951

(c) (i) Except as provided in division (B) (1) (e) of this 6952
section, if an offender who is convicted of or pleads guilty to 6953
a violation of section 2923.161 of the Revised Code or to a 6954
felony that includes, as an essential element, purposely or 6955
knowingly causing or attempting to cause the death of or 6956
physical harm to another, also is convicted of or pleads guilty 6957
to a specification of the type described in division (A) of 6958
section 2941.146 of the Revised Code that charges the offender 6959

with committing the offense by discharging a firearm from a 6960
motor vehicle other than a manufactured home, the court, after 6961
imposing a prison term on the offender for the violation of 6962
section 2923.161 of the Revised Code or for the other felony 6963
offense under division (A), (B) (2), or (B) (3) of this section, 6964
shall impose an additional prison term of five years upon the 6965
offender that shall not be reduced pursuant to section 2929.20, 6966
section 2967.19, section 2967.193, or any other provision of 6967
Chapter 2967. or Chapter 5120. of the Revised Code. 6968

(ii) Except as provided in division (B) (1) (e) of this 6969
section, if an offender who is convicted of or pleads guilty to 6970
a violation of section 2923.161 of the Revised Code or to a 6971
felony that includes, as an essential element, purposely or 6972
knowingly causing or attempting to cause the death of or 6973
physical harm to another, also is convicted of or pleads guilty 6974
to a specification of the type described in division (C) of 6975
section 2941.146 of the Revised Code that charges the offender 6976
with committing the offense by discharging a firearm from a 6977
motor vehicle other than a manufactured home and that the 6978
offender previously has been convicted of or pleaded guilty to a 6979
specification of the type described in section 2941.141, 6980
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 6981
the court, after imposing a prison term on the offender for the 6982
violation of section 2923.161 of the Revised Code or for the 6983
other felony offense under division (A), (B) (2), or (3) of this 6984
section, shall impose an additional prison term of ninety months 6985
upon the offender that shall not be reduced pursuant to section 6986
2929.20, 2967.19, 2967.193, or any other provision of Chapter 6987
2967. or Chapter 5120. of the Revised Code. 6988

(iii) A court shall not impose more than one additional 6989
prison term on an offender under division (B) (1) (c) of this 6990

section for felonies committed as part of the same act or 6991
transaction. If a court imposes an additional prison term on an 6992
offender under division (B) (1) (c) of this section relative to an 6993
offense, the court also shall impose a prison term under 6994
division (B) (1) (a) of this section relative to the same offense, 6995
provided the criteria specified in that division for imposing an 6996
additional prison term are satisfied relative to the offender 6997
and the offense. 6998

(d) If an offender who is convicted of or pleads guilty to 6999
an offense of violence that is a felony also is convicted of or 7000
pleads guilty to a specification of the type described in 7001
section 2941.1411 of the Revised Code that charges the offender 7002
with wearing or carrying body armor while committing the felony 7003
offense of violence, the court shall impose on the offender ~~a~~an 7004
additional prison term of two years. The prison term so imposed, 7005
subject to divisions (C) to (I) of section 2967.19 of the 7006
Revised Code, shall not be reduced pursuant to section 2929.20, 7007
section 2967.19, section 2967.193, or any other provision of 7008
Chapter 2967. or Chapter 5120. of the Revised Code. A court 7009
shall not impose more than one prison term on an offender under 7010
division (B) (1) (d) of this section for felonies committed as 7011
part of the same act or transaction. If a court imposes an 7012
additional prison term under division (B) (1) (a) or (c) of this 7013
section, the court is not precluded from imposing an additional 7014
prison term under division (B) (1) (d) of this section. 7015

(e) The court shall not impose any of the prison terms 7016
described in division (B) (1) (a) of this section or any of the 7017
additional prison terms described in division (B) (1) (c) of this 7018
section upon an offender for a violation of section 2923.12 or 7019
2923.123 of the Revised Code. The court shall not impose any of 7020
the prison terms described in division (B) (1) (a) or (b) of this 7021

section upon an offender for a violation of section 2923.122 7022
that involves a deadly weapon that is a firearm other than a 7023
dangerous ordnance, section 2923.16, or section 2923.121 of the 7024
Revised Code. The court shall not impose any of the prison terms 7025
described in division (B) (1) (a) of this section or any of the 7026
additional prison terms described in division (B) (1) (c) of this 7027
section upon an offender for a violation of section 2923.13 of 7028
the Revised Code unless all of the following apply: 7029

(i) The offender previously has been convicted of 7030
aggravated murder, murder, or any felony of the first or second 7031
degree. 7032

(ii) Less than five years have passed since the offender 7033
was released from prison or post-release control, whichever is 7034
later, for the prior offense. 7035

(f) (i) If an offender is convicted of or pleads guilty to 7036
a felony that includes, as an essential element, causing or 7037
attempting to cause the death of or physical harm to another and 7038
also is convicted of or pleads guilty to a specification of the 7039
type described in division (A) of section 2941.1412 of the 7040
Revised Code that charges the offender with committing the 7041
offense by discharging a firearm at a peace officer as defined 7042
in section 2935.01 of the Revised Code or a corrections officer, 7043
as defined in section 2941.1412 of the Revised Code, the court, 7044
after imposing a prison term on the offender for the felony 7045
offense under division (A), (B) (2), or (B) (3) of this section, 7046
shall impose an additional prison term of seven years upon the 7047
offender that shall not be reduced pursuant to section 2929.20, 7048
section 2967.19, section 2967.193, or any other provision of 7049
Chapter 2967. or Chapter 5120. of the Revised Code. 7050

(ii) If an offender is convicted of or pleads guilty to a 7051

felony that includes, as an essential element, causing or 7052
attempting to cause the death of or physical harm to another and 7053
also is convicted of or pleads guilty to a specification of the 7054
type described in division (B) of section 2941.1412 of the 7055
Revised Code that charges the offender with committing the 7056
offense by discharging a firearm at a peace officer, as defined 7057
in section 2935.01 of the Revised Code, or a corrections 7058
officer, as defined in section 2941.1412 of the Revised Code, 7059
and that the offender previously has been convicted of or 7060
pleaded guilty to a specification of the type described in 7061
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 7062
the Revised Code, the court, after imposing a prison term on the 7063
offender for the felony offense under division (A), (B) (2), or 7064
(3) of this section, shall impose an additional prison term of 7065
one hundred twenty-six months upon the offender that shall not 7066
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 7067
any other provision of Chapter 2967. or 5120. of the Revised 7068
Code. 7069

(iii) If an offender is convicted of or pleads guilty to 7070
two or more felonies that include, as an essential element, 7071
causing or attempting to cause the death or physical harm to 7072
another and also is convicted of or pleads guilty to a 7073
specification of the type described under division (B) (1) (f) of 7074
this section in connection with two or more of the felonies of 7075
which the offender is convicted or to which the offender pleads 7076
guilty, the sentencing court shall impose on the offender the 7077
prison term specified under division (B) (1) (f) of this section 7078
for each of two of the specifications of which the offender is 7079
convicted or to which the offender pleads guilty and, in its 7080
discretion, also may impose on the offender the prison term 7081
specified under that division for any or all of the remaining 7082

specifications. If a court imposes an additional prison term on 7083
an offender under division (B) (1) (f) of this section relative to 7084
an offense, the court shall not impose a prison term under 7085
division (B) (1) (a) or (c) of this section relative to the same 7086
offense. 7087

(g) If an offender is convicted of or pleads guilty to two 7088
or more felonies, if one or more of those felonies are 7089
aggravated murder, murder, attempted aggravated murder, 7090
attempted murder, aggravated robbery, felonious assault, or 7091
rape, and if the offender is convicted of or pleads guilty to a 7092
specification of the type described under division (B) (1) (a) of 7093
this section in connection with two or more of the felonies, the 7094
sentencing court shall impose on the offender the prison term 7095
specified under division (B) (1) (a) of this section for each of 7096
the two most serious specifications of which the offender is 7097
convicted or to which the offender pleads guilty and, in its 7098
discretion, also may impose on the offender the prison term 7099
specified under that division for any or all of the remaining 7100
specifications. 7101

(2) (a) If division (B) (2) (b) of this section does not 7102
apply, the court may impose on an offender, in addition to the 7103
longest prison term authorized or required for the offense or, 7104
for offenses for which division (A) (1) (a), (2) (a), or (3) (a) (i) 7105
of this section applies, in addition to the longest minimum 7106
prison term authorized or required for the offense, an 7107
additional definite prison term of one, two, three, four, five, 7108
six, seven, eight, nine, or ten years if all of the following 7109
criteria are met: 7110

(i) The offender is convicted of or pleads guilty to a 7111
specification of the type described in section 2941.149 of the 7112

Revised Code that the offender is a repeat violent offender. 7113

(ii) The offense of which the offender currently is 7114
convicted or to which the offender currently pleads guilty is 7115
aggravated murder and the court does not impose a sentence of 7116
death or life imprisonment without parole, murder, terrorism and 7117
the court does not impose a sentence of life imprisonment 7118
without parole, any felony of the first degree that is an 7119
offense of violence and the court does not impose a sentence of 7120
life imprisonment without parole, or any felony of the second 7121
degree that is an offense of violence and the trier of fact 7122
finds that the offense involved an attempt to cause or a threat 7123
to cause serious physical harm to a person or resulted in 7124
serious physical harm to a person. 7125

(iii) The court imposes the longest prison term for the 7126
offense or the longest minimum prison term for the offense, 7127
whichever is applicable, that is not life imprisonment without 7128
parole. 7129

(iv) The court finds that the prison terms imposed 7130
pursuant to division (B) (2) (a) (iii) of this section and, if 7131
applicable, division (B) (1) or (3) of this section are 7132
inadequate to punish the offender and protect the public from 7133
future crime, because the applicable factors under section 7134
2929.12 of the Revised Code indicating a greater likelihood of 7135
recidivism outweigh the applicable factors under that section 7136
indicating a lesser likelihood of recidivism. 7137

(v) The court finds that the prison terms imposed pursuant 7138
to division (B) (2) (a) (iii) of this section and, if applicable, 7139
division (B) (1) or (3) of this section are demeaning to the 7140
seriousness of the offense, because one or more of the factors 7141
under section 2929.12 of the Revised Code indicating that the 7142

offender's conduct is more serious than conduct normally 7143
constituting the offense are present, and they outweigh the 7144
applicable factors under that section indicating that the 7145
offender's conduct is less serious than conduct normally 7146
constituting the offense. 7147

(b) The court shall impose on an offender the longest 7148
prison term authorized or required for the offense or, for 7149
offenses for which division (A) (1) (a), (2) (a), or (3) (a) (i) of 7150
this section applies, the longest minimum prison term authorized 7151
or required for the offense, and shall impose on the offender an 7152
additional definite prison term of one, two, three, four, five, 7153
six, seven, eight, nine, or ten years if all of the following 7154
criteria are met: 7155

(i) The offender is convicted of or pleads guilty to a 7156
specification of the type described in section 2941.149 of the 7157
Revised Code that the offender is a repeat violent offender. 7158

(ii) The offender within the preceding twenty years has 7159
been convicted of or pleaded guilty to three or more offenses 7160
described in division (CC) (1) of section 2929.01 of the Revised 7161
Code, including all offenses described in that division of which 7162
the offender is convicted or to which the offender pleads guilty 7163
in the current prosecution and all offenses described in that 7164
division of which the offender previously has been convicted or 7165
to which the offender previously pleaded guilty, whether 7166
prosecuted together or separately. 7167

(iii) The offense or offenses of which the offender 7168
currently is convicted or to which the offender currently pleads 7169
guilty is aggravated murder and the court does not impose a 7170
sentence of death or life imprisonment without parole, murder, 7171
terrorism and the court does not impose a sentence of life 7172

imprisonment without parole, any felony of the first degree that 7173
is an offense of violence and the court does not impose a 7174
sentence of life imprisonment without parole, or any felony of 7175
the second degree that is an offense of violence and the trier 7176
of fact finds that the offense involved an attempt to cause or a 7177
threat to cause serious physical harm to a person or resulted in 7178
serious physical harm to a person. 7179

(c) For purposes of division (B) (2) (b) of this section, 7180
two or more offenses committed at the same time or as part of 7181
the same act or event shall be considered one offense, and that 7182
one offense shall be the offense with the greatest penalty. 7183

(d) A sentence imposed under division (B) (2) (a) or (b) of 7184
this section shall not be reduced pursuant to section 2929.20, 7185
section 2967.19, or section 2967.193, or any other provision of 7186
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 7187
shall serve an additional prison term imposed under division (B) 7188
(2) (a) or (b) of this section consecutively to and prior to the 7189
prison term imposed for the underlying offense. 7190

(e) When imposing a sentence pursuant to division (B) (2) 7191
(a) or (b) of this section, the court shall state its findings 7192
explaining the imposed sentence. 7193

(3) Except when an offender commits a violation of section 7194
2903.01 or 2907.02 of the Revised Code and the penalty imposed 7195
for the violation is life imprisonment or commits a violation of 7196
section 2903.02 of the Revised Code, if the offender commits a 7197
violation of section 2925.03 or 2925.11 of the Revised Code and 7198
that section classifies the offender as a major drug offender, 7199
if the offender commits a felony violation of section 2925.02, 7200
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 7201
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 7202

division (E) of section 4729.51, or division (J) of section 7203
4729.54 of the Revised Code that includes the sale, offer to 7204
sell, or possession of a schedule I or II controlled substance, 7205
with the exception of marihuana, and the court imposing sentence 7206
upon the offender finds that the offender is guilty of a 7207
specification of the type described in section 2941.1410 of the 7208
Revised Code charging that the offender is a major drug 7209
offender, if the court imposing sentence upon an offender for a 7210
felony finds that the offender is guilty of corrupt activity 7211
with the most serious offense in the pattern of corrupt activity 7212
being a felony of the first degree, or if the offender is guilty 7213
of an attempted violation of section 2907.02 of the Revised Code 7214
and, had the offender completed the violation of section 2907.02 7215
of the Revised Code that was attempted, the offender would have 7216
been subject to a sentence of life imprisonment or life 7217
imprisonment without parole for the violation of section 2907.02 7218
of the Revised Code, the court shall impose upon the offender 7219
for the felony violation a mandatory prison term ~~of the maximum~~ 7220
~~prison term prescribed for a felony of the first degree~~ 7221
determined as described in this division that, subject to 7222
divisions (C) to (I) of section 2967.19 of the Revised Code, 7223
cannot be reduced pursuant to section 2929.20, section 2967.19, 7224
or any other provision of Chapter 2967. or 5120. of the Revised 7225
Code. The mandatory prison term shall be the maximum definite 7226
prison term prescribed in division (A)(1)(b) of this section for 7227
a felony of the first degree, except that for offenses for which 7228
division (A)(1)(a) of this section applies, the mandatory prison 7229
term shall be the longest minimum prison term prescribed in that 7230
division for the offense. 7231

(4) If the offender is being sentenced for a third or 7232
fourth degree felony OVI offense under division (G)(2) of 7233

section 2929.13 of the Revised Code, the sentencing court shall 7234
impose upon the offender a mandatory prison term in accordance 7235
with that division. In addition to the mandatory prison term, if 7236
the offender is being sentenced for a fourth degree felony OVI 7237
offense, the court, notwithstanding division (A)(4) of this 7238
section, may sentence the offender to a definite prison term of 7239
not less than six months and not more than thirty months, and if 7240
the offender is being sentenced for a third degree felony OVI 7241
offense, the sentencing court may sentence the offender to an 7242
additional prison term of any duration specified in division (A) 7243
(3) of this section. In either case, the additional prison term 7244
imposed shall be reduced by the sixty or one hundred twenty days 7245
imposed upon the offender as the mandatory prison term. The 7246
total of the additional prison term imposed under division (B) 7247
(4) of this section plus the sixty or one hundred twenty days 7248
imposed as the mandatory prison term shall equal a definite term 7249
in the range of six months to thirty months for a fourth degree 7250
felony OVI offense and shall equal one of the authorized prison 7251
terms specified in division (A)(3) of this section for a third 7252
degree felony OVI offense. If the court imposes an additional 7253
prison term under division (B)(4) of this section, the offender 7254
shall serve the additional prison term after the offender has 7255
served the mandatory prison term required for the offense. In 7256
addition to the mandatory prison term or mandatory and 7257
additional prison term imposed as described in division (B)(4) 7258
of this section, the court also may sentence the offender to a 7259
community control sanction under section 2929.16 or 2929.17 of 7260
the Revised Code, but the offender shall serve all of the prison 7261
terms so imposed prior to serving the community control 7262
sanction. 7263

If the offender is being sentenced for a fourth degree 7264

felony OVI offense under division (G) (1) of section 2929.13 of 7265
the Revised Code and the court imposes a mandatory term of local 7266
incarceration, the court may impose a prison term as described 7267
in division (A) (1) of that section. 7268

(5) If an offender is convicted of or pleads guilty to a 7269
violation of division (A) (1) or (2) of section 2903.06 of the 7270
Revised Code and also is convicted of or pleads guilty to a 7271
specification of the type described in section 2941.1414 of the 7272
Revised Code that charges that the victim of the offense is a 7273
peace officer, as defined in section 2935.01 of the Revised 7274
Code, or an investigator of the bureau of criminal 7275
identification and investigation, as defined in section 2903.11 7276
of the Revised Code, the court shall impose on the offender a 7277
prison term of five years. If a court imposes a prison term on 7278
an offender under division (B) (5) of this section, the prison 7279
term, subject to divisions (C) to (I) of section 2967.19 of the 7280
Revised Code, shall not be reduced pursuant to section 2929.20, 7281
section 2967.19, section 2967.193, or any other provision of 7282
Chapter 2967. or Chapter 5120. of the Revised Code. A court 7283
shall not impose more than one prison term on an offender under 7284
division (B) (5) of this section for felonies committed as part 7285
of the same act. 7286

(6) If an offender is convicted of or pleads guilty to a 7287
violation of division (A) (1) or (2) of section 2903.06 of the 7288
Revised Code and also is convicted of or pleads guilty to a 7289
specification of the type described in section 2941.1415 of the 7290
Revised Code that charges that the offender previously has been 7291
convicted of or pleaded guilty to three or more violations of 7292
division (A) or (B) of section 4511.19 of the Revised Code or an 7293
equivalent offense, as defined in section 2941.1415 of the 7294
Revised Code, or three or more violations of any combination of 7295

those divisions and offenses, the court shall impose on the 7296
offender a prison term of three years. If a court imposes a 7297
prison term on an offender under division (B) (6) of this 7298
section, the prison term, subject to divisions (C) to (I) of 7299
section 2967.19 of the Revised Code, shall not be reduced 7300
pursuant to section 2929.20, section 2967.19, section 2967.193, 7301
or any other provision of Chapter 2967. or Chapter 5120. of the 7302
Revised Code. A court shall not impose more than one prison term 7303
on an offender under division (B) (6) of this section for 7304
felonies committed as part of the same act. 7305

(7) (a) If an offender is convicted of or pleads guilty to 7306
a felony violation of section 2905.01, 2905.02, 2907.21, 7307
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 7308
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 7309
the Revised Code and also is convicted of or pleads guilty to a 7310
specification of the type described in section 2941.1422 of the 7311
Revised Code that charges that the offender knowingly committed 7312
the offense in furtherance of human trafficking, the court shall 7313
impose on the offender a mandatory prison term that is one of 7314
the following: 7315

(i) If the offense is a felony of the first degree, a 7316
definite prison term of not less than five years and not greater 7317
than ~~ten~~ eleven years, except that if the offense is a felony of 7318
the first degree committed on or after the effective date of 7319
this amendment, the court shall impose as the minimum prison 7320
term a mandatory term of not less than five years and not 7321
greater than eleven years; 7322

(ii) If the offense is a felony of the second or third 7323
degree, a definite prison term of not less than three years and 7324
not greater than the maximum prison term allowed for the offense 7325

by division (A) ~~(2) (b) or (3)~~ of ~~this section 2929.14 of the~~ 7326
~~Revised Code, except that if the offense is a felony of the~~ 7327
~~second degree committed on or after the effective date of this~~ 7328
~~amendment, the court shall impose as the minimum prison term a~~ 7329
~~mandatory term of not less than three years and not greater than~~ 7330
~~eight years;~~ 7331

(iii) If the offense is a felony of the fourth or fifth 7332
degree, a definite prison term that is the maximum prison term 7333
allowed for the offense by division (A) of section 2929.14 of 7334
the Revised Code. 7335

(b) Subject to divisions (C) to (I) of section 2967.19 of 7336
the Revised Code, the prison term imposed under division (B) (7) 7337
(a) of this section shall not be reduced pursuant to section 7338
2929.20, section 2967.19, section 2967.193, or any other 7339
provision of Chapter 2967. of the Revised Code. A court shall 7340
not impose more than one prison term on an offender under 7341
division (B) (7) (a) of this section for felonies committed as 7342
part of the same act, scheme, or plan. 7343

(8) If an offender is convicted of or pleads guilty to a 7344
felony violation of section 2903.11, 2903.12, or 2903.13 of the 7345
Revised Code and also is convicted of or pleads guilty to a 7346
specification of the type described in section 2941.1423 of the 7347
Revised Code that charges that the victim of the violation was a 7348
woman whom the offender knew was pregnant at the time of the 7349
violation, notwithstanding the range ~~of prison terms~~ prescribed 7350
in division (A) of this section as the definite prison term or 7351
minimum prison term for felonies of the same degree as the 7352
violation, the court shall impose on the offender a mandatory 7353
prison term that is either a definite prison term of six months 7354
or one of the prison terms prescribed in division (A) of this 7355

section ~~2929.14~~ of the Revised Code for felonies of the same 7356
degree as the violation, except that if the violation is a 7357
felony of the first or second degree committed on or after the 7358
effective date of this amendment, the court shall impose as the 7359
minimum prison term under division (A) (1) (a) or (2) (a) of this 7360
section a mandatory term that is one of the terms prescribed in 7361
that division, whichever is applicable, for the offense. 7362

(9) (a) If an offender is convicted of or pleads guilty to 7363
a violation of division (A) (1) or (2) of section 2903.11 of the 7364
Revised Code and also is convicted of or pleads guilty to a 7365
specification of the type described in section 2941.1425 of the 7366
Revised Code, the court shall impose on the offender a mandatory 7367
prison term of six years if either of the following applies: 7368

(i) The violation is a violation of division (A) (1) of 7369
section 2903.11 of the Revised Code and the specification 7370
charges that the offender used an accelerant in committing the 7371
violation and the serious physical harm to another or to 7372
another's unborn caused by the violation resulted in a 7373
permanent, serious disfigurement or permanent, substantial 7374
incapacity; 7375

(ii) The violation is a violation of division (A) (2) of 7376
section 2903.11 of the Revised Code and the specification 7377
charges that the offender used an accelerant in committing the 7378
violation, that the violation caused physical harm to another or 7379
to another's unborn, and that the physical harm resulted in a 7380
permanent, serious disfigurement or permanent, substantial 7381
incapacity. 7382

(b) If a court imposes a prison term on an offender under 7383
division (B) (9) (a) of this section, the prison term shall not be 7384
reduced pursuant to section 2929.20, section 2967.19, section 7385

2967.193, or any other provision of Chapter 2967. or Chapter 7386
5120. of the Revised Code. A court shall not impose more than 7387
one prison term on an offender under division (B) (9) of this 7388
section for felonies committed as part of the same act. 7389

(c) The provisions of divisions (B) (9) and (C) (6) of this 7390
section and of division (D) (2) of section 2903.11, division (F) 7391
(20) of section 2929.13, and section 2941.1425 of the Revised 7392
Code shall be known as "Judy's Law." 7393

(C) (1) (a) Subject to division (C) (1) (b) of this section, 7394
if a mandatory prison term is imposed upon an offender pursuant 7395
to division (B) (1) (a) of this section for having a firearm on or 7396
about the offender's person or under the offender's control 7397
while committing a felony, if a mandatory prison term is imposed 7398
upon an offender pursuant to division (B) (1) (c) of this section 7399
for committing a felony specified in that division by 7400
discharging a firearm from a motor vehicle, or if both types of 7401
mandatory prison terms are imposed, the offender shall serve any 7402
mandatory prison term imposed under either division 7403
consecutively to any other mandatory prison term imposed under 7404
either division or under division (B) (1) (d) of this section, 7405
consecutively to and prior to any prison term imposed for the 7406
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 7407
this section or any other section of the Revised Code, and 7408
consecutively to any other prison term or mandatory prison term 7409
previously or subsequently imposed upon the offender. 7410

(b) If a mandatory prison term is imposed upon an offender 7411
pursuant to division (B) (1) (d) of this section for wearing or 7412
carrying body armor while committing an offense of violence that 7413
is a felony, the offender shall serve the mandatory term so 7414
imposed consecutively to any other mandatory prison term imposed 7415

under that division or under division (B) (1) (a) or (c) of this 7416
section, consecutively to and prior to any prison term imposed 7417
for the underlying felony under division (A), (B) (2), or (B) (3) 7418
of this section or any other section of the Revised Code, and 7419
consecutively to any other prison term or mandatory prison term 7420
previously or subsequently imposed upon the offender. 7421

(c) If a mandatory prison term is imposed upon an offender 7422
pursuant to division (B) (1) (f) of this section, the offender 7423
shall serve the mandatory prison term so imposed consecutively 7424
to and prior to any prison term imposed for the underlying 7425
felony under division (A), (B) (2), or (B) (3) of this section or 7426
any other section of the Revised Code, and consecutively to any 7427
other prison term or mandatory prison term previously or 7428
subsequently imposed upon the offender. 7429

(d) If a mandatory prison term is imposed upon an offender 7430
pursuant to division (B) (7) or (8) of this section, the offender 7431
shall serve the mandatory prison term so imposed consecutively 7432
to any other mandatory prison term imposed under that division 7433
or under any other provision of law and consecutively to any 7434
other prison term or mandatory prison term previously or 7435
subsequently imposed upon the offender. 7436

(2) If an offender who is an inmate in a jail, prison, or 7437
other residential detention facility violates section 2917.02, 7438
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 7439
(2) of section 2921.34 of the Revised Code, if an offender who 7440
is under detention at a detention facility commits a felony 7441
violation of section 2923.131 of the Revised Code, or if an 7442
offender who is an inmate in a jail, prison, or other 7443
residential detention facility or is under detention at a 7444
detention facility commits another felony while the offender is 7445

an escapee in violation of division (A) (1) or (2) of section 7446
2921.34 of the Revised Code, any prison term imposed upon the 7447
offender for one of those violations shall be served by the 7448
offender consecutively to the prison term or term of 7449
imprisonment the offender was serving when the offender 7450
committed that offense and to any other prison term previously 7451
or subsequently imposed upon the offender. 7452

(3) If a prison term is imposed for a violation of 7453
division (B) of section 2911.01 of the Revised Code, a violation 7454
of division (A) of section 2913.02 of the Revised Code in which 7455
the stolen property is a firearm or dangerous ordnance, or a 7456
felony violation of division (B) of section 2921.331 of the 7457
Revised Code, the offender shall serve that prison term 7458
consecutively to any other prison term or mandatory prison term 7459
previously or subsequently imposed upon the offender. 7460

(4) If multiple prison terms are imposed on an offender 7461
for convictions of multiple offenses, the court may require the 7462
offender to serve the prison terms consecutively if the court 7463
finds that the consecutive service is necessary to protect the 7464
public from future crime or to punish the offender and that 7465
consecutive sentences are not disproportionate to the 7466
seriousness of the offender's conduct and to the danger the 7467
offender poses to the public, and if the court also finds any of 7468
the following: 7469

(a) The offender committed one or more of the multiple 7470
offenses while the offender was awaiting trial or sentencing, 7471
was under a sanction imposed pursuant to section 2929.16, 7472
2929.17, or 2929.18 of the Revised Code, or was under post- 7473
release control for a prior offense. 7474

(b) At least two of the multiple offenses were committed 7475

as part of one or more courses of conduct, and the harm caused 7476
by two or more of the multiple offenses so committed was so 7477
great or unusual that no single prison term for any of the 7478
offenses committed as part of any of the courses of conduct 7479
adequately reflects the seriousness of the offender's conduct. 7480

(c) The offender's history of criminal conduct 7481
demonstrates that consecutive sentences are necessary to protect 7482
the public from future crime by the offender. 7483

(5) If a mandatory prison term is imposed upon an offender 7484
pursuant to division (B) (5) or (6) of this section, the offender 7485
shall serve the mandatory prison term consecutively to and prior 7486
to any prison term imposed for the underlying violation of 7487
division (A) (1) or (2) of section 2903.06 of the Revised Code 7488
pursuant to division (A) of this section or section 2929.142 of 7489
the Revised Code. If a mandatory prison term is imposed upon an 7490
offender pursuant to division (B) (5) of this section, and if a 7491
mandatory prison term also is imposed upon the offender pursuant 7492
to division (B) (6) of this section in relation to the same 7493
violation, the offender shall serve the mandatory prison term 7494
imposed pursuant to division (B) (5) of this section 7495
consecutively to and prior to the mandatory prison term imposed 7496
pursuant to division (B) (6) of this section and consecutively to 7497
and prior to any prison term imposed for the underlying 7498
violation of division (A) (1) or (2) of section 2903.06 of the 7499
Revised Code pursuant to division (A) of this section or section 7500
2929.142 of the Revised Code. 7501

(6) If a mandatory prison term is imposed on an offender 7502
pursuant to division (B) (9) of this section, the offender shall 7503
serve the mandatory prison term consecutively to and prior to 7504
any prison term imposed for the underlying violation of division 7505

(A) (1) or (2) of section 2903.11 of the Revised Code and 7506
consecutively to and prior to any other prison term or mandatory 7507
prison term previously or subsequently imposed on the offender. 7508

(7) When consecutive prison terms are imposed pursuant to 7509
division (C) (1), (2), (3), (4), (5), or (6) or division (H) (1) 7510
or (2) of this section, subject to division (C) (8) of this 7511
section, the term to be served is the aggregate of all of the 7512
terms so imposed. 7513

(8) When a court sentences an offender to a non-life 7514
felony indefinite prison term, any definite prison term or 7515
mandatory definite prison term previously or subsequently 7516
imposed on the offender in addition to that indefinite sentence 7517
that is required to be served consecutively to that indefinite 7518
sentence shall be served prior to the indefinite sentence. 7519

(9) If a court is sentencing an offender for a felony of 7520
the first, second, or third degree, if division (A) (1) (a), (2) 7521
(a), or (3) (a) (i) of this section applies with respect to the 7522
sentencing for the offense, and if the court is required under 7523
the Revised Code section that sets forth the offense or any 7524
other Revised Code provision to impose a mandatory prison term 7525
for the offense, the court shall impose the required mandatory 7526
prison term as the minimum term imposed under division (A) (1) 7527
(a), (2) (a), or (3) (a) (i) of this section, whichever is 7528
applicable. 7529

(D) (1) If a court imposes a prison term, other than a term 7530
of life imprisonment, for a felony of the first degree, for a 7531
felony of the second degree, for a felony sex offense, or for a 7532
felony of the third degree that is an offense of violence and 7533
that is not a felony sex offense ~~and in the commission of which~~ 7534
~~the offender caused or threatened to cause physical harm to a~~ 7535

~~person~~, it shall include in the sentence a requirement that the 7536
offender be subject to a period of post-release control after 7537
the offender's release from imprisonment, in accordance with 7538
~~that division~~ section 2967.28 of the Revised Code. If a court 7539
imposes a sentence including a prison term of a type described 7540
in this division on or after July 11, 2006, the failure of a 7541
court to include a post-release control requirement in the 7542
sentence pursuant to this division does not negate, limit, or 7543
otherwise affect the mandatory period of post-release control 7544
that is required for the offender under division (B) of section 7545
2967.28 of the Revised Code. Section 2929.191 of the Revised 7546
Code applies if, prior to July 11, 2006, a court imposed a 7547
sentence including a prison term of a type described in this 7548
division and failed to include in the sentence pursuant to this 7549
division a statement regarding post-release control. 7550

(2) If a court imposes a prison term for a felony of the 7551
third, fourth, or fifth degree that is not subject to division 7552
(D) (1) of this section, it shall include in the sentence a 7553
requirement that the offender be subject to a period of post- 7554
release control after the offender's release from imprisonment, 7555
in accordance with that division, if the parole board determines 7556
that a period of post-release control is necessary. Section 7557
2929.191 of the Revised Code applies if, prior to July 11, 2006, 7558
a court imposed a sentence including a prison term of a type 7559
described in this division and failed to include in the sentence 7560
pursuant to this division a statement regarding post-release 7561
control. 7562

(E) The court shall impose sentence upon the offender in 7563
accordance with section 2971.03 of the Revised Code, and Chapter 7564
2971. of the Revised Code applies regarding the prison term or 7565
term of life imprisonment without parole imposed upon the 7566

offender and the service of that term of imprisonment if any of 7567
the following apply: 7568

(1) A person is convicted of or pleads guilty to a violent 7569
sex offense or a designated homicide, assault, or kidnapping 7570
offense, and, in relation to that offense, the offender is 7571
adjudicated a sexually violent predator. 7572

(2) A person is convicted of or pleads guilty to a 7573
violation of division (A) (1) (b) of section 2907.02 of the 7574
Revised Code committed on or after January 2, 2007, and either 7575
the court does not impose a sentence of life without parole when 7576
authorized pursuant to division (B) of section 2907.02 of the 7577
Revised Code, or division (B) of section 2907.02 of the Revised 7578
Code provides that the court shall not sentence the offender 7579
pursuant to section 2971.03 of the Revised Code. 7580

(3) A person is convicted of or pleads guilty to attempted 7581
rape committed on or after January 2, 2007, and a specification 7582
of the type described in section 2941.1418, 2941.1419, or 7583
2941.1420 of the Revised Code. 7584

(4) A person is convicted of or pleads guilty to a 7585
violation of section 2905.01 of the Revised Code committed on or 7586
after January 1, 2008, and that section requires the court to 7587
sentence the offender pursuant to section 2971.03 of the Revised 7588
Code. 7589

(5) A person is convicted of or pleads guilty to 7590
aggravated murder committed on or after January 1, 2008, and 7591
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 7592
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 7593
(d) of section 2929.03, or division (A) or (B) of section 7594
2929.06 of the Revised Code requires the court to sentence the 7595

offender pursuant to division (B) (3) of section 2971.03 of the Revised Code. 7596
7597

(6) A person is convicted of or pleads guilty to murder 7598
committed on or after January 1, 2008, and division (B) (2) of 7599
section 2929.02 of the Revised Code requires the court to 7600
sentence the offender pursuant to section 2971.03 of the Revised 7601
Code. 7602

(F) If a person who has been convicted of or pleaded 7603
guilty to a felony is sentenced to a prison term or term of 7604
imprisonment under this section, sections 2929.02 to 2929.06 of 7605
the Revised Code, section 2929.142 of the Revised Code, section 7606
2971.03 of the Revised Code, or any other provision of law, 7607
section 5120.163 of the Revised Code applies regarding the 7608
person while the person is confined in a state correctional 7609
institution. 7610

(G) If an offender who is convicted of or pleads guilty to 7611
a felony that is an offense of violence also is convicted of or 7612
pleads guilty to a specification of the type described in 7613
section 2941.142 of the Revised Code that charges the offender 7614
with having committed the felony while participating in a 7615
criminal gang, the court shall impose upon the offender an 7616
additional prison term of one, two, or three years. 7617

(H) (1) If an offender who is convicted of or pleads guilty 7618
to aggravated murder, murder, or a felony of the first, second, 7619
or third degree that is an offense of violence also is convicted 7620
of or pleads guilty to a specification of the type described in 7621
section 2941.143 of the Revised Code that charges the offender 7622
with having committed the offense in a school safety zone or 7623
towards a person in a school safety zone, the court shall impose 7624
upon the offender an additional prison term of two years. The 7625

offender shall serve the additional two years consecutively to 7626
and prior to the prison term imposed for the underlying offense. 7627

(2) (a) If an offender is convicted of or pleads guilty to 7628
a felony violation of section 2907.22, 2907.24, 2907.241, or 7629
2907.25 of the Revised Code and to a specification of the type 7630
described in section 2941.1421 of the Revised Code and if the 7631
court imposes a prison term on the offender for the felony 7632
violation, the court may impose upon the offender an additional 7633
prison term as follows: 7634

(i) Subject to division (H) (2) (a) (ii) of this section, an 7635
additional prison term of one, two, three, four, five, or six 7636
months; 7637

(ii) If the offender previously has been convicted of or 7638
pleaded guilty to one or more felony or misdemeanor violations 7639
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 7640
the Revised Code and also was convicted of or pleaded guilty to 7641
a specification of the type described in section 2941.1421 of 7642
the Revised Code regarding one or more of those violations, an 7643
additional prison term of one, two, three, four, five, six, 7644
seven, eight, nine, ten, eleven, or twelve months. 7645

(b) In lieu of imposing an additional prison term under 7646
division (H) (2) (a) of this section, the court may directly 7647
impose on the offender a sanction that requires the offender to 7648
wear a real-time processing, continual tracking electronic 7649
monitoring device during the period of time specified by the 7650
court. The period of time specified by the court shall equal the 7651
duration of an additional prison term that the court could have 7652
imposed upon the offender under division (H) (2) (a) of this 7653
section. A sanction imposed under this division shall commence 7654
on the date specified by the court, provided that the sanction 7655

shall not commence until after the offender has served the 7656
prison term imposed for the felony violation of section 2907.22, 7657
2907.24, 2907.241, or 2907.25 of the Revised Code and any 7658
residential sanction imposed for the violation under section 7659
2929.16 of the Revised Code. A sanction imposed under this 7660
division shall be considered to be a community control sanction 7661
for purposes of section 2929.15 of the Revised Code, and all 7662
provisions of the Revised Code that pertain to community control 7663
sanctions shall apply to a sanction imposed under this division, 7664
except to the extent that they would by their nature be clearly 7665
inapplicable. The offender shall pay all costs associated with a 7666
sanction imposed under this division, including the cost of the 7667
use of the monitoring device. 7668

(I) At the time of sentencing, the court may recommend the 7669
offender for placement in a program of shock incarceration under 7670
section 5120.031 of the Revised Code or for placement in an 7671
intensive program prison under section 5120.032 of the Revised 7672
Code, disapprove placement of the offender in a program of shock 7673
incarceration or an intensive program prison of that nature, or 7674
make no recommendation on placement of the offender. In no case 7675
shall the department of rehabilitation and correction place the 7676
offender in a program or prison of that nature unless the 7677
department determines as specified in section 5120.031 or 7678
5120.032 of the Revised Code, whichever is applicable, that the 7679
offender is eligible for the placement. 7680

If the court disapproves placement of the offender in a 7681
program or prison of that nature, the department of 7682
rehabilitation and correction shall not place the offender in 7683
any program of shock incarceration or intensive program prison. 7684

If the court recommends placement of the offender in a 7685

program of shock incarceration or in an intensive program 7686
prison, and if the offender is subsequently placed in the 7687
recommended program or prison, the department shall notify the 7688
court of the placement and shall include with the notice a brief 7689
description of the placement. 7690

If the court recommends placement of the offender in a 7691
program of shock incarceration or in an intensive program prison 7692
and the department does not subsequently place the offender in 7693
the recommended program or prison, the department shall send a 7694
notice to the court indicating why the offender was not placed 7695
in the recommended program or prison. 7696

If the court does not make a recommendation under this 7697
division with respect to an offender and if the department 7698
determines as specified in section 5120.031 or 5120.032 of the 7699
Revised Code, whichever is applicable, that the offender is 7700
eligible for placement in a program or prison of that nature, 7701
the department shall screen the offender and determine if there 7702
is an available program of shock incarceration or an intensive 7703
program prison for which the offender is suited. If there is an 7704
available program of shock incarceration or an intensive program 7705
prison for which the offender is suited, the department shall 7706
notify the court of the proposed placement of the offender as 7707
specified in section 5120.031 or 5120.032 of the Revised Code 7708
and shall include with the notice a brief description of the 7709
placement. The court shall have ten days from receipt of the 7710
notice to disapprove the placement. 7711

(J) If a person is convicted of or pleads guilty to 7712
aggravated vehicular homicide in violation of division (A) (1) of 7713
section 2903.06 of the Revised Code and division (B) (2) (c) of 7714
that section applies, the person shall be sentenced pursuant to 7715

section 2929.142 of the Revised Code. 7716

(K) (1) The court shall impose an additional mandatory 7717
prison term of two, three, four, five, six, seven, eight, nine, 7718
ten, or eleven years on an offender who is convicted of or 7719
pleads guilty to a violent felony offense if the offender also 7720
is convicted of or pleads guilty to a specification of the type 7721
described in section 2941.1424 of the Revised Code that charges 7722
that the offender is a violent career criminal and had a firearm 7723
on or about the offender's person or under the offender's 7724
control while committing the presently charged violent felony 7725
offense and displayed or brandished the firearm, indicated that 7726
the offender possessed a firearm, or used the firearm to 7727
facilitate the offense. The offender shall serve the prison term 7728
imposed under this division consecutively to and prior to the 7729
prison term imposed for the underlying offense. The prison term 7730
shall not be reduced pursuant to section 2929.20 or 2967.19 or 7731
any other provision of Chapter 2967. or 5120. of the Revised 7732
Code. A court may not impose more than one sentence under 7733
division (B) (2) (a) of this section and this division for acts 7734
committed as part of the same act or transaction. 7735

(2) As used in division (K) (1) of this section, "violent 7736
career criminal" and "violent felony offense" have the same 7737
meanings as in section 2923.132 of the Revised Code. 7738

Sec. 2929.142. (A) Notwithstanding the definite prison 7739
~~term terms and minimum prison terms specified in division~~ 7740
divisions (A) (1) (a) and (b) of section 2929.14 of the Revised 7741
Code for a felony of the first degree, if an offender is 7742
convicted of or pleads guilty to aggravated vehicular homicide 7743
in violation of division (A) (1) of section 2903.06 of the 7744
Revised Code, the court shall impose upon the offender a 7745

mandatory prison term of ten, eleven, twelve, thirteen, 7746
fourteen, or fifteen years, determined as specified in division 7747
(B) of this section, if any of the following apply: 7748

~~(A)~~ (1) The offender previously has been convicted of or 7749
pleaded guilty to three or more prior violations of section 7750
4511.19 of the Revised Code or of a substantially equivalent 7751
municipal ordinance within the previous ten years. 7752

~~(B)~~ (2) The offender previously has been convicted of or 7753
pleaded guilty to three or more prior violations of division (A) 7754
of section 1547.11 of the Revised Code or of a substantially 7755
equivalent municipal ordinance within the previous ten years. 7756

~~(C)~~ (3) The offender previously has been convicted of or 7757
pleaded guilty to three or more prior violations of division (A) 7758
(3) of section 4561.15 of the Revised Code or of a substantially 7759
equivalent municipal ordinance within the previous ten years. 7760

~~(D)~~ (4) The offender previously has been convicted of or 7761
pleaded guilty to three or more prior violations of division (A) 7762
(1) of section 2903.06 of the Revised Code. 7763

~~(E)~~ (5) The offender previously has been convicted of or 7764
pleaded guilty to three or more prior violations of division (A) 7765
(1) of section 2903.08 of the Revised Code. 7766

~~(F)~~ (6) The offender previously has been convicted of or 7767
pleaded guilty to three or more prior violations of section 7768
2903.04 of the Revised Code in circumstances in which division 7769
(D) of that section applied regarding the violations. 7770

~~(G)~~ (7) The offender previously has been convicted of or 7771
pleaded guilty to three or more violations of any combination of 7772
the offenses listed in division (A) ~~, (B), (C), (D), (E), or (F)~~ 7773
(1), (2), (3), (4), (5), or (6) of this section. 7774

~~(H)~~(8) The offender previously has been convicted of or
pleaded guilty to a second or subsequent felony violation of
division (A) of section 4511.19 of the Revised Code.

(B) The mandatory prison term required under division (A)
of this section shall be a definite term of ten, eleven, twelve,
thirteen, fourteen, or fifteen years, except that if the
aggravated vehicular homicide is committed on or after the
effective date of this amendment, the court shall impose as the
minimum prison term for the offense under division (A) (1) (a) of
section 2929.14 of the Revised Code a mandatory prison term that
is ten, eleven, twelve, thirteen, fourteen, or fifteen years.

Sec. 2929.144. (A) As used in this section, "qualifying
felony of the first, second, or third degree" means a felony of
the first or second degree committed on or after the effective
date of this section or a felony of the third degree that is
described in division (A) (3) (a) of section 2929.14 of the
Revised Code and committed on or after that date.

(B) The court imposing a prison term on an offender under
division (A) (1) (a), (2) (a), or (3) (a) (i) of section 2929.14 of
the Revised Code for a qualifying felony of the first, second,
or third degree shall determine the maximum prison term that is
part of the sentence in accordance with the following:

(1) If the offender is being sentenced for one felony and
the felony is a qualifying felony of the first, second, or third
degree, the maximum prison term shall be one hundred fifty per
cent of the minimum term imposed on the offender under division
(A) (1) (a), (2) (a), or (3) (a) (i) of section 2929.14 of the
Revised Code.

(2) If the offender is being sentenced for more than one

felony, if one or more of the felonies is a qualifying felony of 7804
the first, second, or third degree, and if the court orders that 7805
some or all of the prison terms imposed are to be served 7806
consecutively, the court shall add all of the minimum terms 7807
imposed on the offender under division (A)(1)(a), (2)(a), or (3) 7808
(a)(i) of section 2929.14 of the Revised Code for a qualifying 7809
felony of the first, second, or third degree that are to be 7810
served consecutively and all of the definite terms of the 7811
felonies that are not qualifying felonies of the first, second, 7812
or third degree that are to be served consecutively, and the 7813
maximum term shall be one hundred fifty per cent of the total of 7814
those terms so added by the court. 7815

(3) If the offender is being sentenced for more than one 7816
felony, if one or more of the felonies is a qualifying felony of 7817
the first, second, or third degree, and if the court orders that 7818
all of the prison terms imposed are to run concurrently, the 7819
maximum term shall be one hundred fifty per cent of the longest 7820
of the minimum terms imposed on the offender under division (A) 7821
(1)(a), (2)(a), or (3)(a)(i) of section 2929.14 of the Revised 7822
Code for a qualifying felony of the first, second, or third 7823
degree for which the sentence is being imposed. 7824

(4) Any mandatory prison term, or portion of a mandatory 7825
prison term, that is imposed or to be imposed on the offender 7826
under division (B), (G), or (H) of section 2929.14 of the 7827
Revised Code or under any other provision of the Revised Code, 7828
with respect to a conviction of or plea of guilty to a 7829
specification, and that is in addition to the sentence imposed 7830
for the underlying offense is separate from the sentence being 7831
imposed for the qualifying first, second, or third degree felony 7832
committed on or after the effective date of this section and 7833
shall not be considered or included in determining a maximum 7834

prison term for the offender under divisions (B) (1) to (3) of 7835
this section. 7836

(C) The court imposing a prison term on an offender 7837
pursuant to division (A) (1) (a), (2) (a), or (3) (a) (i) of section 7838
2929.14 of the Revised Code for a qualifying felony of the 7839
first, second, or third degree shall sentence the offender, as 7840
part of the sentence, to the maximum prison term determined 7841
under division (B) of this section. The court shall impose this 7842
maximum term at sentencing as part of the sentence it imposes 7843
under section 2929.14 of the Revised Code, and shall state the 7844
minimum term it imposes under division (A) (1) (a), (2) (a), or (3) 7845
(a) (i) of that section, and this maximum term, in the sentencing 7846
entry. 7847

(D) If a court imposes a prison term on an offender 7848
pursuant to division (A) (1) (a), (2) (a), or (3) (a) (i) of section 7849
2929.14 of the Revised Code for a qualifying felony of the 7850
first, second, or third degree, sections 2967.271 and 2967.272 7851
of the Revised Code apply with respect to the offender's service 7852
of the prison term. 7853

Sec. 2929.15. (A) (1) If in sentencing an offender for a 7854
felony the court is not required to impose a prison term, a 7855
mandatory prison term, or a term of life imprisonment upon the 7856
offender, the court may directly impose a sentence that consists 7857
of one or more community control sanctions authorized pursuant 7858
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 7859
the court is sentencing an offender for a fourth degree felony 7860
OVI offense under division (G) (1) of section 2929.13 of the 7861
Revised Code, in addition to the mandatory term of local 7862
incarceration imposed under that division and the mandatory fine 7863
required by division (B) (3) of section 2929.18 of the Revised 7864

Code, the court may impose upon the offender a community control 7865
sanction or combination of community control sanctions in 7866
accordance with sections 2929.16 and 2929.17 of the Revised 7867
Code. If the court is sentencing an offender for a third or 7868
fourth degree felony OVI offense under division (G) (2) of 7869
section 2929.13 of the Revised Code, in addition to the 7870
mandatory prison term or mandatory prison term and additional 7871
prison term imposed under that division, the court also may 7872
impose upon the offender a community control sanction or 7873
combination of community control sanctions under section 2929.16 7874
or 2929.17 of the Revised Code, but the offender shall serve all 7875
of the prison terms so imposed prior to serving the community 7876
control sanction. 7877

The duration of all community control sanctions imposed 7878
upon an offender under this division shall not exceed five 7879
years. If the offender absconds or otherwise leaves the 7880
jurisdiction of the court in which the offender resides without 7881
obtaining permission from the court or the offender's probation 7882
officer to leave the jurisdiction of the court, or if the 7883
offender is confined in any institution for the commission of 7884
any offense while under a community control sanction, the period 7885
of the community control sanction ceases to run until the 7886
offender is brought before the court for its further action. If 7887
the court sentences the offender to one or more nonresidential 7888
sanctions under section 2929.17 of the Revised Code, the court 7889
shall impose as a condition of the nonresidential sanctions 7890
that, during the period of the sanctions, the offender must 7891
abide by the law and must not leave the state without the 7892
permission of the court or the offender's probation officer. The 7893
court may impose any other conditions of release under a 7894
community control sanction that the court considers appropriate, 7895

including, but not limited to, requiring that the offender not 7896
ingest or be injected with a drug of abuse and submit to random 7897
drug testing as provided in division (D) of this section to 7898
determine whether the offender ingested or was injected with a 7899
drug of abuse and requiring that the results of the drug test 7900
indicate that the offender did not ingest or was not injected 7901
with a drug of abuse. 7902

(2) (a) If a court sentences an offender to any community 7903
control sanction or combination of community control sanctions 7904
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 7905
the Revised Code, the court shall place the offender under the 7906
general control and supervision of a department of probation in 7907
the county that serves the court for purposes of reporting to 7908
the court a violation of any condition of the sanctions, any 7909
condition of release under a community control sanction imposed 7910
by the court, a violation of law, or the departure of the 7911
offender from this state without the permission of the court or 7912
the offender's probation officer. Alternatively, if the offender 7913
resides in another county and a county department of probation 7914
has been established in that county or that county is served by 7915
a multicounty probation department established under section 7916
2301.27 of the Revised Code, the court may request the court of 7917
common pleas of that county to receive the offender into the 7918
general control and supervision of that county or multicounty 7919
department of probation for purposes of reporting to the court a 7920
violation of any condition of the sanctions, any condition of 7921
release under a community control sanction imposed by the court, 7922
a violation of law, or the departure of the offender from this 7923
state without the permission of the court or the offender's 7924
probation officer, subject to the jurisdiction of the trial 7925
judge over and with respect to the person of the offender, and 7926

to the rules governing that department of probation. 7927

If there is no department of probation in the county that 7928
serves the court, the court shall place the offender, regardless 7929
of the offender's county of residence, under the general control 7930
and supervision of the adult parole authority for purposes of 7931
reporting to the court a violation of any of the sanctions, any 7932
condition of release under a community control sanction imposed 7933
by the court, a violation of law, or the departure of the 7934
offender from this state without the permission of the court or 7935
the offender's probation officer. 7936

(b) If the court imposing sentence upon an offender 7937
sentences the offender to any community control sanction or 7938
combination of community control sanctions authorized pursuant 7939
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 7940
if the offender violates any condition of the sanctions, any 7941
condition of release under a community control sanction imposed 7942
by the court, violates any law, or departs the state without the 7943
permission of the court or the offender's probation officer, the 7944
public or private person or entity that operates or administers 7945
the sanction or the program or activity that comprises the 7946
sanction shall report the violation or departure directly to the 7947
sentencing court, or shall report the violation or departure to 7948
the county or multicounty department of probation with general 7949
control and supervision over the offender under division (A)(2) 7950
(a) of this section or the officer of that department who 7951
supervises the offender, or, if there is no such department with 7952
general control and supervision over the offender under that 7953
division, to the adult parole authority. If the public or 7954
private person or entity that operates or administers the 7955
sanction or the program or activity that comprises the sanction 7956
reports the violation or departure to the county or multicounty 7957

department of probation or the adult parole authority, the 7958
department's or authority's officers may treat the offender as 7959
if the offender were on probation and in violation of the 7960
probation, and shall report the violation of the condition of 7961
the sanction, any condition of release under a community control 7962
sanction imposed by the court, the violation of law, or the 7963
departure from the state without the required permission to the 7964
sentencing court. 7965

(3) If an offender who is eligible for community control 7966
sanctions under this section admits to being drug addicted or 7967
the court has reason to believe that the offender is drug 7968
addicted, and if the offense for which the offender is being 7969
sentenced was related to the addiction, the court may require 7970
that the offender be assessed by a properly credentialed 7971
professional within a specified period of time and shall require 7972
the professional to file a written assessment of the offender 7973
with the court. If a court imposes treatment and recovery 7974
support services as a community control sanction, the court 7975
shall direct the level and type of treatment and recovery 7976
support services after consideration of the written assessment, 7977
if available at the time of sentencing, and recommendations of 7978
the professional and other treatment and recovery support 7979
services providers. 7980

(4) If an assessment completed pursuant to division (A) (3) 7981
of this section indicates that the offender is addicted to drugs 7982
or alcohol, the court may include in any community control 7983
sanction imposed for a violation of section 2925.02, 2925.03, 7984
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 7985
2925.36, or 2925.37 of the Revised Code a requirement that the 7986
offender participate in alcohol and drug addiction services and 7987
recovery supports certified under section 5119.36 of the Revised 7988

Code or offered by a properly credentialed community addiction 7989
services provider. 7990

(B) (1) If the conditions of a community control sanction 7991
are violated or if the offender violates a law or leaves the 7992
state without the permission of the court or the offender's 7993
probation officer, the sentencing court may impose upon the 7994
violator one or more of the following penalties: 7995

(a) A longer time under the same sanction if the total 7996
time under the sanctions does not exceed the five-year limit 7997
specified in division (A) of this section; 7998

(b) A more restrictive sanction under section 2929.16, 7999
2929.17, or 2929.18 of the Revised Code; 8000

(c) A prison term on the offender pursuant to section 8001
2929.14 of the Revised Code and division (B) (3) of this section, 8002
provided that a prison term imposed under this division is 8003
subject to the following limitations, as applicable: 8004

(i) If the prison term is imposed for any technical 8005
violation of the conditions of a community control sanction 8006
imposed for a felony of the fifth degree or for any violation of 8007
law committed while under a community control sanction imposed 8008
for such a felony that consists of a new criminal offense and 8009
that is not a felony, the prison term shall not exceed ninety 8010
days. 8011

(ii) If the prison term is imposed for any technical 8012
violation of the conditions of a community control sanction 8013
imposed for a felony of the fourth degree that is not an offense 8014
of violence and is not a sexually oriented offense or for any 8015
violation of law committed while under a community control 8016
sanction imposed for such a felony that consists of a new 8017

criminal offense and that is not a felony, the prison term shall 8018
not exceed one hundred eighty days. 8019

(2) If an offender was acting pursuant to division (B) (2) 8020
(b) of section 2925.11 of the Revised Code and in so doing 8021
violated the conditions of a community control sanction based on 8022
a minor drug possession offense, as defined in section 2925.11 8023
of the Revised Code, the sentencing court may consider the 8024
offender's conduct in seeking or obtaining medical assistance 8025
for another in good faith or for self or may consider the 8026
offender being the subject of another person seeking or 8027
obtaining medical assistance in accordance with that division as 8028
a mitigating factor before imposing any of the penalties 8029
described in division (B) (1) of this section. 8030

(3) The prison term, if any, imposed upon a violator 8031
pursuant to this division and division (B) (1) of this section 8032
shall be within the range of prison terms ~~available for the~~ 8033
~~offense for which the sanction that was violated was imposed~~ 8034
described in this division and shall not exceed the prison term 8035
specified in the notice provided to the offender at the 8036
sentencing hearing pursuant to division (B) (2) of section 8037
2929.19 of the Revised Code. The court may reduce the longer 8038
period of time that the offender is required to spend under the 8039
longer sanction, the more restrictive sanction, or a prison term 8040
imposed pursuant to division (B) (1) of this section by the time 8041
the offender successfully spent under the sanction that was 8042
initially imposed. Except as otherwise specified in this 8043
division, the prison term imposed under this division and 8044
division (B) (1) of this section shall be within the range of 8045
prison terms available as a definite term for the offense for 8046
which the sanction that was violated was imposed. If the offense 8047
for which the sanction that was violated was imposed is a felony 8048

of the first or second degree committed on or after the 8049
effective date of this amendment or a felony of the third degree 8050
that is described in division (A) (3) (a) of section 2929.14 of 8051
the Revised Code and committed on or after that effective date, 8052
the prison term so imposed under this division shall be within 8053
the range of prison terms available as a minimum term for the 8054
offense under division (A) (1) (a), (2) (a), or (3) (a) (i) of 8055
section 2929.14 of the Revised Code. 8056

(C) If an offender, for a significant period of time, 8057
fulfills the conditions of a sanction imposed pursuant to 8058
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 8059
exemplary manner, the court may reduce the period of time under 8060
the sanction or impose a less restrictive sanction, but the 8061
court shall not permit the offender to violate any law or permit 8062
the offender to leave the state without the permission of the 8063
court or the offender's probation officer. 8064

(D) (1) If a court under division (A) (1) of this section 8065
imposes a condition of release under a community control 8066
sanction that requires the offender to submit to random drug 8067
testing, the department of probation or the adult parole 8068
authority that has general control and supervision of the 8069
offender under division (A) (2) (a) of this section may cause the 8070
offender to submit to random drug testing performed by a 8071
laboratory or entity that has entered into a contract with any 8072
of the governmental entities or officers authorized to enter 8073
into a contract with that laboratory or entity under section 8074
341.26, 753.33, or 5120.63 of the Revised Code. 8075

(2) If no laboratory or entity described in division (D) 8076
(1) of this section has entered into a contract as specified in 8077
that division, the department of probation or the adult parole 8078

authority that has general control and supervision of the 8079
offender under division (A) (2) (a) of this section shall cause 8080
the offender to submit to random drug testing performed by a 8081
reputable public laboratory to determine whether the individual 8082
who is the subject of the drug test ingested or was injected 8083
with a drug of abuse. 8084

(3) A laboratory or entity that has entered into a 8085
contract pursuant to section 341.26, 753.33, or 5120.63 of the 8086
Revised Code shall perform the random drug tests under division 8087
(D) (1) of this section in accordance with the applicable 8088
standards that are included in the terms of that contract. A 8089
public laboratory shall perform the random drug tests under 8090
division (D) (2) of this section in accordance with the standards 8091
set forth in the policies and procedures established by the 8092
department of rehabilitation and correction pursuant to section 8093
5120.63 of the Revised Code. An offender who is required under 8094
division (A) (1) of this section to submit to random drug testing 8095
as a condition of release under a community control sanction and 8096
whose test results indicate that the offender ingested or was 8097
injected with a drug of abuse shall pay the fee for the drug 8098
test if the department of probation or the adult parole 8099
authority that has general control and supervision of the 8100
offender requires payment of a fee. A laboratory or entity that 8101
performs the random drug testing on an offender under division 8102
(D) (1) or (2) of this section shall transmit the results of the 8103
drug test to the appropriate department of probation or the 8104
adult parole authority that has general control and supervision 8105
of the offender under division (A) (2) (a) of this section. 8106

Sec. 2929.19. (A) The court shall hold a sentencing 8107
hearing before imposing a sentence under this chapter upon an 8108
offender who was convicted of or pleaded guilty to a felony and 8109

before resentencing an offender who was convicted of or pleaded 8110
guilty to a felony and whose case was remanded pursuant to 8111
section 2953.07 or 2953.08 of the Revised Code. At the hearing, 8112
the offender, the prosecuting attorney, the victim or the 8113
victim's representative in accordance with section 2930.14 of 8114
the Revised Code, and, with the approval of the court, any other 8115
person may present information relevant to the imposition of 8116
sentence in the case. The court shall inform the offender of the 8117
verdict of the jury or finding of the court and ask the offender 8118
whether the offender has anything to say as to why sentence 8119
should not be imposed upon the offender. 8120

(B) (1) At the sentencing hearing, the court, before 8121
imposing sentence, shall consider the record, any information 8122
presented at the hearing by any person pursuant to division (A) 8123
of this section, and, if one was prepared, the presentence 8124
investigation report made pursuant to section 2951.03 of the 8125
Revised Code or Criminal Rule 32.2, and any victim impact 8126
statement made pursuant to section 2947.051 of the Revised Code. 8127

(2) Subject to division (B) (3) of this section, if the 8128
sentencing court determines at the sentencing hearing that a 8129
prison term is necessary or required, the court shall do all of 8130
the following: 8131

(a) Impose a stated prison term and, if the court imposes 8132
a mandatory prison term, notify the offender that the prison 8133
term is a mandatory prison term; 8134

(b) In addition to any other information, include in the 8135
sentencing entry the name and section reference to the offense 8136
or offenses, the sentence or sentences imposed and whether the 8137
sentence or sentences contain mandatory prison terms, if 8138
sentences are imposed for multiple counts whether the sentences 8139

are to be served concurrently or consecutively, and the name and 8140
section reference of any specification or specifications for 8141
which sentence is imposed and the sentence or sentences imposed 8142
for the specification or specifications; 8143

(c) If the prison term is a non-life felony indefinite 8144
prison term, notify the offender of all of the following: 8145

(i) That it is rebuttably presumed that the offender will 8146
be released from service of the sentence on the expiration of 8147
the minimum prison term imposed as part of the sentence or on 8148
the offender's earned early release date, as defined in section 8149
2967.271 of the Revised Code, whichever is earlier; 8150

(ii) That the department of rehabilitation and correction 8151
may rebut the presumption described in division (B) (2) (c) (i) of 8152
this section if, in accordance with section 2967.271 of the 8153
Revised Code, the department makes specified determinations 8154
regarding the offender's conduct while confined, the offender's 8155
rehabilitation, the offender's threat to society, the offender's 8156
housing while confined, and the offender's security 8157
classification; 8158

(iii) That if, as described in division (B) (2) (c) (ii) of 8159
this section, the department makes the specified determinations 8160
and rebuts the presumption, the department may maintain the 8161
offender's incarceration after the expiration of that minimum 8162
term or after that earned early release date for the length of 8163
time the department determines to be reasonable, subject to the 8164
limitation specified in section 2967.271 of the Revised Code; 8165

(iv) That the department may make the specified 8166
determinations and maintain the offender's incarceration under 8167
the provisions described in divisions (B) (2) (c) (i) and (ii) of 8168

this section more than one time, subject to the limitation 8169
specified in section 2967.271 of the Revised Code; 8170

(v) That if the offender has not been released prior to 8171
the expiration of the offender's maximum prison term imposed as 8172
part of the sentence, the offender must be released upon the 8173
expiration of that term. 8174

(d) Notify the offender that the offender will be 8175
supervised under section 2967.28 of the Revised Code after the 8176
offender leaves prison if the offender is being sentenced, other 8177
than to a sentence of life imprisonment, for a felony of the 8178
first degree or second degree, for a felony sex offense, or for 8179
a felony of the third degree that is an offense of violence and 8180
is not a felony sex offense and in the commission of which the 8181
offender caused or threatened to cause physical harm to a 8182
person. This division applies with respect to all prison terms 8183
imposed for an offense of a type described in this division, 8184
including a non-life felony indefinite prison term and including 8185
a term imposed for any ~~such~~ offense of a type described in this 8186
division that is a risk reduction sentence, as defined in 8187
section 2967.28 of the Revised Code. If a court imposes a 8188
sentence including a prison term of a type described in division 8189
(B) (2) ~~(e)~~ (d) of this section on or after July 11, 2006, the 8190
failure of a court to notify the offender pursuant to division 8191
(B) (2) ~~(e)~~ (d) of this section that the offender will be 8192
supervised under section 2967.28 of the Revised Code after the 8193
offender leaves prison or to include in the judgment of 8194
conviction entered on the journal a statement to that effect 8195
does not negate, limit, or otherwise affect the mandatory period 8196
of supervision that is required for the offender under division 8197
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 8198
the Revised Code applies if, prior to July 11, 2006, a court 8199

imposed a sentence including a prison term of a type described 8200
in division (B) (2) ~~(e)~~ (d) of this section and failed to notify 8201
the offender pursuant to division (B) (2) ~~(e)~~ (d) of this section 8202
regarding post-release control or to include in the judgment of 8203
conviction entered on the journal or in the sentence a statement 8204
regarding post-release control. 8205

~~(d)~~ (e) Notify the offender that the offender may be 8206
supervised under section 2967.28 of the Revised Code after the 8207
offender leaves prison if the offender is being sentenced for a 8208
felony of the third, fourth, or fifth degree that is not subject 8209
to division (B) (2) ~~(e)~~ (d) of this section. This division applies 8210
with respect to all prison terms imposed for an offense of a 8211
type described in this division, including a term imposed for 8212
any such offense that is a risk reduction sentence, as defined 8213
in section 2967.28 of the Revised Code. Section 2929.191 of the 8214
Revised Code applies if, prior to July 11, 2006, a court imposed 8215
a sentence including a prison term of a type described in 8216
division (B) (2) ~~(d)~~ (e) of this section and failed to notify the 8217
offender pursuant to division (B) (2) ~~(d)~~ (e) of this section 8218
regarding post-release control or to include in the judgment of 8219
conviction entered on the journal or in the sentence a statement 8220
regarding post-release control. 8221

~~(e)~~ (f) Notify the offender that, if a period of 8222
supervision is imposed following the offender's release from 8223
prison, as described in division (B) (2) ~~(e)~~ (d) or ~~(d)~~ (e) of this 8224
section, and if the offender violates that supervision or a 8225
condition of post-release control imposed under division (B) of 8226
section 2967.131 of the Revised Code, the parole board may 8227
impose a prison term, as part of the sentence, of up to one-half 8228
of the ~~stated~~ definite prison term originally imposed upon the 8229
offender as the offender's stated prison term or up to one-half 8230

of the minimum prison term originally imposed upon the offender 8231
as part of the offender's stated non-life felony indefinite 8232
prison term. If a court imposes a sentence including a prison 8233
term on or after July 11, 2006, the failure of a court to notify 8234
the offender pursuant to division (B) (2) ~~(e)~~ (f) of this section 8235
that the parole board may impose a prison term as described in 8236
division (B) (2) ~~(e)~~ (f) of this section for a violation of that 8237
supervision or a condition of post-release control imposed under 8238
division (B) of section 2967.131 of the Revised Code or to 8239
include in the judgment of conviction entered on the journal a 8240
statement to that effect does not negate, limit, or otherwise 8241
affect the authority of the parole board to so impose a prison 8242
term for a violation of that nature if, pursuant to division (D) 8243
(1) of section 2967.28 of the Revised Code, the parole board 8244
notifies the offender prior to the offender's release of the 8245
board's authority to so impose a prison term. Section 2929.191 8246
of the Revised Code applies if, prior to July 11, 2006, a court 8247
imposed a sentence including a prison term and failed to notify 8248
the offender pursuant to division (B) (2) ~~(e)~~ (f) of this section 8249
regarding the possibility of the parole board imposing a prison 8250
term for a violation of supervision or a condition of post- 8251
release control. 8252

~~(f)~~ (g) Require that the offender not ingest or be injected 8253
with a drug of abuse and submit to random drug testing as 8254
provided in section 341.26, 753.33, or 5120.63 of the Revised 8255
Code, whichever is applicable to the offender who is serving a 8256
prison term, and require that the results of the drug test 8257
administered under any of those sections indicate that the 8258
offender did not ingest or was not injected with a drug of 8259
abuse. 8260

~~(g)~~ (h) (i) Determine, notify the offender of, and include 8261

in the sentencing entry the number of days that the offender has 8262
been confined for any reason arising out of the offense for 8263
which the offender is being sentenced and by which the 8264
department of rehabilitation and correction must reduce the 8265
~~stated~~ definite prison term imposed on the offender as the 8266
offender's stated prison term or, if the offense is an offense 8267
for which a non-life felony indefinite prison term is imposed 8268
under division (A) (1) (a), (2) (a), or (3) (a) (i) of section 8269
2929.14 of the Revised Code, the minimum prison term imposed on 8270
the offender as part of that non-life felony indefinite prison 8271
term, under section 2967.191 of the Revised Code. The court's 8272
calculation shall not include the number of days, if any, that 8273
the offender previously served in the custody of the department 8274
of rehabilitation and correction arising out of the offense for 8275
which the prisoner was convicted and sentenced. 8276

(ii) In making a determination under division (B) (2) ~~(g)~~ (h) 8277
(i) of this section, the court shall consider the arguments of 8278
the parties and conduct a hearing if one is requested. 8279

(iii) The sentencing court retains continuing jurisdiction 8280
to correct any error not previously raised at sentencing in 8281
making a determination under division (B) (2) ~~(g)~~ (h) (i) of this 8282
section. The offender may, at any time after sentencing, file a 8283
motion in the sentencing court to correct any error made in 8284
making a determination under division (B) (2) ~~(g)~~ (h) (i) of this 8285
section, and the court may in its discretion grant or deny that 8286
motion. If the court changes the number of days in its 8287
determination or redetermination, the court shall cause the 8288
entry granting that change to be delivered to the department of 8289
rehabilitation and correction without delay. Sections 2931.15 8290
and 2953.21 of the Revised Code do not apply to a motion made 8291
under this section. 8292

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

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

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

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

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

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

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

(vi) The offender is being sentenced for attempted rape 8322
committed on or after January 2, 2007, and a specification of 8323
the type described in section 2941.1418, 2941.1419, or 2941.1420 8324
of the Revised Code. 8325

(vii) The offender is being sentenced under division (B) 8326
(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code 8327
for an offense described in those divisions committed on or 8328
after January 1, 2008. 8329

(b) Additionally, if any criterion set forth in divisions 8330
(B) (3) (a) (i) to (vii) of this section is satisfied, in the 8331
circumstances described in division (E) of section 2929.14 of 8332
the Revised Code, the court shall impose sentence on the 8333
offender as described in that division. 8334

(4) If the sentencing court determines at the sentencing 8335
hearing that a community control sanction should be imposed and 8336
the court is not prohibited from imposing a community control 8337
sanction, the court shall impose a community control sanction. 8338
The court shall notify the offender that, if the conditions of 8339
the sanction are violated, if the offender commits a violation 8340
of any law, or if the offender leaves this state without the 8341
permission of the court or the offender's probation officer, the 8342
court may impose a longer time under the same sanction, may 8343
impose a more restrictive sanction, or may impose a prison term 8344
on the offender and shall indicate the specific prison term that 8345
may be imposed as a sanction for the violation, as selected by 8346
the court from the range of prison terms for the offense 8347
pursuant to section 2929.14 of the Revised Code and as described 8348
in section 2929.15 of the Revised Code. 8349

(5) Before imposing a financial sanction under section 8350
2929.18 of the Revised Code or a fine under section 2929.32 of 8351

the Revised Code, the court shall consider the offender's 8352
present and future ability to pay the amount of the sanction or 8353
fine. 8354

(6) If the sentencing court sentences the offender to a 8355
sanction of confinement pursuant to section 2929.14 or 2929.16 8356
of the Revised Code that is to be served in a local detention 8357
facility, as defined in section 2929.36 of the Revised Code, and 8358
if the local detention facility is covered by a policy adopted 8359
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 8360
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 8361
and section 2929.37 of the Revised Code, both of the following 8362
apply: 8363

(a) The court shall specify both of the following as part 8364
of the sentence: 8365

(i) If the offender is presented with an itemized bill 8366
pursuant to section 2929.37 of the Revised Code for payment of 8367
the costs of confinement, the offender is required to pay the 8368
bill in accordance with that section. 8369

(ii) If the offender does not dispute the bill described 8370
in division (B) (6) (a) (i) of this section and does not pay the 8371
bill by the times specified in section 2929.37 of the Revised 8372
Code, the clerk of the court may issue a certificate of judgment 8373
against the offender as described in that section. 8374

(b) The sentence automatically includes any certificate of 8375
judgment issued as described in division (B) (6) (a) (ii) of this 8376
section. 8377

(7) The failure of the court to notify the offender that a 8378
prison term is a mandatory prison term pursuant to division (B) 8379
(2) (a) of this section or to include in the sentencing entry any 8380

information required by division (B) (2) (b) of this section does 8381
not affect the validity of the imposed sentence or sentences. If 8382
the sentencing court notifies the offender at the sentencing 8383
hearing that a prison term is mandatory but the sentencing entry 8384
does not specify that the prison term is mandatory, the court 8385
may complete a corrected journal entry and send copies of the 8386
corrected entry to the offender and the department of 8387
rehabilitation and correction, or, at the request of the state, 8388
the court shall complete a corrected journal entry and send 8389
copies of the corrected entry to the offender and department of 8390
rehabilitation and correction. 8391

(C) (1) If the offender is being sentenced for a fourth 8392
degree felony OVI offense under division (G) (1) of section 8393
2929.13 of the Revised Code, the court shall impose the 8394
mandatory term of local incarceration in accordance with that 8395
division, shall impose a mandatory fine in accordance with 8396
division (B) (3) of section 2929.18 of the Revised Code, and, in 8397
addition, may impose additional sanctions as specified in 8398
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 8399
Code. The court shall not impose a prison term on the offender 8400
except that the court may impose a prison term upon the offender 8401
as provided in division (A) (1) of section 2929.13 of the Revised 8402
Code. 8403

(2) If the offender is being sentenced for a third or 8404
fourth degree felony OVI offense under division (G) (2) of 8405
section 2929.13 of the Revised Code, the court shall impose the 8406
mandatory prison term in accordance with that division, shall 8407
impose a mandatory fine in accordance with division (B) (3) of 8408
section 2929.18 of the Revised Code, and, in addition, may 8409
impose an additional prison term as specified in section 2929.14 8410
of the Revised Code. In addition to the mandatory prison term or 8411

mandatory prison term and additional prison term the court 8412
imposes, the court also may impose a community control sanction 8413
on the offender, but the offender shall serve all of the prison 8414
terms so imposed prior to serving the community control 8415
sanction. 8416

(D) The sentencing court, pursuant to division (I)(1) of 8417
section 2929.14 of the Revised Code, may recommend placement of 8418
the offender in a program of shock incarceration under section 8419
5120.031 of the Revised Code or an intensive program prison 8420
under section 5120.032 of the Revised Code, disapprove placement 8421
of the offender in a program or prison of that nature, or make 8422
no recommendation. If the court recommends or disapproves 8423
placement, it shall make a finding that gives its reasons for 8424
its recommendation or disapproval. 8425

Sec. 2929.191. (A) (1) If, prior to July 11, 2006, a court 8426
imposed a sentence including a prison term of a type described 8427
in division (B) (2) ~~(e)~~ (d) of section 2929.19 of the Revised Code 8428
and failed to notify the offender pursuant to that division that 8429
the offender will be supervised under section 2967.28 of the 8430
Revised Code after the offender leaves prison or to include a 8431
statement to that effect in the judgment of conviction entered 8432
on the journal or in the sentence pursuant to division (D) (1) of 8433
section 2929.14 of the Revised Code, at any time before the 8434
offender is released from imprisonment under that term and at a 8435
hearing conducted in accordance with division (C) of this 8436
section, the court may prepare and issue a correction to the 8437
judgment of conviction that includes in the judgment of 8438
conviction the statement that the offender will be supervised 8439
under section 2967.28 of the Revised Code after the offender 8440
leaves prison. 8441

If, prior to July 11, 2006, a court imposed a sentence 8442
including a prison term of a type described in division (B) (2) 8443
~~(d)~~(e) of section 2929.19 of the Revised Code and failed to 8444
notify the offender pursuant to that division that the offender 8445
may be supervised under section 2967.28 of the Revised Code 8446
after the offender leaves prison or to include a statement to 8447
that effect in the judgment of conviction entered on the journal 8448
or in the sentence pursuant to division (D) (2) of section 8449
2929.14 of the Revised Code, at any time before the offender is 8450
released from imprisonment under that term and at a hearing 8451
conducted in accordance with division (C) of this section, the 8452
court may prepare and issue a correction to the judgment of 8453
conviction that includes in the judgment of conviction the 8454
statement that the offender may be supervised under section 8455
2967.28 of the Revised Code after the offender leaves prison. 8456

(2) If a court prepares and issues a correction to a 8457
judgment of conviction as described in division (A) (1) of this 8458
section before the offender is released from imprisonment under 8459
the prison term the court imposed prior to July 11, 2006, the 8460
court shall place upon the journal of the court an entry nunc 8461
pro tunc to record the correction to the judgment of conviction 8462
and shall provide a copy of the entry to the offender or, if the 8463
offender is not physically present at the hearing, shall send a 8464
copy of the entry to the department of rehabilitation and 8465
correction for delivery to the offender. If the court sends a 8466
copy of the entry to the department, the department promptly 8467
shall deliver a copy of the entry to the offender. The court's 8468
placement upon the journal of the entry nunc pro tunc before the 8469
offender is released from imprisonment under the term shall be 8470
considered, and shall have the same effect, as if the court at 8471
the time of original sentencing had included the statement in 8472

the sentence and the judgment of conviction entered on the 8473
journal and had notified the offender that the offender will be 8474
so supervised regarding a sentence including a prison term of a 8475
type described in division (B) (2) ~~(e)~~ (d) of section 2929.19 of 8476
the Revised Code or that the offender may be so supervised 8477
regarding a sentence including a prison term of a type described 8478
in division (B) (2) ~~(d)~~ (e) of that section. 8479

(B) (1) If, prior to July 11, 2006, a court imposed a 8480
sentence including a prison term and failed to notify the 8481
offender pursuant to division (B) (2) ~~(e)~~ (f) of section 2929.19 of 8482
the Revised Code regarding the possibility of the parole board 8483
imposing a prison term for a violation of supervision or a 8484
condition of post-release control or to include in the judgment 8485
of conviction entered on the journal a statement to that effect, 8486
at any time before the offender is released from imprisonment 8487
under that term and at a hearing conducted in accordance with 8488
division (C) of this section, the court may prepare and issue a 8489
correction to the judgment of conviction that includes in the 8490
judgment of conviction the statement that if a period of 8491
supervision is imposed following the offender's release from 8492
prison, as described in division (B) (2) ~~(e)~~ (d) or ~~(d)~~ (e) of 8493
section 2929.19 of the Revised Code, and if the offender 8494
violates that supervision or a condition of post-release control 8495
imposed under division (B) of section 2967.131 of the Revised 8496
Code the parole board may impose as part of the sentence a 8497
prison term of up to one-half of the stated prison term 8498
originally imposed upon the offender. 8499

(2) If the court prepares and issues a correction to a 8500
judgment of conviction as described in division (B) (1) of this 8501
section before the offender is released from imprisonment under 8502
the term, the court shall place upon the journal of the court an 8503

entry nunc pro tunc to record the correction to the judgment of 8504
conviction and shall provide a copy of the entry to the offender 8505
or, if the offender is not physically present at the hearing, 8506
shall send a copy of the entry to the department of 8507
rehabilitation and correction for delivery to the offender. If 8508
the court sends a copy of the entry to the department, the 8509
department promptly shall deliver a copy of the entry to the 8510
offender. The court's placement upon the journal of the entry 8511
nunc pro tunc before the offender is released from imprisonment 8512
under the term shall be considered, and shall have the same 8513
effect, as if the court at the time of original sentencing had 8514
included the statement in the judgment of conviction entered on 8515
the journal and had notified the offender pursuant to division 8516
(B) (2) ~~(e)~~ (f) of section 2929.19 of the Revised Code regarding 8517
the possibility of the parole board imposing a prison term for a 8518
violation of supervision or a condition of post-release control. 8519

(C) On and after July 11, 2006, a court that wishes to 8520
prepare and issue a correction to a judgment of conviction of a 8521
type described in division (A) (1) or (B) (1) of this section 8522
shall not issue the correction until after the court has 8523
conducted a hearing in accordance with this division. Before a 8524
court holds a hearing pursuant to this division, the court shall 8525
provide notice of the date, time, place, and purpose of the 8526
hearing to the offender who is the subject of the hearing, the 8527
prosecuting attorney of the county, and the department of 8528
rehabilitation and correction. The offender has the right to be 8529
physically present at the hearing, except that, upon the court's 8530
own motion or the motion of the offender or the prosecuting 8531
attorney, the court may permit the offender to appear at the 8532
hearing by video conferencing equipment if available and 8533
compatible. An appearance by video conferencing equipment 8534

pursuant to this division has the same force and effect as if 8535
the offender were physically present at the hearing. At the 8536
hearing, the offender and the prosecuting attorney may make a 8537
statement as to whether the court should issue a correction to 8538
the judgment of conviction. 8539

Sec. 2929.20. (A) As used in this section: 8540

(1) (a) Except as provided in division (A) (1) (b) of this 8541
section, "eligible offender" means any person who, on or after 8542
April 7, 2009, is serving a stated prison term that includes one 8543
or more nonmandatory prison terms. 8544

(b) "Eligible offender" does not include any person who, 8545
on or after April 7, 2009, is serving a stated prison term for 8546
any of the following criminal offenses that was a felony and was 8547
committed while the person held a public office in this state: 8548

(i) A violation of section 2921.02, 2921.03, 2921.05, 8549
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 8550
Code; 8551

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 8552
2921.12 of the Revised Code, when the conduct constituting the 8553
violation was related to the duties of the offender's public 8554
office or to the offender's actions as a public official holding 8555
that public office; 8556

(iii) A violation of an existing or former municipal 8557
ordinance or law of this or any other state or the United States 8558
that is substantially equivalent to any violation listed in 8559
division (A) (1) (b) (i) of this section; 8560

(iv) A violation of an existing or former municipal 8561
ordinance or law of this or any other state or the United States 8562
that is substantially equivalent to any violation listed in 8563

division (A) (1) (b) (ii) of this section, when the conduct 8564
constituting the violation was related to the duties of the 8565
offender's public office or to the offender's actions as a 8566
public official holding that public office; 8567

(v) A conspiracy to commit, attempt to commit, or 8568
complicity in committing any offense listed in division (A) (1) 8569
(b) (i) or described in division (A) (1) (b) (iii) of this section; 8570

(vi) A conspiracy to commit, attempt to commit, or 8571
complicity in committing any offense listed in division (A) (1) 8572
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 8573
if the conduct constituting the offense that was the subject of 8574
the conspiracy, that would have constituted the offense 8575
attempted, or constituting the offense in which the offender was 8576
complicit was or would have been related to the duties of the 8577
offender's public office or to the offender's actions as a 8578
public official holding that public office. 8579

(2) "Nonmandatory prison term" means a prison term that is 8580
not a mandatory prison term. 8581

(3) "Public office" means any elected federal, state, or 8582
local government office in this state. 8583

(4) "Victim's representative" has the same meaning as in 8584
section 2930.01 of the Revised Code. 8585

(5) "Imminent danger of death," "medically incapacitated," 8586
and "terminal illness" have the same meanings as in section 8587
2967.05 of the Revised Code. 8588

(6) "Aggregated nonmandatory prison term or terms" means 8589
the aggregate of the following: 8590

(a) All nonmandatory definite prison terms; 8591

(b) With respect to any non-life felony indefinite prison term, all nonmandatory minimum prison terms imposed as part of the non-life felony indefinite prison term or terms. 8592
8593
8594

(B) On the motion of an eligible offender or upon its own motion, the sentencing court may reduce the eligible offender's aggregated nonmandatory prison term or terms through a judicial release under this section. 8595
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(C) An eligible offender may file a motion for judicial release with the sentencing court within the following applicable periods: 8599
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8601

(1) If the aggregated nonmandatory prison term or terms is less than two years, the eligible offender may file the motion at any time after the offender is delivered to a state correctional institution or, if the prison term includes a mandatory prison term or terms, at any time after the expiration of all mandatory prison terms. 8602
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(2) If the aggregated nonmandatory prison term or terms is at least two years but less than five years, the eligible offender may file the motion not earlier than one hundred eighty days after the offender is delivered to a state correctional institution or, if the prison term includes a mandatory prison term or terms, not earlier than one hundred eighty days after the expiration of all mandatory prison terms. 8608
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(3) If the aggregated nonmandatory prison term or terms is five years, the eligible offender may file the motion not earlier than the date on which the eligible offender has served four years of the offender's stated prison term or, if the prison term includes a mandatory prison term or terms, not earlier than four years after the expiration of all mandatory 8615
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prison terms. 8621

(4) If the aggregated nonmandatory prison term or terms is 8622
more than five years but not more than ten years, the eligible 8623
offender may file the motion not earlier than the date on which 8624
the eligible offender has served five years of the offender's 8625
stated prison term or, if the prison term includes a mandatory 8626
prison term or terms, not earlier than five years after the 8627
expiration of all mandatory prison terms. 8628

(5) If the aggregated nonmandatory prison term or terms is 8629
more than ten years, the eligible offender may file the motion 8630
not earlier than the later of the date on which the offender has 8631
served one-half of the offender's stated prison term or the date 8632
specified in division (C) (4) of this section. 8633

(D) Upon receipt of a timely motion for judicial release 8634
filed by an eligible offender under division (C) of this section 8635
or upon the sentencing court's own motion made within the 8636
appropriate time specified in that division, the court may deny 8637
the motion without a hearing or schedule a hearing on the 8638
motion. The court shall not grant the motion without a hearing. 8639
If a court denies a motion without a hearing, the court later 8640
may consider judicial release for that eligible offender on a 8641
subsequent motion filed by that eligible offender unless the 8642
court denies the motion with prejudice. If a court denies a 8643
motion with prejudice, the court may later consider judicial 8644
release on its own motion. If a court denies a motion after a 8645
hearing, the court shall not consider a subsequent motion for 8646
that eligible offender. The court shall hold only one hearing 8647
for any eligible offender. 8648

A hearing under this section shall be conducted in open 8649
court not less than thirty or more than sixty days after the 8650

motion is filed, provided that the court may delay the hearing 8651
for one hundred eighty additional days. If the court holds a 8652
hearing, the court shall enter a ruling on the motion within ten 8653
days after the hearing. If the court denies the motion without a 8654
hearing, the court shall enter its ruling on the motion within 8655
sixty days after the motion is filed. 8656

(E) If a court schedules a hearing under division (D) of 8657
this section, the court shall notify the eligible offender and 8658
the head of the state correctional institution in which the 8659
eligible offender is confined prior to the hearing. The head of 8660
the state correctional institution immediately shall notify the 8661
appropriate person at the department of rehabilitation and 8662
correction of the hearing, and the department within twenty-four 8663
hours after receipt of the notice, shall post on the database it 8664
maintains pursuant to section 5120.66 of the Revised Code the 8665
offender's name and all of the information specified in division 8666
(A) (1) (c) (i) of that section. If the court schedules a hearing 8667
for judicial release, the court promptly shall give notice of 8668
the hearing to the prosecuting attorney of the county in which 8669
the eligible offender was indicted. Upon receipt of the notice 8670
from the court, the prosecuting attorney shall do whichever of 8671
the following is applicable: 8672

(1) Subject to division (E) (2) of this section, notify the 8673
victim of the offense or the victim's representative pursuant to 8674
division (B) of section 2930.16 of the Revised Code; 8675

(2) If the offense was an offense of violence that is a 8676
felony of the first, second, or third degree, except as 8677
otherwise provided in this division, notify the victim or the 8678
victim's representative of the hearing regardless of whether the 8679
victim or victim's representative has requested the 8680

notification. The notice of the hearing shall not be given under 8681
this division to a victim or victim's representative if the 8682
victim or victim's representative has requested pursuant to 8683
division (B) (2) of section 2930.03 of the Revised Code that the 8684
victim or the victim's representative not be provided the 8685
notice. If notice is to be provided to a victim or victim's 8686
representative under this division, the prosecuting attorney may 8687
give the notice by any reasonable means, including regular mail, 8688
telephone, and electronic mail, in accordance with division (D) 8689
(1) of section 2930.16 of the Revised Code. If the notice is 8690
based on an offense committed prior to March 22, 2013, the 8691
notice also shall include the opt-out information described in 8692
division (D) (1) of section 2930.16 of the Revised Code. The 8693
prosecuting attorney, in accordance with division (D) (2) of 8694
section 2930.16 of the Revised Code, shall keep a record of all 8695
attempts to provide the notice, and of all notices provided, 8696
under this division. Division (E) (2) of this section, and the 8697
notice-related provisions of division (K) of this section, 8698
division (D) (1) of section 2930.16, division (H) of section 8699
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 8700
(b) of section 2967.26, division (D) (1) of section 2967.28, and 8701
division (A) (2) of section 5149.101 of the Revised Code enacted 8702
in the act in which division (E) (2) of this section was enacted, 8703
shall be known as "Roberta's Law." 8704

(F) Upon an offender's successful completion of 8705
rehabilitative activities, the head of the state correctional 8706
institution may notify the sentencing court of the successful 8707
completion of the activities. 8708

(G) Prior to the date of the hearing on a motion for 8709
judicial release under this section, the head of the state 8710
correctional institution in which the eligible offender is 8711

confined shall send to the court an institutional summary report 8712
on the eligible offender's conduct in the institution and in any 8713
institution from which the eligible offender may have been 8714
transferred. Upon the request of the prosecuting attorney of the 8715
county in which the eligible offender was indicted or of any law 8716
enforcement agency, the head of the state correctional 8717
institution, at the same time the person sends the institutional 8718
summary report to the court, also shall send a copy of the 8719
report to the requesting prosecuting attorney and law 8720
enforcement agencies. The institutional summary report shall 8721
cover the eligible offender's participation in school, 8722
vocational training, work, treatment, and other rehabilitative 8723
activities and any disciplinary action taken against the 8724
eligible offender. The report shall be made part of the record 8725
of the hearing. A presentence investigation report is not 8726
required for judicial release. 8727

(H) If the court grants a hearing on a motion for judicial 8728
release under this section, the eligible offender shall attend 8729
the hearing if ordered to do so by the court. Upon receipt of a 8730
copy of the journal entry containing the order, the head of the 8731
state correctional institution in which the eligible offender is 8732
incarcerated shall deliver the eligible offender to the sheriff 8733
of the county in which the hearing is to be held. The sheriff 8734
shall convey the eligible offender to and from the hearing. 8735

(I) At the hearing on a motion for judicial release under 8736
this section, the court shall afford the eligible offender and 8737
the eligible offender's attorney an opportunity to present 8738
written and, if present, oral information relevant to the 8739
motion. The court shall afford a similar opportunity to the 8740
prosecuting attorney, the victim or the victim's representative, 8741
and any other person the court determines is likely to present 8742

additional relevant information. The court shall consider any 8743
statement of a victim made pursuant to section 2930.14 or 8744
2930.17 of the Revised Code, any victim impact statement 8745
prepared pursuant to section 2947.051 of the Revised Code, and 8746
any report made under division (G) of this section. The court 8747
may consider any written statement of any person submitted to 8748
the court pursuant to division (L) of this section. After ruling 8749
on the motion, the court shall notify the victim of the ruling 8750
in accordance with sections 2930.03 and 2930.16 of the Revised 8751
Code. 8752

(J) (1) A court shall not grant a judicial release under 8753
this section to an eligible offender who is imprisoned for a 8754
felony of the first or second degree, or to an eligible offender 8755
who committed an offense under Chapter 2925. or 3719. of the 8756
Revised Code and for whom there was a presumption under section 8757
2929.13 of the Revised Code in favor of a prison term, unless 8758
the court, with reference to factors under section 2929.12 of 8759
the Revised Code, finds both of the following: 8760

(a) That a sanction other than a prison term would 8761
adequately punish the offender and protect the public from 8762
future criminal violations by the eligible offender because the 8763
applicable factors indicating a lesser likelihood of recidivism 8764
outweigh the applicable factors indicating a greater likelihood 8765
of recidivism; 8766

(b) That a sanction other than a prison term would not 8767
demean the seriousness of the offense because factors indicating 8768
that the eligible offender's conduct in committing the offense 8769
was less serious than conduct normally constituting the offense 8770
outweigh factors indicating that the eligible offender's conduct 8771
was more serious than conduct normally constituting the offense. 8772

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

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

If the court grants a motion for judicial release, the court shall notify the appropriate person at the department of rehabilitation and correction, and the department shall post notice of the release on the database it maintains pursuant to section 5120.66 of the Revised Code. The court also shall notify the prosecuting attorney of the county in which the eligible

offender was indicted that the motion has been granted. Unless 8804
the victim or the victim's representative has requested pursuant 8805
to division (B) (2) of section 2930.03 of the Revised Code that 8806
the victim or victim's representative not be provided the 8807
notice, the prosecuting attorney shall notify the victim or the 8808
victim's representative of the judicial release in any manner, 8809
and in accordance with the same procedures, pursuant to which 8810
the prosecuting attorney is authorized to provide notice of the 8811
hearing pursuant to division (E) (2) of this section. If the 8812
notice is based on an offense committed prior to March 22, 2013, 8813
the notice to the victim or victim's representative also shall 8814
include the opt-out information described in division (D) (1) of 8815
section 2930.16 of the Revised Code. 8816

(L) In addition to and independent of the right of a 8817
victim to make a statement pursuant to section 2930.14, 2930.17, 8818
or 2946.051 of the Revised Code and any right of a person to 8819
present written information or make a statement pursuant to 8820
division (I) of this section, any person may submit to the 8821
court, at any time prior to the hearing on the offender's motion 8822
for judicial release, a written statement concerning the effects 8823
of the offender's crime or crimes, the circumstances surrounding 8824
the crime or crimes, the manner in which the crime or crimes 8825
were perpetrated, and the person's opinion as to whether the 8826
offender should be released. 8827

(M) The changes to this section that are made on September 8828
30, 2011, apply to any judicial release decision made on or 8829
after September 30, 2011, for any eligible offender. 8830

(N) Notwithstanding the eligibility requirements specified 8831
in division (A) of this section and the filing time frames 8832
specified in division (C) of this section and notwithstanding 8833

the findings required under division (J) of this section, the 8834
sentencing court, upon the court's own motion and after 8835
considering whether the release of the offender into society 8836
would create undue risk to public safety, may grant a judicial 8837
release to an offender who is not serving a life sentence at any 8838
time during the offender's imposed sentence when the director of 8839
rehabilitation and correction certifies to the sentencing court 8840
through the chief medical officer for the department of 8841
rehabilitation and correction that the offender is in imminent 8842
danger of death, is medically incapacitated, or is suffering 8843
from a terminal illness. 8844

(O) The director of rehabilitation and correction shall 8845
not certify any offender under division (N) of this section who 8846
is serving a death sentence. 8847

(P) A motion made by the court under division (N) of this 8848
section is subject to the notice, hearing, and other procedural 8849
requirements specified in divisions (D), (E), (G), (H), (I), 8850
(K), and (L) of this section, except for the following: 8851

(1) The court may waive the offender's appearance at any 8852
hearing scheduled by the court if the offender's condition makes 8853
it impossible for the offender to participate meaningfully in 8854
the proceeding. 8855

(2) The court may grant the motion without a hearing, 8856
provided that the prosecuting attorney and victim or victim's 8857
representative to whom notice of the hearing was provided under 8858
division (E) of this section indicate that they do not wish to 8859
participate in the hearing or present information relevant to 8860
the motion. 8861

(Q) The court may request health care records from the 8862

department of rehabilitation and correction to verify the 8863
certification made under division (N) of this section. 8864

(R) (1) If the court grants judicial release under division 8865
(N) of this section, the court shall do all of the following: 8866

(a) Order the release of the offender; 8867

(b) Place the offender under an appropriate community 8868
control sanction, under appropriate conditions; 8869

(c) Place the offender under the supervision of the 8870
department of probation serving the court or under the 8871
supervision of the adult parole authority. 8872

(2) The court, in its discretion, may revoke the judicial 8873
release if the offender violates the community control sanction 8874
described in division (R) (1) of this section. The period of that 8875
community control is not subject to the five-year limitation 8876
described in division (K) of this section and shall not expire 8877
earlier than the date on which all of the offender's mandatory 8878
prison terms expire. 8879

(S) If the health of an offender who is released under 8880
division (N) of this section improves so that the offender is no 8881
longer terminally ill, medically incapacitated, or in imminent 8882
danger of death, the court shall, upon the court's own motion, 8883
revoke the judicial release. The court shall not grant the 8884
motion without a hearing unless the offender waives a hearing. 8885
If a hearing is held, the court shall afford the offender and 8886
the offender's attorney an opportunity to present written and, 8887
if the offender or the offender's attorney is present, oral 8888
information relevant to the motion. The court shall afford a 8889
similar opportunity to the prosecuting attorney, the victim or 8890
the victim's representative, and any other person the court 8891

determines is likely to present additional relevant information. 8892
A court that grants a motion under this division shall specify 8893
its findings on the record. 8894

Sec. 2929.61. (A) Persons charged with a capital offense 8895
committed prior to January 1, 1974, shall be prosecuted under 8896
the law as it existed at the time the offense was committed, 8897
and, if convicted, shall be imprisoned for life, except that 8898
whenever the statute under which any such person is prosecuted 8899
provides for a lesser penalty under the circumstances of the 8900
particular case, such lesser penalty shall be imposed. 8901

(B) Persons charged with an offense, other than a capital 8902
offense, committed prior to January 1, 1974, shall be prosecuted 8903
under the law as it existed at the time the offense was 8904
committed. Persons convicted or sentenced on or after January 1, 8905
1974, for an offense committed prior to January 1, 1974, shall 8906
be sentenced according to the penalty for commission of the 8907
substantially equivalent offense under Amended Substitute House 8908
Bill 511 of the 109th General Assembly. If the offense for which 8909
sentence is being imposed does not have a substantial equivalent 8910
under that act, or if that act provides a more severe penalty 8911
than that originally prescribed for the offense of which the 8912
person is convicted, then sentence shall be imposed under the 8913
law as it existed prior to January 1, 1974. 8914

(C) Persons charged with an offense that is a felony of 8915
the third or fourth degree and that was committed on or after 8916
January 1, 1974, and before July 1, 1983, shall be prosecuted 8917
under the law as it existed at the time the offense was 8918
committed. Persons convicted or sentenced on or after July 1, 8919
1983, for an offense that is a felony of the third or fourth 8920
degree and that was committed on or after January 1, 1974, and 8921

before July 1, 1983, shall be notified by the court sufficiently 8922
in advance of sentencing that they may choose to be sentenced 8923
pursuant to either the law in effect at the time of the 8924
commission of the offense or the law in effect at the time of 8925
sentencing. This notice shall be written and shall include the 8926
differences between and possible effects of the alternative 8927
sentence forms and the effect of the person's refusal to choose. 8928
The person to be sentenced shall then inform the court in 8929
writing of ~~his~~ the person's choice, and shall be sentenced 8930
accordingly. Any person choosing to be sentenced pursuant to the 8931
law in effect at the time of the commission of an offense that 8932
is a felony of the third or fourth degree shall then be eligible 8933
for parole, and this person cannot at a later date have ~~his~~ the 8934
person's sentence converted to a definite sentence. If the 8935
person refuses to choose between the two possible sentences, the 8936
person shall be sentenced pursuant to the law in effect at the 8937
time of the commission of the offense. 8938

(D) Persons charged with an offense that was a felony of 8939
the first or second degree at the time it was committed, that 8940
was committed on or after January 1, 1974, and that was 8941
committed prior to July 1, 1983, shall be prosecuted for that 8942
offense and, if convicted, shall be sentenced under the law as 8943
it existed at the time the offense was committed. 8944

(E) Persons charged with an offense that is a felony of 8945
the first or second degree that was committed prior to the 8946
effective date of this amendment or that is a felony of the 8947
third degree that is described in division (A)(3)(a) of section 8948
2929.14 of the Revised Code and was committed prior to that date 8949
shall be prosecuted for that offense and, if convicted, shall be 8950
sentenced under the law as it existed at the time the offense 8951
was committed. 8952

Sec. 2930.16. (A) If a defendant is incarcerated, a victim 8953
in a case who has requested to receive notice under this section 8954
shall be given notice of the incarceration of the defendant. If 8955
an alleged juvenile offender is committed to the temporary 8956
custody of a school, camp, institution, or other facility 8957
operated for the care of delinquent children or to the legal 8958
custody of the department of youth services, a victim in a case 8959
who has requested to receive notice under this section shall be 8960
given notice of the commitment. Promptly after sentence is 8961
imposed upon the defendant or the commitment of the alleged 8962
juvenile offender is ordered, the prosecutor in the case shall 8963
notify the victim of the date on which the defendant will be 8964
released, or initially will be eligible for release, from 8965
confinement or the prosecutor's reasonable estimate of that date 8966
or the date on which the alleged juvenile offender will have 8967
served the minimum period of commitment or the prosecutor's 8968
reasonable estimate of that date. The prosecutor also shall 8969
notify the victim of the name of the custodial agency of the 8970
defendant or alleged juvenile offender and tell the victim how 8971
to contact that custodial agency. If the custodial agency is the 8972
department of rehabilitation and correction, the prosecutor 8973
shall notify the victim of the services offered by the office of 8974
victims' services pursuant to section 5120.60 of the Revised 8975
Code. If the custodial agency is the department of youth 8976
services, the prosecutor shall notify the victim of the services 8977
provided by the office of victims' services within the release 8978
authority of the department pursuant to section 5139.55 of the 8979
Revised Code and the victim's right pursuant to section 5139.56 8980
of the Revised Code to submit a written request to the release 8981
authority to be notified of actions the release authority takes 8982
with respect to the alleged juvenile offender. The victim shall 8983
keep the custodial agency informed of the victim's current 8984

address and telephone number. 8985

(B) (1) Upon the victim's request or in accordance with 8986
division (D) of this section, the prosecutor promptly shall 8987
notify the victim of any hearing for judicial release of the 8988
defendant pursuant to section 2929.20 of the Revised Code, of 8989
any hearing for release of the defendant pursuant to section 8990
2967.19 of the Revised Code, or of any hearing for judicial 8991
release or early release of the alleged juvenile offender 8992
pursuant to section 2151.38 of the Revised Code and of the 8993
victim's right to make a statement under those sections. The 8994
court shall notify the victim of its ruling in each of those 8995
hearings and on each of those applications. 8996

(2) If an offender is sentenced to a prison term pursuant 8997
to division (A) (3) or (B) of section 2971.03 of the Revised 8998
Code, upon the request of the victim of the crime or in 8999
accordance with division (D) of this section, the prosecutor 9000
promptly shall notify the victim of any hearing to be conducted 9001
pursuant to section 2971.05 of the Revised Code to determine 9002
whether to modify the requirement that the offender serve the 9003
entire prison term in a state correctional facility in 9004
accordance with division (C) of that section, whether to 9005
continue, revise, or revoke any existing modification of that 9006
requirement, or whether to terminate the prison term in 9007
accordance with division (D) of that section. The court shall 9008
notify the victim of any order issued at the conclusion of the 9009
hearing. 9010

(C) Upon the victim's request made at any time before the 9011
particular notice would be due or in accordance with division 9012
(D) of this section, the custodial agency of a defendant or 9013
alleged juvenile offender shall give the victim any of the 9014

following notices that is applicable: 9015

(1) At least sixty days before the adult parole authority 9016
recommends a pardon or commutation of sentence for the defendant 9017
or at least sixty days prior to a hearing before the adult 9018
parole authority regarding a grant of parole to the defendant, 9019
notice of the victim's right to submit a statement regarding the 9020
impact of the defendant's release in accordance with section 9021
2967.12 of the Revised Code and, if applicable, of the victim's 9022
right to appear at a full board hearing of the parole board to 9023
give testimony as authorized by section 5149.101 of the Revised 9024
Code; and at least sixty days prior to a determination by the 9025
department as to whether the inmate will be released under 9026
division (C) or (D)(2) of section 2967.271 of the Revised Code 9027
if the inmate is serving a non-life felony indefinite prison 9028
term, notice of the fact that the department will be making a 9029
determination regarding a possible grant of release and, if the 9030
department will be conducting a hearing under that section 9031
before making the determination, the date of the hearing and the 9032
right of the victim to submit a written statement regarding the 9033
pending action; 9034

(2) At least sixty days before the defendant is 9035
transferred to transitional control under section 2967.26 of the 9036
Revised Code, notice of the pendency of the transfer and of the 9037
victim's right under that section to submit a statement 9038
regarding the impact of the transfer; 9039

(3) At least sixty days before the release authority of 9040
the department of youth services holds a release review, release 9041
hearing, or discharge review for the alleged juvenile offender, 9042
notice of the pendency of the review or hearing, of the victim's 9043
right to make an oral or written statement regarding the impact 9044

of the crime upon the victim or regarding the possible release 9045
or discharge, and, if the notice pertains to a hearing, of the 9046
victim's right to attend and make statements or comments at the 9047
hearing as authorized by section 5139.56 of the Revised Code; 9048

(4) Prompt notice of the defendant's or alleged juvenile 9049
offender's escape from a facility of the custodial agency in 9050
which the defendant was incarcerated or in which the alleged 9051
juvenile offender was placed after commitment, of the 9052
defendant's or alleged juvenile offender's absence without leave 9053
from a mental health or developmental disabilities facility or 9054
from other custody, and of the capture of the defendant or 9055
alleged juvenile offender after an escape or absence; 9056

(5) Notice of the defendant's or alleged juvenile 9057
offender's death while in confinement or custody; 9058

(6) Notice of the filing of a petition by the director of 9059
rehabilitation and correction pursuant to section 2967.19 of the 9060
Revised Code requesting the early release under that section of 9061
the defendant; 9062

(7) Notice of the defendant's or alleged juvenile 9063
offender's release from confinement or custody and the terms and 9064
conditions of the release. 9065

(D) (1) If a defendant is incarcerated for the commission 9066
of aggravated murder, murder, or an offense of violence that is 9067
a felony of the first, second, or third degree or is under a 9068
sentence of life imprisonment or if an alleged juvenile offender 9069
has been charged with the commission of an act that would be 9070
aggravated murder, murder, or an offense of violence that is a 9071
felony of the first, second, or third degree or be subject to a 9072
sentence of life imprisonment if committed by an adult, except 9073

as otherwise provided in this division, the notices described in 9074
divisions (B) and (C) of this section shall be given regardless 9075
of whether the victim has requested the notification. The 9076
notices described in divisions (B) and (C) of this section shall 9077
not be given under this division to a victim if the victim has 9078
requested pursuant to division (B) (2) of section 2930.03 of the 9079
Revised Code that the victim not be provided the notice. 9080
Regardless of whether the victim has requested that the notices 9081
described in division (C) of this section be provided or not be 9082
provided, the custodial agency shall give notice similar to 9083
those notices to the prosecutor in the case, to the sentencing 9084
court, to the law enforcement agency that arrested the defendant 9085
or alleged juvenile offender if any officer of that agency was a 9086
victim of the offense, and to any member of the victim's 9087
immediate family who requests notification. If the notice given 9088
under this division to the victim is based on an offense 9089
committed prior to March 22, 2013, and if the prosecutor or 9090
custodial agency has not previously successfully provided any 9091
notice to the victim under this division or division (B) or (C) 9092
of this section with respect to that offense and the offender 9093
who committed it, the notice also shall inform the victim that 9094
the victim may request that the victim not be provided any 9095
further notices with respect to that offense and the offender 9096
who committed it and shall describe the procedure for making 9097
that request. If the notice given under this division to the 9098
victim pertains to a hearing regarding a grant of a parole to 9099
the defendant, the notice also shall inform the victim that the 9100
victim, a member of the victim's immediate family, or the 9101
victim's representative may request a victim conference, as 9102
described in division (E) of this section, and shall provide an 9103
explanation of a victim conference. 9104

The prosecutor or custodial agency may give the notices to 9105
which this division applies by any reasonable means, including 9106
regular mail, telephone, and electronic mail. If the prosecutor 9107
or custodial agency attempts to provide notice to a victim under 9108
this division but the attempt is unsuccessful because the 9109
prosecutor or custodial agency is unable to locate the victim, 9110
is unable to provide the notice by its chosen method because it 9111
cannot determine the mailing address, telephone number, or 9112
electronic mail address at which to provide the notice, or, if 9113
the notice is sent by mail, the notice is returned, the 9114
prosecutor or custodial agency shall make another attempt to 9115
provide the notice to the victim. If the second attempt is 9116
unsuccessful, the prosecutor or custodial agency shall make at 9117
least one more attempt to provide the notice. If the notice is 9118
based on an offense committed prior to March 22, 2013, in each 9119
attempt to provide the notice to the victim, the notice shall 9120
include the opt-out information described in the preceding 9121
paragraph. The prosecutor or custodial agency, in accordance 9122
with division (D) (2) of this section, shall keep a record of all 9123
attempts to provide the notice, and of all notices provided, 9124
under this division. 9125

Division (D) (1) of this section, and the notice-related 9126
provisions of divisions (E) (2) and (K) of section 2929.20, 9127
division (H) of section 2967.12, division (E) (1) (b) of section 9128
2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) 9129
of section 2967.28, and division (A) (2) of section 5149.101 of 9130
the Revised Code enacted in the act in which division (D) (1) of 9131
this section was enacted, shall be known as "Roberta's Law." 9132

(2) Each prosecutor and custodial agency that attempts to 9133
give any notice to which division (D) (1) of this section applies 9134
shall keep a record of all attempts to give the notice. The 9135

record shall indicate the person who was to be the recipient of 9136
the notice, the date on which the attempt was made, the manner 9137
in which the attempt was made, and the person who made the 9138
attempt. If the attempt is successful and the notice is given, 9139
the record shall indicate that fact. The record shall be kept in 9140
a manner that allows public inspection of attempts and notices 9141
given to persons other than victims without revealing the names, 9142
addresses, or other identifying information relating to victims. 9143
The record of attempts and notices given to victims is not a 9144
public record, but the prosecutor or custodial agency shall 9145
provide upon request a copy of that record to a prosecuting 9146
attorney, judge, law enforcement agency, or member of the 9147
general assembly. The record of attempts and notices given to 9148
persons other than victims is a public record. A record kept 9149
under this division may be indexed by offender name, or in any 9150
other manner determined by the prosecutor or the custodial 9151
agency. Each prosecutor or custodial agency that is required to 9152
keep a record under this division shall determine the procedures 9153
for keeping the record and the manner in which it is to be kept, 9154
subject to the requirements of this division. 9155

(E) The adult parole authority shall adopt rules under 9156
Chapter 119. of the Revised Code providing for a victim 9157
conference, upon request of the victim, a member of the victim's 9158
immediate family, or the victim's representative, prior to a 9159
parole hearing in the case of a prisoner who is incarcerated for 9160
the commission of aggravated murder, murder, or an offense of 9161
violence that is a felony of the first, second, or third degree 9162
or is under a sentence of life imprisonment. The rules shall 9163
provide for, but not be limited to, all of the following: 9164

(1) Subject to division (E) (3) of this section, attendance 9165
by the victim, members of the victim's immediate family, the 9166

victim's representative, and, if practicable, other individuals; 9167

(2) Allotment of up to one hour for the conference; 9168

(3) A specification of the number of persons specified in 9169
division (E) (1) of this section who may be present at any single 9170
victim conference, if limited by the department pursuant to 9171
division (F) of this section. 9172

(F) The department may limit the number of persons 9173
specified in division (E) (1) of this section who may be present 9174
at any single victim conference, provided that the department 9175
shall not limit the number of persons who may be present at any 9176
single conference to fewer than three. If the department limits 9177
the number of persons who may be present at any single victim 9178
conference, the department shall permit and schedule, upon 9179
request of the victim, a member of the victim's immediate 9180
family, or the victim's representative, multiple victim 9181
conferences for the persons specified in division (E) (1) of this 9182
section. 9183

(G) As used in this section, "victim's immediate family" 9184
has the same meaning as in section 2967.12 of the Revised Code. 9185

Sec. 2943.032. (A) Prior to accepting a guilty plea or a 9186
plea of no contest to an indictment, information, or complaint 9187
that charges a felony, the court shall inform the defendant 9188
personally that, if the defendant pleads guilty or no contest to 9189
the felony so charged or any other felony, if the court imposes 9190
a prison term upon the defendant for the felony, and if the 9191
offender violates the conditions of a post-release control 9192
sanction imposed by the parole board upon the completion of the 9193
stated prison term, the parole board may impose upon the 9194
offender a residential sanction that includes a new prison term 9195

of up to nine months, subject to a maximum cumulative prison 9196
term for all violations that does not exceed one-half of the 9197
definite prison term that is the stated prison term originally 9198
imposed upon the offender or, with respect to a non-life felony 9199
indefinite prison term, one-half of the minimum prison term 9200
included as part of the stated non-life felony indefinite prison 9201
term originally imposed on the offender. 9202

(B) As used in this section, "non-life felony indefinite 9203
prison term" has the same meaning as in section 2929.01 of the 9204
Revised Code. 9205

Sec. 2953.08. (A) In addition to any other right to appeal 9206
and except as provided in division (D) of this section, a 9207
defendant who is convicted of or pleads guilty to a felony may 9208
appeal as a matter of right the sentence imposed upon the 9209
defendant on one of the following grounds: 9210

(1) The sentence consisted of or included the maximum 9211
definite prison term allowed for the offense by division (A) of 9212
section 2929.14 or section 2929.142 of the Revised Code or, with 9213
respect to a non-life felony indefinite prison term, the longest 9214
minimum prison term allowed for the offense by division (A) (1) 9215
(a), (2) (a), or (3) (a) (i) of section 2929.14 of the Revised 9216
Code, the maximum definite prison term or longest minimum prison 9217
term was not required for the offense pursuant to Chapter 2925. 9218
or any other provision of the Revised Code, and the court 9219
imposed the sentence under one of the following circumstances: 9220

(a) The sentence was imposed for only one offense. 9221

(b) The sentence was imposed for two or more offenses 9222
arising out of a single incident, and the court imposed the 9223
maximum definite prison term or longest minimum prison term for 9224

the offense of the highest degree. 9225

(2) The sentence consisted of or included a prison term 9226
and the offense for which it was imposed is a felony of the 9227
fourth or fifth degree or is a felony drug offense that is a 9228
violation of a provision of Chapter 2925. of the Revised Code 9229
and that is specified as being subject to division (B) of 9230
section 2929.13 of the Revised Code for purposes of sentencing. 9231
If the court specifies that it found one or more of the factors 9232
in division (B) (1) (b) of section 2929.13 of the Revised Code to 9233
apply relative to the defendant, the defendant is not entitled 9234
under this division to appeal as a matter of right the sentence 9235
imposed upon the offender. 9236

(3) The person was convicted of or pleaded guilty to a 9237
violent sex offense or a designated homicide, assault, or 9238
kidnapping offense, was adjudicated a sexually violent predator 9239
in relation to that offense, and was sentenced pursuant to 9240
division (A) (3) of section 2971.03 of the Revised Code, if the 9241
minimum term of the indefinite term imposed pursuant to division 9242
(A) (3) of section 2971.03 of the Revised Code is the longest 9243
term available for the offense from among the range of definite 9244
terms listed in section 2929.14 of the Revised Code or, with 9245
respect to a non-life felony indefinite prison term, the longest 9246
minimum prison term allowed for the offense by division (A) (1) 9247
(a), (2) (a), or (3) (a) (i) of section 2929.14 of the Revised 9248
Code. As used in this division, "designated homicide, assault, 9249
or kidnapping offense" and "violent sex offense" have the same 9250
meanings as in section 2971.01 of the Revised Code. As used in 9251
this division, "adjudicated a sexually violent predator" has the 9252
same meaning as in section 2929.01 of the Revised Code, and a 9253
person is "adjudicated a sexually violent predator" in the same 9254
manner and the same circumstances as are described in that 9255

section. 9256

(4) The sentence is contrary to law. 9257

(5) The sentence consisted of an additional prison term of 9258
ten years imposed pursuant to division (B) (2) (a) of section 9259
2929.14 of the Revised Code. 9260

(B) In addition to any other right to appeal and except as 9261
provided in division (D) of this section, a prosecuting 9262
attorney, a city director of law, village solicitor, or similar 9263
chief legal officer of a municipal corporation, or the attorney 9264
general, if one of those persons prosecuted the case, may appeal 9265
as a matter of right a sentence imposed upon a defendant who is 9266
convicted of or pleads guilty to a felony or, in the 9267
circumstances described in division (B) (3) of this section the 9268
modification of a sentence imposed upon such a defendant, on any 9269
of the following grounds: 9270

(1) The sentence did not include a prison term despite a 9271
presumption favoring a prison term for the offense for which it 9272
was imposed, as set forth in section 2929.13 or Chapter 2925. of 9273
the Revised Code. 9274

(2) The sentence is contrary to law. 9275

(3) The sentence is a modification under section 2929.20 9276
of the Revised Code of a sentence that was imposed for a felony 9277
of the first or second degree. 9278

(C) (1) In addition to the right to appeal a sentence 9279
granted under division (A) or (B) of this section, a defendant 9280
who is convicted of or pleads guilty to a felony may seek leave 9281
to appeal a sentence imposed upon the defendant on the basis 9282
that the sentencing judge has imposed consecutive sentences 9283
under division (C) (3) of section 2929.14 of the Revised Code and 9284

that the consecutive sentences exceed the maximum definite 9285
prison term allowed by division (A) of that section for the most 9286
serious offense of which the defendant was convicted or, with 9287
respect to a non-life felony indefinite prison term, exceed the 9288
longest minimum prison term allowed by division (A) (1) (a), (2) 9289
(a), or (3) (a) (i) of that section for the most serious such 9290
offense. Upon the filing of a motion under this division, the 9291
court of appeals may grant leave to appeal the sentence if the 9292
court determines that the allegation included as the basis of 9293
the motion is true. 9294

(2) A defendant may seek leave to appeal an additional 9295
sentence imposed upon the defendant pursuant to division (B) (2) 9296
(a) or (b) of section 2929.14 of the Revised Code if the 9297
additional sentence is for a definite prison term that is longer 9298
than five years. 9299

(D) (1) A sentence imposed upon a defendant is not subject 9300
to review under this section if the sentence is authorized by 9301
law, has been recommended jointly by the defendant and the 9302
prosecution in the case, and is imposed by a sentencing judge. 9303

(2) Except as provided in division (C) (2) of this section, 9304
a sentence imposed upon a defendant is not subject to review 9305
under this section if the sentence is imposed pursuant to 9306
division (B) (2) (b) of section 2929.14 of the Revised Code. 9307
Except as otherwise provided in this division, a defendant 9308
retains all rights to appeal as provided under this chapter or 9309
any other provision of the Revised Code. A defendant has the 9310
right to appeal under this chapter or any other provision of the 9311
Revised Code the court's application of division (B) (2) (c) of 9312
section 2929.14 of the Revised Code. 9313

(3) A sentence imposed for aggravated murder or murder 9314

pursuant to sections 2929.02 to 2929.06 of the Revised Code is 9315
not subject to review under this section. 9316

(E) A defendant, prosecuting attorney, city director of 9317
law, village solicitor, or chief municipal legal officer shall 9318
file an appeal of a sentence under this section to a court of 9319
appeals within the time limits specified in Rule 4(B) of the 9320
Rules of Appellate Procedure, provided that if the appeal is 9321
pursuant to division (B) (3) of this section, the time limits 9322
specified in that rule shall not commence running until the 9323
court grants the motion that makes the sentence modification in 9324
question. A sentence appeal under this section shall be 9325
consolidated with any other appeal in the case. If no other 9326
appeal is filed, the court of appeals may review only the 9327
portions of the trial record that pertain to sentencing. 9328

(F) On the appeal of a sentence under this section, the 9329
record to be reviewed shall include all of the following, as 9330
applicable: 9331

(1) Any presentence, psychiatric, or other investigative 9332
report that was submitted to the court in writing before the 9333
sentence was imposed. An appellate court that reviews a 9334
presentence investigation report prepared pursuant to section 9335
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 9336
connection with the appeal of a sentence under this section 9337
shall comply with division (D) (3) of section 2951.03 of the 9338
Revised Code when the appellate court is not using the 9339
presentence investigation report, and the appellate court's use 9340
of a presentence investigation report of that nature in 9341
connection with the appeal of a sentence under this section does 9342
not affect the otherwise confidential character of the contents 9343
of that report as described in division (D) (1) of section 9344

2951.03 of the Revised Code and does not cause that report to 9345
become a public record, as defined in section 149.43 of the 9346
Revised Code, following the appellate court's use of the report. 9347

(2) The trial record in the case in which the sentence was 9348
imposed; 9349

(3) Any oral or written statements made to or by the court 9350
at the sentencing hearing at which the sentence was imposed; 9351

(4) Any written findings that the court was required to 9352
make in connection with the modification of the sentence 9353
pursuant to a judicial release under division (I) of section 9354
2929.20 of the Revised Code. 9355

(G) (1) If the sentencing court was required to make the 9356
findings required by division (B) or (D) of section 2929.13 or 9357
division (I) of section 2929.20 of the Revised Code, or to state 9358
the findings of the trier of fact required by division (B) (2) (e) 9359
of section 2929.14 of the Revised Code, relative to the 9360
imposition or modification of the sentence, and if the 9361
sentencing court failed to state the required findings on the 9362
record, the court hearing an appeal under division (A), (B), or 9363
(C) of this section shall remand the case to the sentencing 9364
court and instruct the sentencing court to state, on the record, 9365
the required findings. 9366

(2) The court hearing an appeal under division (A), (B), 9367
or (C) of this section shall review the record, including the 9368
findings underlying the sentence or modification given by the 9369
sentencing court. 9370

The appellate court may increase, reduce, or otherwise 9371
modify a sentence that is appealed under this section or may 9372
vacate the sentence and remand the matter to the sentencing 9373

court for resentencing. The appellate court's standard for review is not whether the sentencing court abused its discretion. The appellate court may take any action authorized by this division if it clearly and convincingly finds either of the following:

(a) That the record does not support the sentencing court's findings under division (B) or (D) of section 2929.13, division (B) (2) (e) or (C) (4) of section 2929.14, or division (I) of section 2929.20 of the Revised Code, whichever, if any, is relevant;

(b) That the sentence is otherwise contrary to law.

(H) A judgment or final order of a court of appeals under this section may be appealed, by leave of court, to the supreme court.

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

Sec. 2967.01. As used in this chapter:

(A) "State correctional institution" includes any institution or facility that is operated by the department of rehabilitation and correction and that is used for the custody, care, or treatment of criminal, delinquent, or psychologically or psychiatrically disturbed offenders.

(B) "Pardon" means the remission of penalty by the governor in accordance with the power vested in the governor by the constitution.

(C) "Commutation" or "commutation of sentence" means the substitution by the governor of a lesser for a greater

punishment. A stated prison term may be commuted without the 9402
consent of the convict, except when granted upon the acceptance 9403
and performance by the convict of conditions precedent. After 9404
commutation, the commuted prison term shall be the only one in 9405
existence. The commutation may be stated in terms of commuting 9406
from a named offense to a lesser included offense with a shorter 9407
prison term, in terms of commuting from a stated prison term in 9408
months and years to a shorter prison term in months and years, 9409
or in terms of commuting from any other stated prison term to a 9410
shorter prison term. 9411

(D) "Reprieve" means the temporary suspension by the 9412
governor of the execution of a sentence or prison term. The 9413
governor may grant a reprieve without the consent of and against 9414
the will of the convict. 9415

(E) "Parole" means, regarding a prisoner who is serving a 9416
prison term for aggravated murder or murder, who is serving a 9417
prison term of life imprisonment for rape or for felonious 9418
sexual penetration as it existed under section 2907.12 of the 9419
Revised Code prior to September 3, 1996, or who was sentenced 9420
prior to July 1, 1996, a release of the prisoner from 9421
confinement in any state correctional institution by the adult 9422
parole authority that is subject to the eligibility criteria 9423
specified in this chapter and that is under the terms and 9424
conditions, and for the period of time, prescribed by the 9425
authority in its published rules and official minutes or 9426
required by division (A) of section 2967.131 of the Revised Code 9427
or another provision of this chapter. 9428

(F) "Head of a state correctional institution" or "head of 9429
the institution" means the resident head of the institution and 9430
the person immediately in charge of the institution, whether 9431

designated warden, superintendent, or any other name by which 9432
the head is known. 9433

(G) "Convict" means a person who has been convicted of a 9434
felony under the laws of this state, whether or not actually 9435
confined in a state correctional institution, unless the person 9436
has been pardoned or has served the person's sentence or prison 9437
term. 9438

(H) "Prisoner" means a person who is in actual confinement 9439
in a state correctional institution. 9440

(I) "Parolee" means any inmate who has been released from 9441
confinement on parole by order of the adult parole authority or 9442
conditionally pardoned, who is under supervision of the adult 9443
parole authority and has not been granted a final release, and 9444
who has not been declared in violation of the inmate's parole by 9445
the authority or is performing the prescribed conditions of a 9446
conditional pardon. 9447

(J) "Releasee" means an inmate who has been released from 9448
confinement pursuant to section 2967.28 of the Revised Code 9449
under a period of post-release control that includes one or more 9450
post-release control sanctions. 9451

(K) "Final release" means a remission by the adult parole 9452
authority of the balance of the sentence or prison term of a 9453
parolee or prisoner or the termination by the authority of a 9454
term of post-release control of a releasee. 9455

(L) "Parole violator" or "release violator" means any 9456
parolee or releasee who has been declared to be in violation of 9457
the condition of parole or post-release control specified in 9458
division (A) or (B) of section 2967.131 of the Revised Code or 9459
in violation of any other term, condition, or rule of the 9460

parolee's or releasee's parole or of the parolee's or releasee's 9461
post-release control sanctions, the determination of which has 9462
been made by the adult parole authority and recorded in its 9463
official minutes. 9464

(M) "Administrative release" means a termination of 9465
jurisdiction over a particular sentence or prison term by the 9466
adult parole authority for administrative convenience. 9467

(N) "Post-release control" means a period of supervision 9468
by the adult parole authority after a prisoner's release from 9469
imprisonment, other than under a term of life imprisonment, that 9470
includes one or more post-release control sanctions imposed 9471
under section 2967.28 of the Revised Code. 9472

(O) "Post-release control sanction" means a sanction that 9473
is authorized under sections 2929.16 to 2929.18 of the Revised 9474
Code and that is imposed upon a prisoner upon the prisoner's 9475
release from a prison term other than a term of life 9476
imprisonment. 9477

(P) "Community control sanction," "prison term," 9478
"mandatory prison term," and "stated prison term" have the same 9479
meanings as in section 2929.01 of the Revised Code. 9480

(Q) "Transitional control" means control of a prisoner 9481
under the transitional control program established by the 9482
department of rehabilitation and correction under section 9483
2967.26 of the Revised Code, if the department establishes a 9484
program of that nature under that section. 9485

(R) "Random drug testing" has the same meaning as in 9486
section 5120.63 of the Revised Code. 9487

(S) "Non-life felony indefinite prison term" has the same 9488
meaning as in section 2929.01 of the Revised Code. 9489

Sec. 2967.021. (A) Chapter 2967. of the Revised Code, as 9490
it existed prior to July 1, 1996, applies to a person upon whom 9491
a court imposed a term of imprisonment prior to July 1, 1996, 9492
and a person upon whom a court, on or after July 1, 1996, and in 9493
accordance with law existing prior to July 1, 1996, imposed a 9494
term of imprisonment for an offense that was committed prior to 9495
July 1, 1996. 9496

(B) Chapter 2967. of the Revised Code, as it exists on and 9497
after July 1, 1996, applies to a person upon whom a court 9498
imposed a stated prison term for an offense committed on or 9499
after July 1, 1996, subject to division (C) of this section. 9500

(C) Sections 2967.271 and 2967.272 of the Revised Code, 9501
and other provisions of Chapter 2967. of the Revised Code, as 9502
they exist on and after the effective date of this amendment, 9503
apply to a person who is sentenced to a non-life felony 9504
indefinite prison term. 9505

Sec. 2967.03. The adult parole authority may exercise its 9506
functions and duties in relation to the pardon, commutation of 9507
sentence, or reprieve of a convict upon direction of the 9508
governor or upon its own initiative. It may exercise its 9509
functions and duties in relation to the parole of a prisoner who 9510
is eligible for parole upon the initiative of the head of the 9511
institution in which the prisoner is confined or upon its own 9512
initiative. When a prisoner becomes eligible for parole, the 9513
head of the institution in which the prisoner is confined shall 9514
notify the authority in the manner prescribed by the authority. 9515
The authority may investigate and examine, or cause the 9516
investigation and examination of, prisoners confined in state 9517
correctional institutions concerning their conduct in the 9518
institutions, their mental and moral qualities and 9519

characteristics, their knowledge of a trade or profession, their 9520
former means of livelihood, their family relationships, and any 9521
other matters affecting their fitness to be at liberty without 9522
being a threat to society. 9523

The authority may recommend to the governor the pardon, 9524
commutation of sentence, or reprieve of any convict or prisoner 9525
or grant a parole to any prisoner for whom parole is authorized, 9526
if in its judgment there is reasonable ground to believe that 9527
granting a pardon, commutation, or reprieve to the convict or 9528
paroling the prisoner would further the interests of justice and 9529
be consistent with the welfare and security of society. However, 9530
the authority shall not recommend a pardon or commutation of 9531
sentence, or grant a parole to, any convict or prisoner until 9532
the authority has complied with the applicable notice 9533
requirements of sections 2930.16 and 2967.12 of the Revised Code 9534
and until it has considered any statement made by a victim or a 9535
victim's representative that is relevant to the convict's or 9536
prisoner's case and that was sent to the authority pursuant to 9537
section 2930.17 of the Revised Code, any other statement made by 9538
a victim or a victim's representative that is relevant to the 9539
convict's or prisoner's case and that was received by the 9540
authority after it provided notice of the pendency of the action 9541
under sections 2930.16 and 2967.12 of the Revised Code, and any 9542
written statement of any person submitted to the court pursuant 9543
to division (I) of section 2967.12 of the Revised Code. If a 9544
victim, victim's representative, or the victim's spouse, parent, 9545
sibling, or child appears at a full board hearing of the parole 9546
board and gives testimony as authorized by section 5149.101 of 9547
the Revised Code, the authority shall consider the testimony in 9548
determining whether to grant a parole. The trial judge and 9549
prosecuting attorney of the trial court in which a person was 9550

convicted shall furnish to the authority, at the request of the 9551
authority, a summarized statement of the facts proved at the 9552
trial and of all other facts having reference to the propriety 9553
of recommending a pardon or commutation or granting a parole, 9554
together with a recommendation for or against a pardon, 9555
commutation, or parole, and the reasons for the recommendation. 9556
The trial judge, the prosecuting attorney, specified law 9557
enforcement agency members, and a representative of the prisoner 9558
may appear at a full board hearing of the parole board and give 9559
testimony in regard to the grant of a parole to the prisoner as 9560
authorized by section 5149.101 of the Revised Code. All state 9561
and local officials shall furnish information to the authority, 9562
when so requested by it in the performance of its duties. 9563

The adult parole authority shall exercise its functions 9564
and duties in relation to the release of prisoners who are 9565
serving a ~~stated~~ definite prison term as a stated prison term in 9566
accordance with section 2967.28 of the Revised Code, and the 9567
authority and the department of rehabilitation and correction 9568
shall exercise their functions and duties in relation to the 9569
release of prisoners who are serving a non-life felony 9570
indefinite prison term as a stated prison term in accordance 9571
with sections 2967.271, 2967.272, and 2967.28 of the Revised 9572
Code. 9573

Sec. 2967.13. (A) Except as provided in division (G) of 9574
this section, a prisoner serving a sentence of imprisonment for 9575
life for an offense committed on or after July 1, 1996, is not 9576
entitled to any earned credit under section 2967.193 of the 9577
Revised Code and becomes eligible for parole as follows: 9578

(1) If a sentence of imprisonment for life was imposed for 9579
the offense of murder, at the expiration of the prisoner's 9580

minimum term; 9581

(2) If a sentence of imprisonment for life with parole 9582
eligibility after serving twenty years of imprisonment was 9583
imposed pursuant to section 2929.022 or 2929.03 of the Revised 9584
Code, after serving a term of twenty years; 9585

(3) If a sentence of imprisonment for life with parole 9586
eligibility after serving twenty-five full years of imprisonment 9587
was imposed pursuant to section 2929.022 or 2929.03 of the 9588
Revised Code, after serving a term of twenty-five full years; 9589

(4) If a sentence of imprisonment for life with parole 9590
eligibility after serving thirty full years of imprisonment was 9591
imposed pursuant to section 2929.022 or 2929.03 of the Revised 9592
Code, after serving a term of thirty full years; 9593

(5) If a sentence of imprisonment for life was imposed for 9594
rape, after serving a term of ten full years' imprisonment; 9595

(6) If a sentence of imprisonment for life with parole 9596
eligibility after serving fifteen years of imprisonment was 9597
imposed for a violation of section 2927.24 of the Revised Code, 9598
after serving a term of fifteen years. 9599

(B) Except as provided in division (G) of this section, a 9600
prisoner serving a sentence of imprisonment for life with parole 9601
eligibility after serving twenty years of imprisonment or a 9602
sentence of imprisonment for life with parole eligibility after 9603
serving twenty-five full years or thirty full years of 9604
imprisonment imposed pursuant to section 2929.022 or 2929.03 of 9605
the Revised Code for an offense committed on or after July 1, 9606
1996, consecutively to any other term of imprisonment, becomes 9607
eligible for parole after serving twenty years, twenty full 9608
years, or thirty full years, as applicable, as to each such 9609

sentence of life imprisonment, which shall not be reduced for 9610
earned credits under section 2967.193 of the Revised Code, plus 9611
the term or terms of the other sentences consecutively imposed 9612
or, if one of the other sentences is another type of life 9613
sentence with parole eligibility, the number of years before 9614
parole eligibility for that sentence. 9615

(C) Except as provided in division (G) of this section, a 9616
prisoner serving consecutively two or more sentences in which an 9617
indefinite term of imprisonment is imposed becomes eligible for 9618
parole upon the expiration of the aggregate of the minimum terms 9619
of the sentences. 9620

(D) Except as provided in division (G) of this section, a 9621
prisoner serving a term of imprisonment who is described in 9622
division (A) of section 2967.021 of the Revised Code becomes 9623
eligible for parole as described in that division or, if the 9624
prisoner is serving a definite term of imprisonment, shall be 9625
released as described in that division. 9626

(E) A prisoner serving a sentence of life imprisonment 9627
without parole imposed pursuant to section 2907.02 or section 9628
2929.03 or 2929.06 of the Revised Code is not eligible for 9629
parole and shall be imprisoned until death. 9630

(F) A prisoner serving a stated prison term that is a non- 9631
life felony indefinite prison term shall be released in 9632
accordance with sections 2967.271, 2967.272, and 2967.28 of the 9633
Revised Code. A prisoner serving a stated prison term of any 9634
other nature shall be released in accordance with section 9635
2967.28 of the Revised Code. 9636

(G) A prisoner serving a prison term or term of life 9637
imprisonment without parole imposed pursuant to section 2971.03 9638

of the Revised Code never becomes eligible for parole during 9639
that term of imprisonment. 9640

Sec. 2967.14. (A) The department of rehabilitation and 9641
correction or the adult parole authority may require or allow a 9642
parolee, a releasee, or a prisoner otherwise released from a 9643
state correctional institution to reside in a halfway house or 9644
other suitable community residential center that has been 9645
licensed by the division of parole and community services 9646
pursuant to division (C) of this section or, in the 9647
circumstances described in division (E) of section 5120.113 of 9648
the Revised Code, in the reentry program and facility 9649
established under that division, during a part or for the entire 9650
period of the offender's or parolee's conditional release or of 9651
the releasee's term of post-release control. The court of common 9652
pleas that placed an offender under a sanction consisting of a 9653
term in a halfway house or in an alternative residential 9654
sanction may require the offender to reside in a halfway house 9655
or other suitable community residential center that is 9656
designated by the court and that has been licensed by the 9657
division pursuant to division (C) of this section during a part 9658
or for the entire period of the offender's residential sanction. 9659

(B) The division of parole and community services may 9660
negotiate and enter into agreements with any public or private 9661
agency or a department or political subdivision of the state 9662
that operates a halfway house, reentry center, or community 9663
residential center that has been licensed by the division 9664
pursuant to division (C) of this section. An agreement under 9665
this division shall provide for the purchase of beds, shall set 9666
limits of supervision and levels of occupancy, and shall 9667
determine the scope of services for all eligible offenders, 9668
including those subject to a residential sanction, as defined in 9669

rules adopted by the director of rehabilitation and correction 9670
in accordance with Chapter 119. of the Revised Code, or those 9671
released from prison without supervision. The payments for beds 9672
and services shall not exceed the total operating costs of the 9673
halfway house, reentry center, or community residential center 9674
during the term of an agreement. The director of rehabilitation 9675
and correction shall adopt rules in accordance with Chapter 119. 9676
of the Revised Code for determining includable and excludable 9677
costs and income to be used in computing the agency's average 9678
daily per capita costs with its facility at full occupancy. 9679

The director of rehabilitation and correction shall adopt 9680
rules providing for the use of no more than fifteen per cent of 9681
the amount appropriated to the department each fiscal year for 9682
the halfway house, reentry center, and community residential 9683
center program to pay for contracts with licensed halfway houses 9684
for nonresidential services for offenders under the supervision 9685
of the adult parole authority, including but not limited to, 9686
offenders supervised pursuant to an agreement entered into by 9687
the adult parole authority and a court of common pleas under 9688
section 2301.32 of the Revised Code. The nonresidential services 9689
may include, but are not limited to, treatment for substance 9690
abuse, mental health counseling, counseling for sex offenders, 9691
electronic monitoring services, aftercare, and other 9692
nonresidential services that the director identifies by rule. 9693

(C) The division of parole and community services may 9694
license a halfway house, reentry center, or community 9695
residential center as a suitable facility for the care and 9696
treatment of adult offenders, including offenders sentenced 9697
under section 2929.16 or 2929.26 of the Revised Code, only if 9698
the halfway house, reentry center, or community residential 9699
center complies with the standards that the division adopts in 9700

accordance with Chapter 119. of the Revised Code for the 9701
licensure of halfway houses, reentry centers, and community 9702
residential centers. The division shall annually inspect each 9703
licensed halfway house, licensed reentry center, and licensed 9704
community residential center to determine if it is in compliance 9705
with the licensure standards. 9706

(D) The division of parole and community services may 9707
expend up to one-half per cent of the annual appropriation made 9708
for halfway house programs, for goods or services that benefit 9709
those programs. 9710

Sec. 2967.19. (A) As used in this section: 9711

(1) "Deadly weapon" and "dangerous ordnance" have the same 9712
meanings as in section 2923.11 of the Revised Code. 9713

(2) "Disqualifying prison term" means any of the 9714
following: 9715

(a) A prison term imposed for aggravated murder, murder, 9716
voluntary manslaughter, involuntary manslaughter, felonious 9717
assault, kidnapping, rape, aggravated arson, aggravated 9718
burglary, or aggravated robbery; 9719

(b) A prison term imposed for complicity in, an attempt to 9720
commit, or conspiracy to commit any offense listed in division 9721
(A) (2) (a) of this section; 9722

(c) A prison term of life imprisonment, including any term 9723
of life imprisonment that has parole eligibility; 9724

(d) A prison term imposed for any felony other than 9725
carrying a concealed weapon an essential element of which is any 9726
conduct or failure to act expressly involving any deadly weapon 9727
or dangerous ordnance; 9728

(e) A prison term imposed for any violation of section 2925.03 of the Revised Code that is a felony of the first or second degree; 9729
9730
9731

(f) A prison term imposed for engaging in a pattern of corrupt activity in violation of section 2923.32 of the Revised Code; 9732
9733
9734

(g) A prison term imposed pursuant to section 2971.03 of the Revised Code; 9735
9736

(h) A prison term imposed for any sexually oriented offense. 9737
9738

(3) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term. 9739
9740
9741

(4) "Restricting prison term" means any of the following: 9742

(a) A mandatory prison term imposed under division (B) (1) (a), (B) (1) (c), (B) (1) (f), (B) (1) (g), (B) (2), or (B) (7) of section 2929.14 of the Revised Code for a specification of the type described in that division; 9743
9744
9745
9746

(b) In the case of an offender who has been sentenced to a mandatory prison term for a specification of the type described in division (A) (4) (a) of this section, the prison term imposed for the felony offense for which the specification was stated at the end of the body of the indictment, count in the indictment, or information charging the offense; 9747
9748
9749
9750
9751
9752

(c) A prison term imposed for trafficking in persons; 9753

(d) A prison term imposed for any offense that is described in division (A) (4) (d) (i) of this section if division (A) (4) (d) (ii) of this section applies to the offender: 9754
9755
9756

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

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

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

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

(B) The director of the department of rehabilitation and correction may recommend in writing to the sentencing court that the court consider releasing from prison any offender who, on or after September 30, 2011, is confined in a state correctional institution, who is serving a stated prison term of one year or more, and who is eligible under division (C) of this section for a release under this section. If the director wishes to recommend that the sentencing court consider releasing an offender under this section, the director shall notify the sentencing court in writing of the offender's eligibility not

earlier than ninety days prior to the date on which the offender 9787
becomes eligible as described in division (C) of this section. 9788
The director's submission of the written notice constitutes a 9789
recommendation by the director that the court strongly consider 9790
release of the offender consistent with the purposes and 9791
principles of sentencing set forth in sections 2929.11 and 9792
2929.13 of the Revised Code. Only an offender recommended by the 9793
director under division (B) of this section may be considered 9794
for early release under this section. 9795

(C) (1) An offender serving a stated prison term of one 9796
year or more and who has commenced service of that stated prison 9797
term becomes eligible for release from prison under this section 9798
only as described in this division. An offender serving a stated 9799
prison term that includes a disqualifying prison term is not 9800
eligible for release from prison under this section. An offender 9801
serving a stated prison term that consists solely of one or more 9802
restricting prison terms is not eligible for release under this 9803
section. An offender serving a stated prison term of one year or 9804
more that includes one or more restricting prison terms and one 9805
or more eligible prison terms becomes eligible for release under 9806
this section after having fully served all restricting prison 9807
terms and having served eighty per cent of ~~the~~ that stated 9808
prison term that remains to be served after all restricting 9809
prison terms have been fully served. An offender serving a 9810
stated prison term of one year or more that consists solely of 9811
one or more eligible prison terms becomes eligible for release 9812
under this section after having served eighty per cent of that 9813
stated prison term. For purposes of determining an offender's 9814
eligibility for release under this section, if the offender's 9815
stated prison term includes consecutive prison terms, any 9816
restricting prison terms shall be deemed served prior to any 9817

eligible prison terms that run consecutively to the restricting 9818
prison terms, and the eligible prison terms are deemed to 9819
commence after all of the restricting prison terms have been 9820
fully served. 9821

An offender serving a stated prison term of one year or 9822
more that includes a mandatory prison term that is not a 9823
disqualifying prison term and is not a restricting prison term 9824
is not automatically ineligible as a result of the offender's 9825
service of that mandatory term for release from prison under 9826
this section, and the offender's eligibility for release from 9827
prison under this section is determined in accordance with this 9828
division. 9829

(2) If an offender confined in a state correctional 9830
institution under a stated prison term is eligible for release 9831
under this section as described in division (C) (1) of this 9832
section, the director of the department of rehabilitation and 9833
correction may recommend in writing that the sentencing court 9834
consider releasing the offender from prison under this section 9835
by submitting to the sentencing court the written notice 9836
described in division (B) of this section. 9837

(D) The director shall include with any notice submitted 9838
to the sentencing court under division (B) of this section an 9839
institutional summary report that covers the offender's 9840
participation while confined in a state correctional institution 9841
in school, training, work, treatment, and other rehabilitative 9842
activities and any disciplinary action taken against the 9843
offender while so confined. The director shall include with the 9844
notice any other documentation requested by the court, if 9845
available. 9846

(E) (1) When the director submits a written notice to a 9847

sentencing court that an offender is eligible to be considered 9848
for early release under this section, the department promptly 9849
shall provide to the prosecuting attorney of the county in which 9850
the offender was indicted a copy of the written notice, a copy 9851
of the institutional summary report, and any other information 9852
provided to the court and shall provide a copy of the 9853
institutional summary report to any law enforcement agency that 9854
requests the report. The department also promptly shall do 9855
whichever of the following is applicable: 9856

(a) Subject to division (E) (1) (b) of this section, give 9857
written notice of the submission to any victim of the offender 9858
or victim's representative of any victim of the offender who is 9859
registered with the office of victim's services. 9860

(b) If the offense was aggravated murder, murder, an 9861
offense of violence that is a felony of the first, second, or 9862
third degree, or an offense punished by a sentence of life 9863
imprisonment, except as otherwise provided in this division, 9864
notify the victim or the victim's representative of the filing 9865
of the petition regardless of whether the victim or victim's 9866
representative has registered with the office of victim's 9867
services. The notice of the filing of the petition shall not be 9868
given under this division to a victim or victim's representative 9869
if the victim or victim's representative has requested pursuant 9870
to division (B) (2) of section 2930.03 of the Revised Code that 9871
the victim or the victim's representative not be provided the 9872
notice. If notice is to be provided to a victim or victim's 9873
representative under this division, the department may give the 9874
notice by any reasonable means, including regular mail, 9875
telephone, and electronic mail, in accordance with division (D) 9876
(1) of section 2930.16 of the Revised Code. If the notice is 9877
based on an offense committed prior to ~~the effective date of~~ 9878

~~this amendment~~ March 22, 2013, the notice also shall include the 9879
opt-out information described in division (D) (1) of section 9880
2930.16 of the Revised Code. The department, in accordance with 9881
division (D) (2) of section 2930.16 of the Revised Code, shall 9882
keep a record of all attempts to provide the notice, and of all 9883
notices provided, under this division. 9884

Division (E) (1) (b) of this section, and the notice-related 9885
provisions of divisions (E) (2) and (K) of section 2929.20, 9886
division (D) (1) of section 2930.16, division (H) of section 9887
2967.12, division (A) (3) (b) of section 2967.26, division (D) (1) 9888
of section 2967.28, and division (A) (2) of section 5149.101 of 9889
the Revised Code enacted in the act in which division (E) (2) of 9890
this section was enacted, shall be known as "Roberta's Law." 9891

(2) When the director submits a petition under this 9892
section, the department also promptly shall post a copy of the 9893
written notice on the database it maintains under section 9894
5120.66 of the Revised Code and include information on where a 9895
person may send comments regarding the recommendation of early 9896
release. 9897

The information provided to the court, the prosecutor, and 9898
the victim or victim's representative under divisions (D) and 9899
(E) of this section shall include the name and contact 9900
information of a specific department of rehabilitation and 9901
correction employee who is available to answer questions about 9902
the offender who is the subject of the written notice submitted 9903
by the director, including, but not limited to, the offender's 9904
institutional conduct and rehabilitative activities while 9905
incarcerated. 9906

(F) Upon receipt of a written notice submitted by the 9907
director under division (B) of this section, the court either 9908

shall, on its own motion, schedule a hearing to consider 9909
releasing the offender who is the subject of the notice or shall 9910
inform the department that it will not be conducting a hearing 9911
relative to the offender. The court shall not grant an early 9912
release to an offender without holding a hearing. If a court 9913
declines to hold a hearing relative to an offender with respect 9914
to a written notice submitted by the director, the court may 9915
later consider release of that offender under this section on 9916
its own motion by scheduling a hearing for that purpose. Within 9917
thirty days after the written notice is submitted, the court 9918
shall inform the department whether or not the court is 9919
scheduling a hearing on the offender who is the subject of the 9920
notice. 9921

(G) If the court schedules a hearing upon receiving a 9922
written notice submitted under division (B) of this section or 9923
upon its own motion under division (F) of this section, the 9924
court shall notify the head of the state correctional 9925
institution in which the offender is confined of the hearing 9926
prior to the hearing. If the court makes a journal entry 9927
ordering the offender to be conveyed to the hearing, except as 9928
otherwise provided in this division, the head of the 9929
correctional institution shall deliver the offender to the 9930
sheriff of the county in which the hearing is to be held, and 9931
the sheriff shall convey the offender to and from the hearing. 9932
Upon the court's own motion or the motion of the offender or the 9933
prosecuting attorney of the county in which the offender was 9934
indicted, the court may permit the offender to appear at the 9935
hearing by video conferencing equipment if equipment of that 9936
nature is available and compatible. 9937

Upon receipt of notice from a court of a hearing on the 9938
release of an offender under this division, the head of the 9939

state correctional institution in which the offender is confined 9940
immediately shall notify the appropriate person at the 9941
department of rehabilitation and correction of the hearing, and 9942
the department within twenty-four hours after receipt of the 9943
notice shall post on the database it maintains pursuant to 9944
section 5120.66 of the Revised Code the offender's name and all 9945
of the information specified in division (A)(1)(c)(i) of that 9946
section. If the court schedules a hearing under this section, 9947
the court promptly shall give notice of the hearing to the 9948
prosecuting attorney of the county in which the offender was 9949
indicted. Upon receipt of the notice from the court, the 9950
prosecuting attorney shall notify pursuant to section 2930.16 of 9951
the Revised Code any victim of the offender or the victim's 9952
representative of the hearing. 9953

(H) If the court schedules a hearing under this section, 9954
at the hearing, the court shall afford the offender and the 9955
offender's attorney an opportunity to present written 9956
information and, if present, oral information relevant to the 9957
offender's early release. The court shall afford a similar 9958
opportunity to the prosecuting attorney, victim or victim's 9959
representative, as defined in section 2930.01 of the Revised 9960
Code, and any other person the court determines is likely to 9961
present additional relevant information. If the court pursuant 9962
to division (G) of this section permits the offender to appear 9963
at the hearing by video conferencing equipment, the offender's 9964
opportunity to present oral information shall be as a part of 9965
the video conferencing. The court shall consider any statement 9966
of a victim made under section 2930.14 or 2930.17 of the Revised 9967
Code, any victim impact statement prepared under section 9968
2947.051 of the Revised Code, and any report and other 9969
documentation submitted by the director under division (D) of 9970

this section. After ruling on whether to grant the offender 9971
early release, the court shall notify the victim in accordance 9972
with sections 2930.03 and 2930.16 of the Revised Code. 9973

(I) If the court grants an offender early release under 9974
this section, it shall order the release of the offender, shall 9975
place the offender under one or more appropriate community 9976
control sanctions, under appropriate conditions, and under the 9977
supervision of the department of probation that serves the 9978
court, and shall reserve the right to reimpose the sentence that 9979
it reduced and from which the offender was released if the 9980
offender violates the sanction. The court shall not make a 9981
release under this section effective prior to the date on which 9982
the offender becomes eligible as described in division (C) of 9983
this section. If the sentence under which the offender is 9984
confined in a state correctional institution and from which the 9985
offender is being released was imposed for a felony of the first 9986
or second degree, the court shall consider ordering that the 9987
offender be monitored by means of a global positioning device. 9988
If the court reimposes the sentence that it reduced and from 9989
which the offender was released and if the violation of the 9990
sanction is a new offense, the court may order that the 9991
reimposed sentence be served either concurrently with, or 9992
consecutive to, any new sentence imposed upon the offender as a 9993
result of the violation that is a new offense. The period of all 9994
community control sanctions imposed under this division shall 9995
not exceed five years. The court, in its discretion, may reduce 9996
the period of community control sanctions by the amount of time 9997
the offender spent in jail or prison for the offense. 9998

If the court grants an offender early release under this 9999
section, it shall notify the appropriate person at the 10000
department of rehabilitation and correction of the release, and 10001

the department shall post notice of the release on the database 10002
it maintains pursuant to section 5120.66 of the Revised Code. 10003

(J) The department shall adopt under Chapter 119. of the 10004
Revised Code any rules necessary to implement this section. 10005

Sec. 2967.191. (A) The department of rehabilitation and 10006
correction shall reduce the ~~stated~~ prison term of a prisoner ~~or,~~ 10007
~~if the prisoner is serving a term for which there is parole~~ 10008
~~eligibility, the minimum and maximum term or the parole~~ 10009
~~eligibility date of the prisoner, as described in division (B)~~ 10010
of this section, by the total number of days that the prisoner 10011
was confined for any reason arising out of the offense for which 10012
the prisoner was convicted and sentenced, including confinement 10013
in lieu of bail while awaiting trial, confinement for 10014
examination to determine the prisoner's competence to stand 10015
trial or sanity, confinement while awaiting transportation to 10016
the place where the prisoner is to serve the prisoner's prison 10017
term, as determined by the sentencing court under division (B) 10018
(2) ~~(g)~~ (h) (i) of section 2929.19 of the Revised Code, and 10019
confinement in a juvenile facility. The department of 10020
rehabilitation and correction also shall reduce the stated 10021
prison term of a prisoner or, if the prisoner is serving a term 10022
for which there is parole eligibility, the minimum and maximum 10023
term or the parole eligibility date of the prisoner by the total 10024
number of days, if any, that the prisoner previously served in 10025
the custody of the department of rehabilitation and correction 10026
arising out of the offense for which the prisoner was convicted 10027
and sentenced. 10028

(B) The reductions described in division (A) of this 10029
section shall be made to the following prison terms, as 10030
applicable: 10031

(1) The definite prison term of a prisoner serving a 10032
definite prison term as a stated prison term; 10033

(2) The minimum term of a prisoner serving a non-life 10034
felony indefinite prison term as a stated prison term; 10035

(3) The minimum and maximum term or the parole eligibility 10036
date of a prisoner serving a term for which there is parole 10037
eligibility. 10038

Sec. 2967.193. (A) (1) Except as provided in division (C) 10039
of this section and subject to the maximum aggregate total 10040
specified in division (A) (3) of this section, a person confined 10041
in a state correctional institution or placed in the substance 10042
use disorder treatment program may provisionally earn one day or 10043
five days of credit, based on the category set forth in division 10044
(D) (1), (2), (3), (4), or (5) of this section in which the 10045
person is included, toward satisfaction of the person's stated 10046
prison term, as described in division (F) of this section, for 10047
each completed month during which the person, if confined in a 10048
state correctional institution, productively participates in an 10049
education program, vocational training, employment in prison 10050
industries, treatment for substance abuse, or any other 10051
constructive program developed by the department with specific 10052
standards for performance by prisoners or during which the 10053
person, if placed in the substance use disorder treatment 10054
program, productively participates in the program. Except as 10055
provided in division (C) of this section and subject to the 10056
maximum aggregate total specified in division (A) (3) of this 10057
section, a person so confined in a state correctional 10058
institution who successfully completes two programs or 10059
activities of that type may, in addition, provisionally earn up 10060
to five days of credit toward satisfaction of the person's 10061

stated prison term, as described in division (F) of this 10062
section, for the successful completion of the second program or 10063
activity. The person shall not be awarded any provisional days 10064
of credit for the successful completion of the first program or 10065
activity or for the successful completion of any program or 10066
activity that is completed after the second program or activity. 10067
At the end of each calendar month in which a person productively 10068
participates in a program or activity listed in this division or 10069
successfully completes a program or activity listed in this 10070
division, the department of rehabilitation and correction shall 10071
determine and record the total number of days credit that the 10072
person provisionally earned in that calendar month. If the 10073
person in a state correctional institution violates prison rules 10074
or the person in the substance use disorder treatment program 10075
violates program or department rules, the department may deny 10076
the person a credit that otherwise could have been provisionally 10077
awarded to the person or may withdraw one or more credits 10078
previously provisionally earned by the person. Days of credit 10079
provisionally earned by a person shall be finalized and awarded 10080
by the department subject to administrative review by the 10081
department of the person's conduct. 10082

(2) Unless a person is serving a mandatory prison term or 10083
a prison term for an offense of violence or a sexually oriented 10084
offense, and notwithstanding the maximum aggregate total 10085
specified in division (A) (3) of this section, a person who 10086
successfully completes any of the following shall earn ninety 10087
days of credit toward satisfaction of the person's stated prison 10088
term or a ten per cent reduction of the person's stated prison 10089
term, whichever is less: 10090

(a) An Ohio high school diploma or Ohio certificate of 10091
high school equivalence certified by the Ohio central school 10092

system;	10093
(b) A therapeutic drug community program;	10094
(c) All three phases of the department of rehabilitation and correction's intensive outpatient drug treatment program;	10095 10096
(d) A career technical vocational school program;	10097
(e) A college certification program;	10098
(f) The criteria for a certificate of achievement and employability as specified in division (A)(1) of section 2961.22 of the Revised Code.	10099 10100 10101
(3) Except for persons described in division (A)(2) of this section, the aggregate days of credit provisionally earned by a person for program or activity participation and program and activity completion under this section and the aggregate days of credit finally credited to a person under this section shall not exceed eight per cent of the total number of days in the person's stated prison term.	10102 10103 10104 10105 10106 10107 10108
(B) The department of rehabilitation and correction shall adopt rules that specify the programs or activities for which credit may be earned under this section, the criteria for determining productive participation in, or completion of, the programs or activities and the criteria for awarding credit, including criteria for awarding additional credit for successful program or activity completion, and the criteria for denying or withdrawing previously provisionally earned credit as a result of a violation of prison rules, or program or department rules, whichever is applicable.	10109 10110 10111 10112 10113 10114 10115 10116 10117 10118
(C) No person confined in a state correctional institution or placed in a substance use disorder treatment program to whom	10119 10120

any of the following applies shall be awarded any days of credit 10121
under division (A) of this section: 10122

(1) The person is serving a prison term that section 10123
2929.13 or section 2929.14 of the Revised Code specifies cannot 10124
be reduced pursuant to this section or this chapter or is 10125
serving a sentence for which section 2967.13 or division (B) of 10126
section 2929.143 of the Revised Code specifies that the person 10127
is not entitled to any earned credit under this section. 10128

(2) The person is sentenced to death or is serving a 10129
prison term or a term of life imprisonment for aggravated 10130
murder, murder, or a conspiracy or attempt to commit, or 10131
complicity in committing, aggravated murder or murder. 10132

(3) The person is serving a sentence of life imprisonment 10133
without parole imposed pursuant to section 2929.03 or 2929.06 of 10134
the Revised Code, a prison term or a term of life imprisonment 10135
without parole imposed pursuant to section 2971.03 of the 10136
Revised Code, or a sentence for a sexually oriented offense that 10137
was committed on or after September 30, 2011. 10138

(D) This division does not apply to a determination of 10139
whether a person confined in a state correctional institution or 10140
placed in a substance use disorder treatment program may earn 10141
any days of credit under division (A) of this section for 10142
successful completion of a second program or activity. The 10143
determination of whether a person confined in a state 10144
correctional institution may earn one day of credit or five days 10145
of credit under division (A) of this section for each completed 10146
month during which the person productively participates in a 10147
program or activity specified under that division shall be made 10148
in accordance with the following: 10149

(1) The offender may earn one day of credit under division 10150
(A) of this section, except as provided in division (C) of this 10151
section, if the most serious offense for which the offender is 10152
confined is any of the following that is a felony of the first 10153
or second degree: 10154

(a) A violation of division (A) of section 2903.04 or of 10155
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 10156
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 10157
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 10158
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 10159
2927.24 of the Revised Code; 10160

(b) A conspiracy or attempt to commit, or complicity in 10161
committing, any other offense for which the maximum penalty is 10162
imprisonment for life or any offense listed in division (D) (1) 10163
(a) of this section. 10164

(2) The offender may earn one day of credit under division 10165
(A) of this section, except as provided in division (C) of this 10166
section, if the offender is serving a stated prison term that 10167
includes a prison term imposed for a sexually oriented offense 10168
that the offender committed prior to September 30, 2011. 10169

(3) The offender may earn one day of credit under division 10170
(A) of this section, except as provided in division (C) of this 10171
section, if the offender is serving a stated prison term that 10172
includes a prison term imposed for a felony other than carrying 10173
a concealed weapon an essential element of which is any conduct 10174
or failure to act expressly involving any deadly weapon or 10175
dangerous ordnance. 10176

(4) Except as provided in division (C) of this section, if 10177
the most serious offense for which the offender is confined is a 10178

felony of the first or second degree and divisions (D) (1), (2), 10179
and (3) of this section do not apply to the offender, the 10180
offender may earn one day of credit under division (A) of this 10181
section if the offender committed that offense prior to 10182
September 30, 2011, and the offender may earn five days of 10183
credit under division (A) of this section if the offender 10184
committed that offense on or after September 30, 2011. 10185

(5) Except as provided in division (C) of this section, if 10186
the most serious offense for which the offender is confined is a 10187
felony of the third, fourth, or fifth degree or an unclassified 10188
felony and neither division (D) (2) nor (3) of this section 10189
applies to the offender, the offender may earn one day of credit 10190
under division (A) of this section if the offender committed 10191
that offense prior to September 30, 2011, and the offender may 10192
earn five days of credit under division (A) of this section if 10193
the offender committed that offense on or after September 30, 10194
2011. 10195

(E) The department annually shall seek and consider the 10196
written feedback of the Ohio prosecuting attorneys association, 10197
the Ohio judicial conference, the Ohio public defender, the Ohio 10198
association of criminal defense lawyers, and other organizations 10199
and associations that have an interest in the operation of the 10200
corrections system and the earned credits program under this 10201
section as part of its evaluation of the program and in 10202
determining whether to modify the program. 10203

(F) Days of credit awarded under this section shall be 10204
applied toward satisfaction of a person's stated prison term as 10205
follows: 10206

(1) Toward the definite prison term of a prisoner serving 10207
a definite prison term as a stated prison term; 10208

(2) Toward the minimum term of a prisoner serving an 10209
indefinite prison term imposed under division (A) (1) (a), (2) (a), 10210
or (3) (a) (i) of section 2929.14 of the Revised Code for a felony 10211
of the first or second degree committed on or after the 10212
effective date of this amendment or a felony of the third degree 10213
that is described in division (A) (3) (a) of that section and 10214
committed on or after that effective date. 10215

(G) As used in this section: 10216

(1) "Sexually oriented offense" has the same meaning as in 10217
section 2950.01 of the Revised Code. 10218

(2) "Substance use disorder treatment program" means the 10219
substance use disorder treatment program established by the 10220
department of rehabilitation and correction under section 10221
5120.035 of the Revised Code. 10222

Sec. 2967.26. (A) (1) The department of rehabilitation and 10223
correction, by rule, may establish a transitional control 10224
program for the purpose of closely monitoring a prisoner's 10225
adjustment to community supervision during the final one hundred 10226
eighty days of the prisoner's confinement. If the department 10227
establishes a transitional control program under this division, 10228
the division of parole and community services of the department 10229
of rehabilitation and correction may transfer eligible prisoners 10230
to transitional control status under the program during the 10231
final one hundred eighty days of their confinement and under the 10232
terms and conditions established by the department, shall 10233
provide for the confinement as provided in this division of each 10234
eligible prisoner so transferred, and shall supervise each 10235
eligible prisoner so transferred in one or more community 10236
control sanctions. Each eligible prisoner who is transferred to 10237
transitional control status under the program shall be confined 10238

in a suitable facility that is licensed pursuant to division (C) 10239
of section 2967.14 of the Revised Code, or shall be confined in 10240
a residence the department has approved for this purpose and be 10241
monitored pursuant to an electronic monitoring device, as 10242
defined in section 2929.01 of the Revised Code. If the 10243
department establishes a transitional control program under this 10244
division, the rules establishing the program shall include 10245
criteria that define which prisoners are eligible for the 10246
program, criteria that must be satisfied to be approved as a 10247
residence that may be used for confinement under the program of 10248
a prisoner that is transferred to it and procedures for the 10249
department to approve residences that satisfy those criteria, 10250
and provisions of the type described in division (C) of this 10251
section. At a minimum, the criteria that define which prisoners 10252
are eligible for the program shall provide all of the following: 10253

(a) That a prisoner is eligible for the program if the 10254
prisoner is serving a prison term or term of imprisonment for an 10255
offense committed prior to March 17, 1998, and if, at the time 10256
at which eligibility is being determined, the prisoner would 10257
have been eligible for a furlough under this section as it 10258
existed immediately prior to March 17, 1998, or would have been 10259
eligible for conditional release under former section 2967.23 of 10260
the Revised Code as that section existed immediately prior to 10261
March 17, 1998; 10262

(b) That no prisoner who is serving a mandatory prison 10263
term is eligible for the program until after expiration of the 10264
mandatory term; 10265

(c) That no prisoner who is serving a prison term or term 10266
of life imprisonment without parole imposed pursuant to section 10267
2971.03 of the Revised Code is eligible for the program. 10268

(2) At least sixty days prior to transferring to 10269
transitional control under this section a prisoner who is 10270
serving a definite term of imprisonment or definite prison term 10271
of two years or less for an offense committed on or after July 10272
1, 1996, or who is serving a minimum term of two years or less 10273
under a non-life felony indefinite prison term, the division of 10274
parole and community services of the department of 10275
rehabilitation and correction shall give notice of the pendency 10276
of the transfer to transitional control to the court of common 10277
pleas of the county in which the indictment against the prisoner 10278
was found and of the fact that the court may disapprove the 10279
transfer of the prisoner to transitional control and shall 10280
include the institutional summary report prepared by the head of 10281
the state correctional institution in which the prisoner is 10282
confined. The head of the state correctional institution in 10283
which the prisoner is confined, upon the request of the division 10284
of parole and community services, shall provide to the division 10285
for inclusion in the notice sent to the court under this 10286
division an institutional summary report on the prisoner's 10287
conduct in the institution and in any institution from which the 10288
prisoner may have been transferred. The institutional summary 10289
report shall cover the prisoner's participation in school, 10290
vocational training, work, treatment, and other rehabilitative 10291
activities and any disciplinary action taken against the 10292
prisoner. If the court disapproves of the transfer of the 10293
prisoner to transitional control, the court shall notify the 10294
division of the disapproval within thirty days after receipt of 10295
the notice. If the court timely disapproves the transfer of the 10296
prisoner to transitional control, the division shall not proceed 10297
with the transfer. If the court does not timely disapprove the 10298
transfer of the prisoner to transitional control, the division 10299
may transfer the prisoner to transitional control. 10300

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

(b) If a prisoner 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 under a sentence of life imprisonment, except as otherwise provided in this division, the notice described in division (A) (3) (a) of this section shall be given regardless of whether the victim has requested the notification. The notice described in division (A) (3) (a) of this section shall not be given under this division to a victim if the victim has requested pursuant to division (B) (2) of section 2930.03 of the Revised Code that the victim not be provided the notice. If notice is to be provided to a victim under this division, the authority may give the notice by any reasonable means, including regular mail, telephone, and electronic mail, in accordance with division (D) (1) of section 2930.16 of the Revised Code. If the notice is based on an offense committed prior to March 22, 2013, the notice also shall include the opt-out information described in division (D) (1) of

section 2930.16 of the Revised Code. The authority, in 10332
accordance with division (D) (2) of section 2930.16 of the 10333
Revised Code, shall keep a record of all attempts to provide the 10334
notice, and of all notices provided, under this division. 10335

Division (A) (3) (b) of this section, and the notice-related 10336
provisions of divisions (E) (2) and (K) of section 2929.20, 10337
division (D) (1) of section 2930.16, division (H) of section 10338
2967.12, division (E) (1) (b) of section 2967.19, division (D) (1) 10339
of section 2967.28, and division (A) (2) of section 5149.101 of 10340
the Revised Code enacted in the act in which division (A) (3) (b) 10341
of this section was enacted, shall be known as "Roberta's Law." 10342

(4) The department of rehabilitation and correction, at 10343
least sixty days prior to transferring a prisoner to 10344
transitional control pursuant to this section, shall post on the 10345
database it maintains pursuant to section 5120.66 of the Revised 10346
Code the prisoner's name and all of the information specified in 10347
division (A) (1) (c) (iv) of that section. In addition to and 10348
independent of the right of a victim to submit a statement as 10349
described in division (A) (3) of this section or to otherwise 10350
make a statement and in addition to and independent of any other 10351
right or duty of a person to present information or make a 10352
statement, any person may send to the division of parole and 10353
community services at any time prior to the division's transfer 10354
of the prisoner to transitional control a written statement 10355
regarding the transfer of the prisoner to transitional control. 10356
In addition to the information, reports, and statements it 10357
considers under divisions (A) (2) and (3) of this section or that 10358
it otherwise considers, the division shall consider each 10359
statement submitted in accordance with this division in deciding 10360
whether to transfer the prisoner to transitional control. 10361

(B) Each prisoner transferred to transitional control 10362
under this section shall be confined in the manner described in 10363
division (A) of this section during any period of time that the 10364
prisoner is not actually working at the prisoner's approved 10365
employment, engaged in a vocational training or another 10366
educational program, engaged in another program designated by 10367
the director, or engaged in other activities approved by the 10368
department. 10369

(C) The department of rehabilitation and correction shall 10370
adopt rules for transferring eligible prisoners to transitional 10371
control, supervising and confining prisoners so transferred, 10372
administering the transitional control program in accordance 10373
with this section, and using the moneys deposited into the 10374
transitional control fund established under division (E) of this 10375
section. 10376

(D) The department of rehabilitation and correction may 10377
adopt rules for the issuance of passes for the limited purposes 10378
described in this division to prisoners who are transferred to 10379
transitional control under this section. If the department 10380
adopts rules of that nature, the rules shall govern the granting 10381
of the passes and shall provide for the supervision of prisoners 10382
who are temporarily released pursuant to one of those passes. 10383
Upon the adoption of rules under this division, the department 10384
may issue passes to prisoners who are transferred to 10385
transitional control status under this section in accordance 10386
with the rules and the provisions of this division. All passes 10387
issued under this division shall be for a maximum of forty-eight 10388
hours and may be issued only for the following purposes: 10389

(1) To visit a relative in imminent danger of death; 10390

(2) To have a private viewing of the body of a deceased 10391

relative; 10392

(3) To visit with family; 10393

(4) To otherwise aid in the rehabilitation of the 10394
prisoner. 10395

(E) The division of parole and community services may 10396
require a prisoner who is transferred to transitional control to 10397
pay to the division the reasonable expenses incurred by the 10398
division in supervising or confining the prisoner while under 10399
transitional control. Inability to pay those reasonable expenses 10400
shall not be grounds for refusing to transfer an otherwise 10401
eligible prisoner to transitional control. Amounts received by 10402
the division of parole and community services under this 10403
division shall be deposited into the transitional control fund, 10404
which is hereby created in the state treasury and which hereby 10405
replaces and succeeds the furlough services fund that formerly 10406
existed in the state treasury. All moneys that remain in the 10407
furlough services fund on March 17, 1998, shall be transferred 10408
on that date to the transitional control fund. The transitional 10409
control fund shall be used solely to pay costs related to the 10410
operation of the transitional control program established under 10411
this section. The director of rehabilitation and correction 10412
shall adopt rules in accordance with section 111.15 of the 10413
Revised Code for the use of the fund. 10414

(F) A prisoner who violates any rule established by the 10415
department of rehabilitation and correction under division (A), 10416
(C), or (D) of this section may be transferred to a state 10417
correctional institution pursuant to rules adopted under 10418
division (A), (C), or (D) of this section, but the prisoner 10419
shall receive credit towards completing the prisoner's sentence 10420
for the time spent under transitional control. 10421

If a prisoner is transferred to transitional control under this section, upon successful completion of the period of transitional control, the prisoner may be released on parole or under post-release control pursuant to section 2967.13 or 2967.28 of the Revised Code and rules adopted by the department of rehabilitation and correction. If the prisoner is released under post-release control, the duration of the post-release control, the type of post-release control sanctions that may be imposed, the enforcement of the sanctions, and the treatment of prisoners who violate any sanction applicable to the prisoner are governed by section 2967.28 of the Revised Code.

Sec. 2967.271. (A) As used in this section and section 2967.272 of the Revised Code:

(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 section 2967.272 of the Revised Code, that provides for diminution or reduction of an offender's sentence.

(2) "Offender's earned early release date" means the date that is determined under the procedures described in section 2967.272 of the Revised Code by the reduction, if any, of an offender's minimum prison term by the sentencing court and the crediting of that reduction toward satisfaction of the minimum term.

(3) "Rehabilitative programs and activities" means education programs, vocational training, employment in prison industries, treatment for substance abuse, or other constructive programs developed by the department of rehabilitation and

correction with specific standards for performance by prisoners. 10452

(4) "Security level" means the security level in which an offender is classified under the inmate classification level system of the department of rehabilitation and correction that then is in effect. 10453
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(5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 10457
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(B) When an offender is sentenced to a non-life felony indefinite prison term, there shall be a presumption that the person shall be released from service of the sentence on the expiration of the offender's minimum prison term or on the offender's earned early release date, whichever is earlier. 10459
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(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 earned early release date, whichever is earlier. The department may rebut the presumption only if the department, upon a review of the offender for release, determines that one or more of the following applies: 10464
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(1) Regardless of the security level in which the offender is classified at the time the offender is reviewed by the department for release, 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 10474
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physical harm to the staff of a state correctional institution 10481
or its inmates, or committed a violation of law that was not 10482
prosecuted, and the infractions or violations demonstrate that 10483
the offender has not been rehabilitated. 10484

(2) The offender's behavior while incarcerated, including, 10485
but not limited to the infractions and violations specified in 10486
division (C) (1) of this section, demonstrates that the offender 10487
continues to pose a threat to society. 10488

(3) Regardless of the security level in which the offender 10489
is classified at the time the offender is reviewed by the 10490
department for release, at any time within the year preceding 10491
the time of the review, the offender has been placed by the 10492
department in a housing status to which both of the following 10493
apply: 10494

(a) The housing status has limited privileges, restricts 10495
the offender's interaction with other prisoners, or has limited 10496
privileges and restricts the offender's interaction with other 10497
prisoners; 10498

(b) The department by rule adopted under division (F) of 10499
this section has specified the housing status as one that 10500
overcomes the presumption established under division (B) of this 10501
section. 10502

(4) At the time the offender is reviewed by the department 10503
for release, the offender is classified by the department as a 10504
security level three, four, or five, or at a higher security 10505
level. 10506

(D) (1) If the department of rehabilitation and correction, 10507
pursuant to division (C) of this section, rebuts the presumption 10508
established under division (B) of this section, the department 10509

may maintain the offender's incarceration in a state 10510
correctional institution under the sentence after the expiration 10511
of the offender's minimum prison term or, for offenders who have 10512
an earned early release date, after the offender's earned early 10513
release date. The department may maintain the offender's 10514
incarceration under this division for an additional period of 10515
incarceration determined by the department. The additional 10516
period of incarceration shall be a reasonable period determined 10517
by the department, shall be specified by the department, and 10518
shall not exceed the offender's maximum prison term. 10519

(2) If the department of rehabilitation and correction, 10520
pursuant to division (C) of this section, rebuts the presumption 10521
established under division (B) of this section and maintains an 10522
offender's incarceration under division (D) (1) of this section 10523
for an additional period that expires before the completion of 10524
the offender's maximum prison term, there shall be a presumption 10525
that the offender shall be released on the expiration of the 10526
offender's minimum prison term plus the additional period of 10527
incarceration specified by the department or, for offenders who 10528
have an earned early release date, on the expiration of the 10529
additional period of incarceration to be served after the 10530
offender's earned early release date that is specified by the 10531
department. The presumption is a rebuttable presumption that the 10532
department may rebut, but only if it makes the determinations 10533
specified in division (C) of this section, and if the department 10534
rebuts the presumption, it may maintain the offender's 10535
incarceration in a state correctional institution for an 10536
additional period determined as specified in division (D) (1) of 10537
this section. Unless the department rebuts the presumption, the 10538
offender shall be released from service of the sentence on the 10539
expiration of the offender's minimum prison term plus the 10540

additional period of incarceration specified by the department 10541
or, for offenders who have an earned early release date, on the 10542
expiration of the additional period of incarceration to be 10543
served after the offender's earned early release date as 10544
specified by the department. 10545

The provisions of this division regarding the 10546
establishment of a rebuttable presumption, the department's 10547
rebuttal of the presumption, and the department's maintenance of 10548
an offender's incarceration for an additional period of 10549
incarceration apply, and may be utilized more than one time, 10550
during the remainder of the offender's incarceration. If the 10551
offender has not been released under division (C) of this 10552
section or this division prior to the expiration of the 10553
offender's maximum prison term imposed as part of the offender's 10554
non-life felony indefinite prison term, the offender shall be 10555
released upon the expiration of that maximum term. 10556

(3) If, in relation to any offender sentenced to a non- 10557
life felony indefinite prison term, the department considers 10558
whether to rebut the presumption of release established for the 10559
offender under division (B) or (D) of this section, prior to 10560
making its determination on the matter, the department shall 10561
consider any written statement submitted by a victim of the 10562
offender. 10563

(E) If, in relation to any offender sentenced to a non- 10564
life felony indefinite prison term, the department intends to 10565
rebut the presumption of release established under division (B) 10566
or (D) of this section on the basis of a potential threat to 10567
society as described in division (C) (2) of this section, the 10568
department shall not rebut the presumption without first 10569
conducting a hearing. If the department conducts such a hearing 10570

in relation to an offender, the offender shall be required to 10571
attend the hearing and shall be permitted to participate in the 10572
hearing if the offender so chooses. If the hearing is held in a 10573
location other than the state correctional institution in which 10574
the offender is confined at the time of the hearing, the 10575
department may permit the offender to appear at the hearing by 10576
video conferencing equipment if equipment of that nature is 10577
available and compatible. 10578

If, in relation to any offender sentenced to a non-life 10579
felony indefinite prison term, the department intends to rebut 10580
the presumption of release on any basis other than the basis of 10581
a potential threat to society as described in division (C) (2) of 10582
this section, the department may rebut the presumption on that 10583
basis without first conducting a hearing and shall not conduct a 10584
hearing to consider rebutting the presumption on that basis. In 10585
making its decision as to whether to rebut the presumption, the 10586
department shall consider any written statement submitted by a 10587
victim of the offender. 10588

(F) The department of rehabilitation and correction by 10589
rule shall specify the housing statuses of offenders serving a 10590
non-life felony indefinite prison term that, for purposes of 10591
division (C) (3) of this section, overcome the presumption of 10592
release for the offender. 10593

(G) If an offender is sentenced to a non-life felony 10594
indefinite prison term, any reference in a section of the 10595
Revised Code to a definite prison term shall be construed as 10596
referring to the offender's minimum term under that sentence 10597
plus any additional period of time of incarceration specified by 10598
the department under division (D) (1) or (2) of this section or 10599
minus any deduction to that term granted under section 2967.272 10600

of the Revised Code, except to the extent otherwise specified in 10601
the section or to the extent that that construction clearly 10602
would be inappropriate. 10603

Sec. 2967.272. (A) The director of the department of 10604
rehabilitation and correction may notify the sentencing court in 10605
writing that the director is recommending that the court grant a 10606
reduction in the minimum prison term imposed on a specified 10607
offender who is serving a non-life felony indefinite prison term 10608
and who is eligible under division (I) of this section for such 10609
a reduction, due to the offender's exceptional conduct while 10610
incarcerated or the offender's adjustment to incarceration. If 10611
the director wishes to recommend such a reduction for an 10612
offender, the director shall send the notice to the court not 10613
earlier than ninety days prior to the date on which the director 10614
wishes to credit the reduction toward the satisfaction of the 10615
offender's minimum prison term. 10616

The director shall include with the notice sent to a court 10617
under this division an institutional summary report that covers 10618
the offender's participation while confined in a state 10619
correctional institution in school, training, work, treatment, 10620
and other rehabilitative programs and activities and any 10621
disciplinary action taken against the offender while so 10622
confined, and any other documentation requested by the court, if 10623
available. 10624

(B) The notice the director sends to a court under 10625
division (A) of this section shall do all of the following: 10626

(1) Identify the offender; 10627

(2) Specify the length of the recommended reduction, which 10628
shall be for five to fifteen per cent of the offender's minimum 10629

term determined in accordance with rules adopted by the 10630
department under division (H) of this section; 10631

(3) Specify the reason or reasons that qualify the 10632
offender for the recommended reduction; 10633

(4) Inform the court that the court must either approve or 10634
disapprove of the recommended reduction, and that if it approves 10635
of the recommended reduction, it must grant the reduction; 10636

(5) Inform the court that it must notify the department of 10637
its decision as to approval or disapproval not later than sixty 10638
days after receipt of the notice from the director. 10639

(C) When the director, under division (A) of this section, 10640
submits a notice to a sentencing court that the director is 10641
recommending that the court grant a reduction in the minimum 10642
prison term imposed on an offender serving a non-life felony 10643
indefinite prison term, the department promptly shall provide to 10644
the prosecuting attorney of the county in which the offender was 10645
indicted a copy of the written notice, a copy of the 10646
institutional summary report described in that division, any 10647
other information provided to the court, and any other 10648
documentation requested by the prosecuting attorney, if 10649
available. 10650

(D) (1) Upon receipt of a notice submitted by the director 10651
under division (A) of this section, the court either shall deny 10652
the director's recommendation without a hearing or shall 10653
schedule a hearing to consider whether to grant the reduction in 10654
the minimum prison term imposed on the specified offender that 10655
was recommended by the director. In making a determination as to 10656
whether to deny the director's recommendation without a hearing, 10657
the court shall consider any report and other documentation 10658

submitted by the director. Within thirty days of receiving the 10659
notice submitted by the director, the court shall inform the 10660
department whether the court is denying the recommendation 10661
without a hearing or is scheduling a hearing to consider the 10662
recommendation. 10663

(2) If the court under division (D) (1) of this section 10664
denies the director's recommendation without a hearing, the 10665
department shall not credit the amount of the disapproved 10666
reduction toward satisfaction of the offender's minimum prison 10667
term. 10668

(3) If the court schedules a hearing under division (D) (1) 10669
of this section, the court promptly shall give notice of the 10670
date, time, and place of the hearing to the prosecuting attorney 10671
of the county in which the offender was indicted and to the 10672
department. The notice shall inform the prosecuting attorney 10673
that the prosecuting attorney may submit to the court, prior to 10674
the date of the hearing, written information relevant to the 10675
recommendation and may present at the hearing written 10676
information and oral information relevant to the recommendation. 10677

(4) Upon receipt of the hearing notice from the court 10678
under division (D) (3) of this section, the prosecuting attorney 10679
shall notify the victim of the offender or the victim's 10680
representative of the recommendation by the director, the date, 10681
time, and place of the hearing, the fact that the victim may 10682
submit to the court, prior to the date of the hearing, written 10683
information relevant to the recommendation, and the address and 10684
procedure for submitting the information. 10685

(E) If a court schedules a hearing under division (D) (1) 10686
of this section, the court shall afford the prosecuting attorney 10687
an opportunity to present written information and oral 10688

information relevant to the director's recommendation. In making 10689
its determination as to whether to grant or disapprove the 10690
reduction in the minimum prison term imposed on the specified 10691
offender that was recommended by the director, the court shall 10692
consider any report and other documentation submitted by the 10693
director, any information submitted by a victim, and any 10694
information submitted or presented at the hearing by the 10695
prosecuting attorney. 10696

(F) (1) If the court schedules a hearing under division (D) 10697
(1) of this section and, after considering the specified 10698
reports, documentation, and information pursuant to division (E) 10699
of this section, disapproves the recommended reduction, the 10700
court shall notify the department of the disapproval not later 10701
than sixty days after receipt of the notice from the director. 10702
The court shall specify in the notification the reason or 10703
reasons for which it disapproved the recommended reduction. The 10704
court shall not reduce the offender's minimum prison term, and 10705
the department shall not credit the amount of the disapproved 10706
reduction toward satisfaction of the offender's minimum prison 10707
term. 10708

(2) If the court schedules a hearing under division (D) (1) 10709
of this section and, after considering the specified reports, 10710
documentation, and information pursuant to division (E) of this 10711
section, grants the recommended reduction of the offender's 10712
minimum prison term, the court shall notify the department of 10713
the grant of the reduction not later than sixty days after 10714
receipt of the notice from the director. The court shall reduce 10715
the offender's minimum prison term in accordance with the 10716
recommendation submitted by the director and the department 10717
shall credit the amount of the reduction toward satisfaction of 10718
the offender's minimum prison term. 10719

(3) Upon deciding pursuant to division (E) of this section whether to disapprove or grant the recommended reduction of the offender's minimum prison term, the court shall notify the prosecuting attorney of the decision and the prosecuting attorney shall notify the victim or victim's representative of the court's decision. 10720
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(G) If the court under divisions (E) and (F) of this section grants the reduction in the minimum prison term imposed on an offender that was recommended by the director and reduces the offender's minimum prison term, the date determined by the department's crediting of the reduction toward satisfaction of the offender's minimum prison term under this division is the offender's earned early release date. 10726
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(H) The department of rehabilitation and correction by rule shall specify both of the following for offenders serving a non-life felony indefinite prison term: 10733
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(1) The type of exceptional conduct while incarcerated and the type of adjustment to incarceration that will qualify an offender serving such a prison term for a reduction under divisions (A) to (G) of this section of the minimum prison term imposed on the offender under the non-life felony indefinite prison term. 10736
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(2) The per cent of reduction that it may recommend for, and that may be granted to, an offender serving such a prison term under divisions (A) to (G) of this section, based on the offense level of the offense for which the prison term was imposed, with the department specifying the offense levels used for purposes of this division and assigning a specific percentage reduction within the range of five to fifteen per cent for each such offense level. 10742
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(I) Divisions (A) to (G) of this section do not apply with 10750
respect to an offender serving a non-life felony indefinite 10751
prison term for a sexually oriented offense, and no offender 10752
-serving such a prison term for a sexually oriented offense is 10753
eligible to be recommended for or granted, or may be recommended 10754
for or granted a reduction under those divisions in the 10755
offender's minimum prison term imposed under that non-life 10756
felony indefinite prison term. 10757

Sec. 2967.28. (A) As used in this section: 10758

(1) "Monitored time" means the monitored time sanction 10759
specified in section 2929.17 of the Revised Code. 10760

(2) "Deadly weapon" and "dangerous ordnance" have the same 10761
meanings as in section 2923.11 of the Revised Code. 10762

(3) "Felony sex offense" means a violation of a section 10763
contained in Chapter 2907. of the Revised Code that is a felony. 10764

(4) "Risk reduction sentence" means a prison term imposed 10765
by a court, when the court recommends pursuant to section 10766
2929.143 of the Revised Code that the offender serve the 10767
sentence under section 5120.036 of the Revised Code, and the 10768
offender may potentially be released from imprisonment prior to 10769
the expiration of the prison term if the offender successfully 10770
completes all assessment and treatment or programming required 10771
by the department of rehabilitation and correction under section 10772
5120.036 of the Revised Code. 10773

(5) "Victim's immediate family" has the same meaning as in 10774
section 2967.12 of the Revised Code. 10775

(6) "Minor drug possession offense" has the same meaning 10776
as in section 2925.11 of the Revised Code. 10777

(B) Each sentence to a prison term, other than a term of 10778
life imprisonment, for a felony of the first degree, for a 10779
felony of the second degree, for a felony sex offense, or for a 10780
felony of the third degree that is an offense of violence and is 10781
not a felony sex offense shall include a requirement that the 10782
offender be subject to a period of post-release control imposed 10783
by the parole board after the offender's release from 10784
imprisonment. This division applies with respect to all prison 10785
terms of a type described in this division, including a term of 10786
any such type that is a risk reduction sentence. If a court 10787
imposes a sentence including a prison term of a type described 10788
in this division on or after July 11, 2006, the failure of a 10789
sentencing court to notify the offender pursuant to division (B) 10790
(2) ~~(e)~~ (d) of section 2929.19 of the Revised Code of this 10791
requirement or to include in the judgment of conviction entered 10792
on the journal a statement that the offender's sentence includes 10793
this requirement does not negate, limit, or otherwise affect the 10794
mandatory period of supervision that is required for the 10795
offender under this division. This division applies with respect 10796
to all prison terms of a type described in this division, 10797
including a non-life felony indefinite prison term. Section 10798
2929.191 of the Revised Code applies if, prior to July 11, 2006, 10799
a court imposed a sentence including a prison term of a type 10800
described in this division and failed to notify the offender 10801
pursuant to division (B) (2) ~~(e)~~ (d) of section 2929.19 of the 10802
Revised Code regarding post-release control or to include in the 10803
judgment of conviction entered on the journal or in the sentence 10804
pursuant to division (D) (1) of section 2929.14 of the Revised 10805
Code a statement regarding post-release control. Unless reduced 10806
by the parole board pursuant to division (D) of this section 10807
when authorized under that division, a period of post-release 10808
control required by this division for an offender shall be of 10809

one of the following periods: 10810

(1) For a felony of the first degree or for a felony sex 10811
offense, five years; 10812

(2) For a felony of the second degree that is not a felony 10813
sex offense, three years; 10814

(3) For a felony of the third degree that is an offense of 10815
violence and is not a felony sex offense, three years. 10816

(C) Any sentence to a prison term for a felony of the 10817
third, fourth, or fifth degree that is not subject to division 10818
(B) (1) or (3) of this section shall include a requirement that 10819
the offender be subject to a period of post-release control of 10820
up to three years after the offender's release from 10821
imprisonment, if the parole board, in accordance with division 10822
(D) of this section, determines that a period of post-release 10823
control is necessary for that offender. This division applies 10824
with respect to all prison terms of a type described in this 10825
division, including a term of any such type that is a risk 10826
reduction sentence. Section 2929.191 of the Revised Code applies 10827
if, prior to July 11, 2006, a court imposed a sentence including 10828
a prison term of a type described in this division and failed to 10829
notify the offender pursuant to division (B) (2) ~~(d)~~ (e) of section 10830
2929.19 of the Revised Code regarding post-release control or to 10831
include in the judgment of conviction entered on the journal or 10832
in the sentence pursuant to division (D) (2) of section 2929.14 10833
of the Revised Code a statement regarding post-release control. 10834
Pursuant to an agreement entered into under section 2967.29 of 10835
the Revised Code, a court of common pleas or parole board may 10836
impose sanctions or conditions on an offender who is placed on 10837
post-release control under this division. 10838

(D) (1) Before the prisoner is released from imprisonment, 10839
the parole board or, pursuant to an agreement under section 10840
2967.29 of the Revised Code, the court shall impose upon a 10841
prisoner described in division (B) of this section, shall impose 10842
upon a prisoner described in division (C) of this section who is 10843
to be released before the expiration of the prisoner's stated 10844
prison term under a risk reduction sentence, may impose upon a 10845
prisoner described in division (C) of this section who is not to 10846
be released before the expiration of the prisoner's stated 10847
prison term under a risk reduction sentence, and shall impose 10848
upon a prisoner described in division (B) (2) (b) of section 10849
5120.031 or in division (B) (1) of section 5120.032 of the 10850
Revised Code, one or more post-release control sanctions to 10851
apply during the prisoner's period of post-release control. 10852
Whenever the board or court imposes one or more post-release 10853
control sanctions upon a prisoner, the board or court, in 10854
addition to imposing the sanctions, also shall include as a 10855
condition of the post-release control that the offender not 10856
leave the state without permission of the court or the 10857
offender's parole or probation officer and that the offender 10858
abide by the law. The board or court may impose any other 10859
conditions of release under a post-release control sanction that 10860
the board or court considers appropriate, and the conditions of 10861
release may include any community residential sanction, 10862
community nonresidential sanction, or financial sanction that 10863
the sentencing court was authorized to impose pursuant to 10864
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 10865
Prior to the release of a prisoner for whom it will impose one 10866
or more post-release control sanctions under this division, the 10867
parole board or court shall review the prisoner's criminal 10868
history, results from the single validated risk assessment tool 10869
selected by the department of rehabilitation and correction 10870

under section 5120.114 of the Revised Code, all juvenile court 10871
adjudications finding the prisoner, while a juvenile, to be a 10872
delinquent child, and the record of the prisoner's conduct while 10873
imprisoned. The parole board or court shall consider any 10874
recommendation regarding post-release control sanctions for the 10875
prisoner made by the office of victims' services. After 10876
considering those materials, the board or court shall determine, 10877
for a prisoner described in division (B) of this section, 10878
division (B) (2) (b) of section 5120.031, or division (B) (1) of 10879
section 5120.032 of the Revised Code and for a prisoner 10880
described in division (C) of this section who is to be released 10881
before the expiration of the prisoner's stated prison term under 10882
a risk reduction sentence, which post-release control sanction 10883
or combination of post-release control sanctions is reasonable 10884
under the circumstances or, for a prisoner described in division 10885
(C) of this section who is not to be released before the 10886
expiration of the prisoner's stated prison term under a risk 10887
reduction sentence, whether a post-release control sanction is 10888
necessary and, if so, which post-release control sanction or 10889
combination of post-release control sanctions is reasonable 10890
under the circumstances. In the case of a prisoner convicted of 10891
a felony of the fourth or fifth degree other than a felony sex 10892
offense, the board or court shall presume that monitored time is 10893
the appropriate post-release control sanction unless the board 10894
or court determines that a more restrictive sanction is 10895
warranted. A post-release control sanction imposed under this 10896
division takes effect upon the prisoner's release from 10897
imprisonment. 10898

Regardless of whether the prisoner was sentenced to the 10899
prison term prior to, on, or after July 11, 2006, prior to the 10900
release of a prisoner for whom it will impose one or more post- 10901

release control sanctions under this division, the parole board 10902
shall notify the prisoner that, if the prisoner violates any 10903
sanction so imposed or any condition of post-release control 10904
described in division (B) of section 2967.131 of the Revised 10905
Code that is imposed on the prisoner, the parole board may 10906
impose a prison term of up to one-half of the stated prison term 10907
originally imposed upon the prisoner. 10908

At least thirty days before the prisoner is released from 10909
imprisonment under post-release control, except as otherwise 10910
provided in this paragraph, the department of rehabilitation and 10911
correction shall notify the victim and the victim's immediate 10912
family of the date on which the prisoner will be released, the 10913
period for which the prisoner will be under post-release control 10914
supervision, and the terms and conditions of the prisoner's 10915
post-release control regardless of whether the victim or 10916
victim's immediate family has requested the notification. The 10917
notice described in this paragraph shall not be given to a 10918
victim or victim's immediate family if the victim or the 10919
victim's immediate family has requested pursuant to division (B) 10920
(2) of section 2930.03 of the Revised Code that the notice not 10921
be provided to the victim or the victim's immediate family. At 10922
least thirty days before the prisoner is released from 10923
imprisonment and regardless of whether the victim or victim's 10924
immediate family has requested that the notice described in this 10925
paragraph be provided or not be provided to the victim or the 10926
victim's immediate family, the department also shall provide 10927
notice of that nature to the prosecuting attorney in the case 10928
and the law enforcement agency that arrested the prisoner if any 10929
officer of that agency was a victim of the offense. 10930

If the notice given under the preceding paragraph to the 10931
victim or the victim's immediate family is based on an offense 10932

committed prior to March 22, 2013, and if the department of 10933
rehabilitation and correction has not previously successfully 10934
provided any notice to the victim or the victim's immediate 10935
family under division (B), (C), or (D) of section 2930.16 of the 10936
Revised Code with respect to that offense and the offender who 10937
committed it, the notice also shall inform the victim or the 10938
victim's immediate family that the victim or the victim's 10939
immediate family may request that the victim or the victim's 10940
immediate family not be provided any further notices with 10941
respect to that offense and the offender who committed it and 10942
shall describe the procedure for making that request. The 10943
department may give the notices to which the preceding paragraph 10944
applies by any reasonable means, including regular mail, 10945
telephone, and electronic mail. If the department attempts to 10946
provide notice to any specified person under the preceding 10947
paragraph but the attempt is unsuccessful because the department 10948
is unable to locate the specified person, is unable to provide 10949
the notice by its chosen method because it cannot determine the 10950
mailing address, electronic mail address, or telephone number at 10951
which to provide the notice, or, if the notice is sent by mail, 10952
the notice is returned, the department shall make another 10953
attempt to provide the notice to the specified person. If the 10954
second attempt is unsuccessful, the department shall make at 10955
least one more attempt to provide the notice. If the notice is 10956
based on an offense committed prior to March 22, 2013, in each 10957
attempt to provide the notice to the victim or victim's 10958
immediate family, the notice shall include the opt-out 10959
information described in this paragraph. The department, in the 10960
manner described in division (D) (2) of section 2930.16 of the 10961
Revised Code, shall keep a record of all attempts to provide the 10962
notice, and of all notices provided, under this paragraph and 10963
the preceding paragraph. The record shall be considered as if it 10964

was kept under division (D) (2) of section 2930.16 of the Revised Code. This paragraph, the preceding paragraph, and the notice-related provisions of divisions (E) (2) and (K) of section 2929.20, division (D) (1) of section 2930.16, division (H) of section 2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) (b) of section 2967.26, and division (A) (2) of section 5149.101 of the Revised Code enacted in the act in which this paragraph and the preceding paragraph were enacted, shall be known as "Roberta's Law."

(2) If a prisoner who is placed on post-release control under this section is released before the expiration of the definite term that is the prisoner's stated prison term or the expiration of the minimum term that is part of the prisoner's indefinite prison term imposed under a non-life felony indefinite prison term by reason of credit earned under section 2967.193 of the Revised Code and if the prisoner earned sixty or more days of credit, the adult parole authority shall supervise the offender with an active global positioning system device for the first fourteen days after the offender's release from imprisonment. This division does not prohibit or limit the imposition of any post-release control sanction otherwise authorized by this section.

(3) At any time after a prisoner is released from imprisonment and during the period of post-release control applicable to the releasee, the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised Code, the court may review the releasee's behavior under the post-release control sanctions imposed upon the releasee under this section. The authority or court may determine, based upon the review and in accordance with the standards established under division (E) of this section, that a more restrictive or a

less restrictive sanction is appropriate and may impose a 10996
different sanction. The authority also may recommend that the 10997
parole board or court increase or reduce the duration of the 10998
period of post-release control imposed by the court. If the 10999
authority recommends that the board or court increase the 11000
duration of post-release control, the board or court shall 11001
review the releasee's behavior and may increase the duration of 11002
the period of post-release control imposed by the court up to 11003
eight years. If the authority recommends that the board or court 11004
reduce the duration of control for an offense described in 11005
division (B) or (C) of this section, the board or court shall 11006
review the releasee's behavior and, subject to divisions (D) (3) 11007
(a) to (c) of this section, may reduce the duration of the 11008
period of control imposed by the court or, if the period of 11009
control was imposed for a non-life felony indefinite prison 11010
term, reduce the duration of or terminate the period of control 11011
imposed by the court. In no case shall the board or court ~~reduce~~ 11012
do any of the following: 11013

(a) Reduce the duration of the period of control imposed 11014
for an offense described in division (B) (1) of this section to a 11015
period less than the length of the ~~stated definite~~ prison term 11016
included in the stated prison term originally imposed, ~~and in no~~ 11017
~~case shall the board or court permit~~ on the offender as part of 11018
the sentence or, with respect to a stated non-life felony 11019
indefinite prison term, to a period less than the length of the 11020
minimum prison term imposed as part of that stated prison term; 11021

(b) Consider any reduction or termination of the duration 11022
of the period of control imposed on a releasee prior to the 11023
expiration of one year after the commencement of the period of 11024
control, if the period of control was imposed for a non-life 11025
felony indefinite prison term and the releasee's minimum prison 11026

term or earned early release date under that term was extended 11027
for any length of time under division (C) or (D) of section 11028
2967.271 of the Revised Code. 11029

(c) Permit the releasee to leave the state without 11030
permission of the court or the releasee's parole or probation 11031
officer. 11032

(4) The department of rehabilitation and correction shall 11033
develop factors that the parole board or court shall consider in 11034
determining under division (D) (3) of this section whether to 11035
terminate the period of control imposed on a releasee for a non- 11036
life felony indefinite prison term. 11037

(E) The department of rehabilitation and correction, in 11038
accordance with Chapter 119. of the Revised Code, shall adopt 11039
rules that do all of the following: 11040

(1) Establish standards for the imposition by the parole 11041
board of post-release control sanctions under this section that 11042
are consistent with the overriding purposes and sentencing 11043
principles set forth in section 2929.11 of the Revised Code and 11044
that are appropriate to the needs of releasees; 11045

(2) Establish standards that provide for a period of post- 11046
release control of up to three years for all prisoners described 11047
in division (C) of this section who are to be released before 11048
the expiration of their stated prison term under a risk 11049
reduction sentence and standards by which the parole board can 11050
determine which prisoners described in division (C) of this 11051
section who are not to be released before the expiration of 11052
their stated prison term under a risk reduction sentence should 11053
be placed under a period of post-release control; 11054

(3) Establish standards to be used by the parole board in 11055

reducing the duration of the period of post-release control 11056
imposed by the court when authorized under division (D) of this 11057
section, in imposing a more restrictive post-release control 11058
sanction than monitored time upon a prisoner convicted of a 11059
felony of the fourth or fifth degree other than a felony sex 11060
offense, or in imposing a less restrictive control sanction upon 11061
a releasee based on the releasee's activities including, but not 11062
limited to, remaining free from criminal activity and from the 11063
abuse of alcohol or other drugs, successfully participating in 11064
approved rehabilitation programs, maintaining employment, and 11065
paying restitution to the victim or meeting the terms of other 11066
financial sanctions; 11067

(4) Establish standards to be used by the adult parole 11068
authority in modifying a releasee's post-release control 11069
sanctions pursuant to division (D)(2) of this section; 11070

(5) Establish standards to be used by the adult parole 11071
authority or parole board in imposing further sanctions under 11072
division (F) of this section on releasees who violate post- 11073
release control sanctions, including standards that do the 11074
following: 11075

(a) Classify violations according to the degree of 11076
seriousness; 11077

(b) Define the circumstances under which formal action by 11078
the parole board is warranted; 11079

(c) Govern the use of evidence at violation hearings; 11080

(d) Ensure procedural due process to an alleged violator; 11081

(e) Prescribe nonresidential community control sanctions 11082
for most misdemeanor and technical violations; 11083

(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control. 11084
11085

(F) (1) Whenever the parole board imposes one or more post-release control sanctions upon an offender under this section, 11086
11087
the offender upon release from imprisonment shall be under the 11088
11089
general jurisdiction of the adult parole authority and generally
11090
shall be supervised by the field services section through its
11091
staff of parole and field officers as described in section
11092
5149.04 of the Revised Code, as if the offender had been placed
11093
on parole. If the offender upon release from imprisonment
11094
violates the post-release control sanction or any conditions
11095
described in division (A) of section 2967.131 of the Revised
11096
Code that are imposed on the offender, the public or private
11097
person or entity that operates or administers the sanction or
11098
the program or activity that comprises the sanction shall report
11099
the violation directly to the adult parole authority or to the
11100
officer of the authority who supervises the offender. The
11101
authority's officers may treat the offender as if the offender
11102
were on parole and in violation of the parole, and otherwise
11103
shall comply with this section.

(2) If the adult parole authority or, pursuant to an 11104
11105
agreement under section 2967.29 of the Revised Code, the court
11106
determines that a releasee has violated a post-release control
11107
sanction or any conditions described in division (A) of section
11108
2967.131 of the Revised Code imposed upon the releasee and that
11109
a more restrictive sanction is appropriate, the authority or
11110
court may impose a more restrictive sanction upon the releasee,
11111
in accordance with the standards established under division (E)
11112
of this section or in accordance with the agreement made under
11113
section 2967.29 of the Revised Code, or may report the violation
11114
to the parole board for a hearing pursuant to division (F) (3) of

this section. The authority or court may not, pursuant to this 11115
division, increase the duration of the releasee's post-release 11116
control or impose as a post-release control sanction a 11117
residential sanction that includes a prison term, but the 11118
authority or court may impose on the releasee any other 11119
residential sanction, nonresidential sanction, or financial 11120
sanction that the sentencing court was authorized to impose 11121
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 11122
Revised Code. 11123

(3) The parole board or, pursuant to an agreement under 11124
section 2967.29 of the Revised Code, the court may hold a 11125
hearing on any alleged violation by a releasee of a post-release 11126
control sanction or any conditions described in division (A) of 11127
section 2967.131 of the Revised Code that are imposed upon the 11128
releasee. If after the hearing the board or court finds that the 11129
releasee violated the sanction or condition, the board or court 11130
may increase the duration of the releasee's post-release control 11131
up to the maximum duration authorized by division (B) or (C) of 11132
this section or impose a more restrictive post-release control 11133
sanction. If a releasee was acting pursuant to division (B) (2) 11134
(b) of section 2925.11 of the Revised Code and in so doing 11135
violated the conditions of a post-release control sanction based 11136
on a minor drug possession offense as defined in that section, 11137
the board or the court may consider the releasee's conduct in 11138
seeking or obtaining medical assistance for another in good 11139
faith or for self or may consider the releasee being the subject 11140
of another person seeking or obtaining medical assistance in 11141
accordance with that division as a mitigating factor before 11142
imposing any of the penalties described in this division. When 11143
appropriate, the board or court may impose as a post-release 11144
control sanction a residential sanction that includes a prison 11145

term. The board or court shall consider a prison term as a post- 11146
release control sanction imposed for a violation of post-release 11147
control when the violation involves a deadly weapon or dangerous 11148
ordnance, physical harm or attempted serious physical harm to a 11149
person, or sexual misconduct, or when the releasee committed 11150
repeated violations of post-release control sanctions. Unless a 11151
releasee's stated prison term was reduced pursuant to section 11152
5120.032 of the Revised Code, the period of a prison term that 11153
is imposed as a post-release control sanction under this 11154
division shall not exceed nine months, and the maximum 11155
cumulative prison term for all violations under this division 11156
shall not exceed one-half of the ~~stated definite~~ prison term 11157
that was the stated prison term originally imposed upon the 11158
offender as part of this sentence or, with respect to a stated 11159
non-life felony indefinite prison term, one-half of the minimum 11160
prison term that was imposed as part of that stated prison term 11161
originally imposed upon the offender. If a releasee's stated 11162
prison term was reduced pursuant to section 5120.032 of the 11163
Revised Code, the period of a prison term that is imposed as a 11164
post-release control sanction under this division and the 11165
maximum cumulative prison term for all violations under this 11166
division shall not exceed the period of time not served in 11167
prison under the sentence imposed by the court. The period of a 11168
prison term that is imposed as a post-release control sanction 11169
under this division shall not count as, or be credited toward, 11170
the remaining period of post-release control. 11171

If an offender is imprisoned for a felony committed while 11172
under post-release control supervision and is again released on 11173
post-release control for a period of time determined by division 11174
(F) (4) (d) of this section, the maximum cumulative prison term 11175
for all violations under this division shall not exceed one-half 11176

of the total stated prison terms of the earlier felony, reduced 11177
by any prison term administratively imposed by the parole board 11178
or court, plus one-half of the total stated prison term of the 11179
new felony. 11180

(4) Any period of post-release control shall commence upon 11181
an offender's actual release from prison. If an offender is 11182
serving an indefinite prison term or a life sentence in addition 11183
to a stated prison term, the offender shall serve the period of 11184
post-release control in the following manner: 11185

(a) If a period of post-release control is imposed upon 11186
the offender and if the offender also is subject to a period of 11187
parole under a life sentence or an indefinite sentence, and if 11188
the period of post-release control ends prior to the period of 11189
parole, the offender shall be supervised on parole. The offender 11190
shall receive credit for post-release control supervision during 11191
the period of parole. The offender is not eligible for final 11192
release under section 2967.16 of the Revised Code until the 11193
post-release control period otherwise would have ended. 11194

(b) If a period of post-release control is imposed upon 11195
the offender and if the offender also is subject to a period of 11196
parole under an indefinite sentence, and if the period of parole 11197
ends prior to the period of post-release control, the offender 11198
shall be supervised on post-release control. The requirements of 11199
parole supervision shall be satisfied during the post-release 11200
control period. 11201

(c) If an offender is subject to more than one period of 11202
post-release control, the period of post-release control for all 11203
of the sentences shall be the period of post-release control 11204
that expires last, as determined by the parole board or court. 11205
Periods of post-release control shall be served concurrently and 11206

shall not be imposed consecutively to each other. 11207

(d) The period of post-release control for a releasee who 11208
commits a felony while under post-release control for an earlier 11209
felony shall be the longer of the period of post-release control 11210
specified for the new felony under division (B) or (C) of this 11211
section or the time remaining under the period of post-release 11212
control imposed for the earlier felony as determined by the 11213
parole board or court. 11214

Sec. 2971.03. (A) Notwithstanding divisions (A) and (D) of 11215
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 11216
another section of the Revised Code, other than divisions (B) 11217
and (C) of section 2929.14 of the Revised Code, that authorizes 11218
or requires a specified prison term or a mandatory prison term 11219
for a person who is convicted of or pleads guilty to a felony or 11220
that specifies the manner and place of service of a prison term 11221
or term of imprisonment, the court shall impose a sentence upon 11222
a person who is convicted of or pleads guilty to a violent sex 11223
offense and who also is convicted of or pleads guilty to a 11224
sexually violent predator specification that was included in the 11225
indictment, count in the indictment, or information charging 11226
that offense, and upon a person who is convicted of or pleads 11227
guilty to a designated homicide, assault, or kidnapping offense 11228
and also is convicted of or pleads guilty to both a sexual 11229
motivation specification and a sexually violent predator 11230
specification that were included in the indictment, count in the 11231
indictment, or information charging that offense, as follows: 11232

(1) If the offense for which the sentence is being imposed 11233
is aggravated murder and if the court does not impose upon the 11234
offender a sentence of death, it shall impose upon the offender 11235
a term of life imprisonment without parole. If the court 11236

sentences the offender to death and the sentence of death is 11237
vacated, overturned, or otherwise set aside, the court shall 11238
impose upon the offender a term of life imprisonment without 11239
parole. 11240

(2) If the offense for which the sentence is being imposed 11241
is murder; or if the offense is rape committed in violation of 11242
division (A) (1) (b) of section 2907.02 of the Revised Code when 11243
the offender purposely compelled the victim to submit by force 11244
or threat of force, when the victim was less than ten years of 11245
age, when the offender previously has been convicted of or 11246
pleaded guilty to either rape committed in violation of that 11247
division or a violation of an existing or former law of this 11248
state, another state, or the United States that is substantially 11249
similar to division (A) (1) (b) of section 2907.02 of the Revised 11250
Code, or when the offender during or immediately after the 11251
commission of the rape caused serious physical harm to the 11252
victim; or if the offense is an offense other than aggravated 11253
murder or murder for which a term of life imprisonment may be 11254
imposed, it shall impose upon the offender a term of life 11255
imprisonment without parole. 11256

(3) (a) Except as otherwise provided in division (A) (3) (b), 11257
(c), (d), or (e) or (A) (4) of this section, if the offense for 11258
which the sentence is being imposed is an offense other than 11259
aggravated murder, murder, or rape and other than an offense for 11260
which a term of life imprisonment may be imposed, it shall 11261
impose an indefinite prison term consisting of a minimum term 11262
fixed by the court ~~from among the range of terms available as a~~ 11263
~~definite term for the offense as described in this division,~~ but 11264
not less than two years, and a maximum term of life 11265
imprisonment. Except as otherwise specified in this division, 11266
the minimum term shall be fixed by the court from among the 11267

range of terms available as a definite term for the offense. If 11268
the offense is a felony of the first or second degree committed 11269
on or after the effective date of this amendment or a felony of 11270
the third degree that is described in division (A) (3) (a) of 11271
section 2929.14 of the Revised Code and committed on or after 11272
that effective date, the minimum term shall be fixed by the 11273
court from among the range of terms available as a minimum term 11274
for the offense under division (A) (1) (a), (2) (a), or (3) (a) (i) 11275
of that section. 11276

(b) Except as otherwise provided in division (A) (4) of 11277
this section, if the offense for which the sentence is being 11278
imposed is kidnapping that is a felony of the first degree, it 11279
shall impose an indefinite prison term as follows: 11280

(i) If the kidnapping is committed on or after January 1, 11281
2008, and the victim of the offense is less than thirteen years 11282
of age, except as otherwise provided in this division, it shall 11283
impose an indefinite prison term consisting of a minimum term of 11284
fifteen years and a maximum term of life imprisonment. If the 11285
kidnapping is committed on or after January 1, 2008, the victim 11286
of the offense is less than thirteen years of age, and the 11287
offender released the victim in a safe place unharmed, it shall 11288
impose an indefinite prison term consisting of a minimum term of 11289
ten years and a maximum term of life imprisonment. 11290

(ii) If the kidnapping is committed prior to January 1, 11291
2008, or division (A) (3) (b) (i) of this section does not apply, 11292
it shall impose an indefinite term consisting of a minimum term 11293
fixed by the court that is not less than ten years and a maximum 11294
term of life imprisonment. 11295

(c) Except as otherwise provided in division (A) (4) of 11296
this section, if the offense for which the sentence is being 11297

imposed is kidnapping that is a felony of the second degree, it 11298
shall impose an indefinite prison term consisting of a minimum 11299
term fixed by the court that is not less than eight years, and a 11300
maximum term of life imprisonment. 11301

(d) Except as otherwise provided in division (A)(4) of 11302
this section, if the offense for which the sentence is being 11303
imposed is rape for which a term of life imprisonment is not 11304
imposed under division (A)(2) of this section or division (B) of 11305
section 2907.02 of the Revised Code, it shall impose an 11306
indefinite prison term as follows: 11307

(i) If the rape is committed on or after January 2, 2007, 11308
in violation of division (A)(1)(b) of section 2907.02 of the 11309
Revised Code, it shall impose an indefinite prison term 11310
consisting of a minimum term of twenty-five years and a maximum 11311
term of life imprisonment. 11312

(ii) If the rape is committed prior to January 2, 2007, or 11313
the rape is committed on or after January 2, 2007, other than in 11314
violation of division (A)(1)(b) of section 2907.02 of the 11315
Revised Code, it shall impose an indefinite prison term 11316
consisting of a minimum term fixed by the court that is not less 11317
than ten years, and a maximum term of life imprisonment. 11318

(e) Except as otherwise provided in division (A)(4) of 11319
this section, if the offense for which sentence is being imposed 11320
is attempted rape, it shall impose an indefinite prison term as 11321
follows: 11322

(i) Except as otherwise provided in division (A)(3)(e) 11323
(ii), (iii), or (iv) of this section, it shall impose an 11324
indefinite prison term pursuant to division (A)(3)(a) of this 11325
section. 11326

(ii) If the attempted rape for which sentence is being 11327
imposed was committed on or after January 2, 2007, and if the 11328
offender also is convicted of or pleads guilty to a 11329
specification of the type described in section 2941.1418 of the 11330
Revised Code, it shall impose an indefinite prison term 11331
consisting of a minimum term of five years and a maximum term of 11332
twenty-five years. 11333

(iii) If the attempted rape for which sentence is being 11334
imposed was committed on or after January 2, 2007, and if the 11335
offender also is convicted of or pleads guilty to a 11336
specification of the type described in section 2941.1419 of the 11337
Revised Code, it shall impose an indefinite prison term 11338
consisting of a minimum term of ten years and a maximum of life 11339
imprisonment. 11340

(iv) If the attempted rape for which sentence is being 11341
imposed was committed on or after January 2, 2007, and if the 11342
offender also is convicted of or pleads guilty to a 11343
specification of the type described in section 2941.1420 of the 11344
Revised Code, it shall impose an indefinite prison term 11345
consisting of a minimum term of fifteen years and a maximum of 11346
life imprisonment. 11347

(4) For any offense for which the sentence is being 11348
imposed, if the offender previously has been convicted of or 11349
pleaded guilty to a violent sex offense and also to a sexually 11350
violent predator specification that was included in the 11351
indictment, count in the indictment, or information charging 11352
that offense, or previously has been convicted of or pleaded 11353
guilty to a designated homicide, assault, or kidnapping offense 11354
and also to both a sexual motivation specification and a 11355
sexually violent predator specification that were included in 11356

the indictment, count in the indictment, or information charging 11357
that offense, it shall impose upon the offender a term of life 11358
imprisonment without parole. 11359

(B) (1) Notwithstanding section 2929.13, division (A) or 11360
(D) of section 2929.14, or another section of the Revised Code 11361
other than division (B) of section 2907.02 or divisions (B) and 11362
(C) of section 2929.14 of the Revised Code that authorizes or 11363
requires a specified prison term or a mandatory prison term for 11364
a person who is convicted of or pleads guilty to a felony or 11365
that specifies the manner and place of service of a prison term 11366
or term of imprisonment, if a person is convicted of or pleads 11367
guilty to a violation of division (A) (1) (b) of section 2907.02 11368
of the Revised Code committed on or after January 2, 2007, if 11369
division (A) of this section does not apply regarding the 11370
person, and if the court does not impose a sentence of life 11371
without parole when authorized pursuant to division (B) of 11372
section 2907.02 of the Revised Code, the court shall impose upon 11373
the person an indefinite prison term consisting of one of the 11374
following: 11375

(a) Except as otherwise required in division (B) (1) (b) or 11376
(c) of this section, a minimum term of ten years and a maximum 11377
term of life imprisonment. 11378

(b) If the victim was less than ten years of age, a 11379
minimum term of fifteen years and a maximum of life 11380
imprisonment. 11381

(c) If the offender purposely compels the victim to submit 11382
by force or threat of force, or if the offender previously has 11383
been convicted of or pleaded guilty to violating division (A) (1) 11384
(b) of section 2907.02 of the Revised Code or to violating an 11385
existing or former law of this state, another state, or the 11386

United States that is substantially similar to division (A) (1) 11387
(b) of that section, or if the offender during or immediately 11388
after the commission of the offense caused serious physical harm 11389
to the victim, a minimum term of twenty-five years and a maximum 11390
of life imprisonment. 11391

(2) Notwithstanding section 2929.13, division (A) or (D) 11392
of section 2929.14, or another section of the Revised Code other 11393
than divisions (B) and (C) of section 2929.14 of the Revised 11394
Code that authorizes or requires a specified prison term or a 11395
mandatory prison term for a person who is convicted of or pleads 11396
guilty to a felony or that specifies the manner and place of 11397
service of a prison term or term of imprisonment and except as 11398
otherwise provided in division (B) of section 2907.02 of the 11399
Revised Code, if a person is convicted of or pleads guilty to 11400
attempted rape committed on or after January 2, 2007, and if 11401
division (A) of this section does not apply regarding the 11402
person, the court shall impose upon the person an indefinite 11403
prison term consisting of one of the following: 11404

(a) If the person also is convicted of or pleads guilty to 11405
a specification of the type described in section 2941.1418 of 11406
the Revised Code, the court shall impose upon the person an 11407
indefinite prison term consisting of a minimum term of five 11408
years and a maximum term of twenty-five years. 11409

(b) If the person also is convicted of or pleads guilty to 11410
a specification of the type described in section 2941.1419 of 11411
the Revised Code, the court shall impose upon the person an 11412
indefinite prison term consisting of a minimum term of ten years 11413
and a maximum term of life imprisonment. 11414

(c) If the person also is convicted of or pleads guilty to 11415
a specification of the type described in section 2941.1420 of 11416

the Revised Code, the court shall impose upon the person an 11417
indefinite prison term consisting of a minimum term of fifteen 11418
years and a maximum term of life imprisonment. 11419

(3) Notwithstanding section 2929.13, division (A) or (D) 11420
of section 2929.14, or another section of the Revised Code other 11421
than divisions (B) and (C) of section 2929.14 of the Revised 11422
Code that authorizes or requires a specified prison term or a 11423
mandatory prison term for a person who is convicted of or pleads 11424
guilty to a felony or that specifies the manner and place of 11425
service of a prison term or term of imprisonment, if a person is 11426
convicted of or pleads guilty to an offense described in 11427
division (B) (3) (a), (b), (c), or (d) of this section committed 11428
on or after January 1, 2008, if the person also is convicted of 11429
or pleads guilty to a sexual motivation specification that was 11430
included in the indictment, count in the indictment, or 11431
information charging that offense, and if division (A) of this 11432
section does not apply regarding the person, the court shall 11433
impose upon the person an indefinite prison term consisting of 11434
one of the following: 11435

(a) An indefinite prison term consisting of a minimum of 11436
ten years and a maximum term of life imprisonment if the offense 11437
for which the sentence is being imposed is kidnapping, the 11438
victim of the offense is less than thirteen years of age, and 11439
the offender released the victim in a safe place unharmed; 11440

(b) An indefinite prison term consisting of a minimum of 11441
fifteen years and a maximum term of life imprisonment if the 11442
offense for which the sentence is being imposed is kidnapping 11443
when the victim of the offense is less than thirteen years of 11444
age and division (B) (3) (a) of this section does not apply; 11445

(c) An indefinite term consisting of a minimum of thirty 11446

years and a maximum term of life imprisonment if the offense for 11447
which the sentence is being imposed is aggravated murder, when 11448
the victim of the offense is less than thirteen years of age, a 11449
sentence of death or life imprisonment without parole is not 11450
imposed for the offense, and division (A) (2) (b) (ii) of section 11451
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 11452
(2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or 11453
division (A) or (B) of section 2929.06 of the Revised Code 11454
requires that the sentence for the offense be imposed pursuant 11455
to this division; 11456

(d) An indefinite prison term consisting of a minimum of 11457
thirty years and a maximum term of life imprisonment if the 11458
offense for which the sentence is being imposed is murder when 11459
the victim of the offense is less than thirteen years of age. 11460

(C) (1) If the offender is sentenced to a prison term 11461
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 11462
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 11463
parole board shall have control over the offender's service of 11464
the term during the entire term unless the parole board 11465
terminates its control in accordance with section 2971.04 of the 11466
Revised Code. 11467

(2) Except as provided in division (C) (3) of this section, 11468
an offender sentenced to a prison term or term of life 11469
imprisonment without parole pursuant to division (A) of this 11470
section shall serve the entire prison term or term of life 11471
imprisonment in a state correctional institution. The offender 11472
is not eligible for judicial release under section 2929.20 of 11473
the Revised Code. 11474

(3) For a prison term imposed pursuant to division (A) (3), 11475
(B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), 11476

(b), (c), or (d) of this section, the court, in accordance with 11477
section 2971.05 of the Revised Code, may terminate the prison 11478
term or modify the requirement that the offender serve the 11479
entire term in a state correctional institution if all of the 11480
following apply: 11481

(a) The offender has served at least the minimum term 11482
imposed as part of that prison term. 11483

(b) The parole board, pursuant to section 2971.04 of the 11484
Revised Code, has terminated its control over the offender's 11485
service of that prison term. 11486

(c) The court has held a hearing and found, by clear and 11487
convincing evidence, one of the following: 11488

(i) In the case of termination of the prison term, that 11489
the offender is unlikely to commit a sexually violent offense in 11490
the future; 11491

(ii) In the case of modification of the requirement, that 11492
the offender does not represent a substantial risk of physical 11493
harm to others. 11494

(4) An offender who has been sentenced to a term of life 11495
imprisonment without parole pursuant to division (A)(1), (2), or 11496
(4) of this section shall not be released from the term of life 11497
imprisonment or be permitted to serve a portion of it in a place 11498
other than a state correctional institution. 11499

(D) If a court sentences an offender to a prison term or 11500
term of life imprisonment without parole pursuant to division 11501
(A) of this section and the court also imposes on the offender 11502
one or more additional prison terms pursuant to division (B) of 11503
section 2929.14 of the Revised Code, all of the additional 11504
prison terms shall be served consecutively with, and prior to, 11505

the prison term or term of life imprisonment without parole 11506
imposed upon the offender pursuant to division (A) of this 11507
section. 11508

(E) If the offender is convicted of or pleads guilty to 11509
two or more offenses for which a prison term or term of life 11510
imprisonment without parole is required to be imposed pursuant 11511
to division (A) of this section, divisions (A) to (D) of this 11512
section shall be applied for each offense. All minimum terms 11513
imposed upon the offender pursuant to division (A) (3) or (B) of 11514
this section for those offenses shall be aggregated and served 11515
consecutively, as if they were a single minimum term imposed 11516
under that division. 11517

(F) (1) If an offender is convicted of or pleads guilty to 11518
a violent sex offense and also is convicted of or pleads guilty 11519
to a sexually violent predator specification that was included 11520
in the indictment, count in the indictment, or information 11521
charging that offense, or is convicted of or pleads guilty to a 11522
designated homicide, assault, or kidnapping offense and also is 11523
convicted of or pleads guilty to both a sexual motivation 11524
specification and a sexually violent predator specification that 11525
were included in the indictment, count in the indictment, or 11526
information charging that offense, the conviction of or plea of 11527
guilty to the offense and the sexually violent predator 11528
specification automatically classifies the offender as a tier 11529
III sex offender/child-victim offender for purposes of Chapter 11530
2950. of the Revised Code. 11531

(2) If an offender is convicted of or pleads guilty to 11532
committing on or after January 2, 2007, a violation of division 11533
(A) (1) (b) of section 2907.02 of the Revised Code and either the 11534
offender is sentenced under section 2971.03 of the Revised Code 11535

or a sentence of life without parole is imposed under division 11536
(B) of section 2907.02 of the Revised Code, the conviction of or 11537
plea of guilty to the offense automatically classifies the 11538
offender as a tier III sex offender/child-victim offender for 11539
purposes of Chapter 2950. of the Revised Code. 11540

(3) If a person is convicted of or pleads guilty to 11541
committing on or after January 2, 2007, attempted rape and also 11542
is convicted of or pleads guilty to a specification of the type 11543
described in section 2941.1418, 2941.1419, or 2941.1420 of the 11544
Revised Code, the conviction of or plea of guilty to the offense 11545
and the specification automatically classify the offender as a 11546
tier III sex offender/child-victim offender for purposes of 11547
Chapter 2950. of the Revised Code. 11548

(4) If a person is convicted of or pleads guilty to one of 11549
the offenses described in division (B) (3) (a), (b), (c), or (d) 11550
of this section and a sexual motivation specification related to 11551
the offense and the victim of the offense is less than thirteen 11552
years of age, the conviction of or plea of guilty to the offense 11553
automatically classifies the offender as a tier III sex 11554
offender/child-victim offender for purposes of Chapter 2950. of 11555
the Revised Code. 11556

Sec. 3719.99. (A) Whoever violates section 3719.16 or 11557
3719.161 of the Revised Code is guilty of a felony of the fifth 11558
degree. If the offender previously has been convicted of a 11559
violation of section 3719.16 or 3719.161 of the Revised Code or 11560
a drug abuse offense, a violation of section 3719.16 or 3719.161 11561
of the Revised Code is a felony of the fourth degree. If the 11562
violation involves the sale, offer to sell, or possession of a 11563
schedule I or II controlled substance, with the exception of 11564
marihuana, and if the offender, as a result of the violation, is 11565

a major drug offender, division (D) of this section applies. 11566

(B) Whoever violates division (C) or (D) of section 11567
3719.172 of the Revised Code is guilty of a felony of the fifth 11568
degree. If the offender previously has been convicted of a 11569
violation of division (C) or (D) of section 3719.172 of the 11570
Revised Code or a drug abuse offense, a violation of division 11571
(C) or (D) of section 3719.172 of the Revised Code is a felony 11572
of the fourth degree. If the violation involves the sale, offer 11573
to sell, or possession of a schedule I or II controlled 11574
substance, with the exception of marihuana, and if the offender, 11575
as a result of the violation, is a major drug offender, division 11576
(D) of this section applies. 11577

(C) Whoever violates section 3719.07 or 3719.08 of the 11578
Revised Code is guilty of a misdemeanor of the first degree. If 11579
the offender previously has been convicted of a violation of 11580
section 3719.07 or 3719.08 of the Revised Code or a drug abuse 11581
offense, a violation of section 3719.07 or 3719.08 of the 11582
Revised Code is a felony of the fifth degree. If the violation 11583
involves the sale, offer to sell, or possession of a schedule I 11584
or II controlled substance, with the exception of marihuana, and 11585
if the offender, as a result of the violation, is a major drug 11586
offender, division (D) of this section applies. 11587

(D) (1) If an offender is convicted of or pleads guilty to 11588
a felony violation of section 3719.07, 3719.08, 3719.16, or 11589
3719.161 or of division (C) or (D) of section 3719.172 of the 11590
Revised Code, if the violation involves the sale, offer to sell, 11591
or possession of a schedule I or II controlled substance, with 11592
the exception of marihuana, and if the court imposing sentence 11593
upon the offender finds that the offender as a result of the 11594
violation is a major drug offender and is guilty of a 11595

specification of the type described in section 2941.1410 of the Revised Code, the court, in lieu of the prison term authorized or required by division (A), (B), or (C) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under sections 2929.11 to 2929.18 of the Revised Code, shall impose upon the offender, in accordance with division (B) (3) ~~(a)~~ of section 2929.14 of the Revised Code, the mandatory prison term specified in that division ~~and may impose an additional prison term under division (B) (3) (b) of that section.~~

(2) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay any fine imposed for a felony violation of section 3719.07, 3719.08, 3719.16, or 3719.161 or of division (C) or (D) of section 3719.172 of the Revised Code pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code.

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code is guilty of a misdemeanor of the third degree. If the offender previously has been convicted of a violation of section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code or a drug abuse offense, a violation of section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code is a misdemeanor of the first degree.

(F) Whoever violates section 3719.30 of the Revised Code

is guilty of a misdemeanor of the fourth degree. If the offender 11626
previously has been convicted of a violation of section 3719.30 11627
of the Revised Code or a drug abuse offense, a violation of 11628
section 3719.30 of the Revised Code is a misdemeanor of the 11629
third degree. 11630

(G) Whoever violates section 3719.32 or 3719.33 of the 11631
Revised Code is guilty of a minor misdemeanor. 11632

(H) Whoever violates division (K) (2) (b) of section 3719.44 11633
of the Revised Code is guilty of a felony of the fifth degree. 11634

(I) Whoever violates division (K) (2) (c) of section 3719.44 11635
of the Revised Code is guilty of a misdemeanor of the second 11636
degree. 11637

(J) As used in this section, "major drug offender" has the 11638
same meaning as in section 2929.01 of the Revised Code. 11639

Sec. 5120.021. (A) The provisions of Chapter 5120. of the 11640
Revised Code, as they existed prior to July 1, 1996, and that 11641
address the duration or potential duration of incarceration or 11642
parole or other forms of supervised release, apply to all 11643
persons upon whom a court imposed a term of imprisonment prior 11644
to July 1, 1996, and all persons upon whom a court, on or after 11645
July 1, 1996, and in accordance with law existing prior to July 11646
1, 1996, imposed a term of imprisonment for an offense that was 11647
committed prior to July 1, 1996. 11648

(B) (1) The provisions of Chapter 5120. of the Revised 11649
Code, as they exist on or after July 1, 1996, and that address 11650
the duration or potential duration of incarceration or 11651
supervised release, apply to all persons upon whom a court 11652
imposed a stated prison term for an offense committed on or 11653
after July 1, 1996. 11654

(2) The provisions of Chapter 5120. of the Revised Code, 11655
as they exist on or after the effective date of this amendment, 11656
apply to an offender who is released from confinement in a state 11657
correctional institution on or after that date. 11658

(C) Nothing in this section limits or affects the 11659
applicability of any provision in Chapter 5120. of the Revised 11660
Code, as amended or enacted on or after July 1, 1996, that 11661
pertains to an issue other than the duration or potential 11662
duration of incarceration or supervised release, to persons in 11663
custody or under the supervision of the department of 11664
rehabilitation and correction. 11665

Sec. 5120.038. (A) As used in this section, "GPS-monitored 11666
offender" means an offender who, on or after the effective date 11667
of this section, is released from confinement in a state 11668
correctional institution under a conditional pardon, parole, 11669
other form of authorized release, or transitional control that 11670
includes global positioning system monitoring as a condition of 11671
the person's release, or who, on or after that date, is placed 11672
under post-release control that includes global positioning 11673
system monitoring as a condition under the post-release control. 11674

(B)(1) On and after the effective date of this section, 11675
each global positioning system monitor that is used to monitor a 11676
GPS-monitored offender shall specify and monitor restrictions 11677
for the offender. The restrictions shall include for the 11678
offender inclusionary zones and, to the extent necessary, 11679
exclusionary zones, and may include for the offender a curfew 11680
specifying times of required presence in the inclusionary zone 11681
and any other reasonable restrictions. 11682

(2) Each contract that the department of rehabilitation 11683
and correction enters into on or after the effective date of 11684

this section with a third-party contract administrator for 11685
global position system monitoring of GPS-monitored offenders 11686
shall require all of the following: 11687

(a) That the global positioning system used by the 11688
administrator include a crime scene correlation program that can 11689
interface by link with the database established under division 11690
(D) of this section and to which access can be obtained by a 11691
link included in that database; 11692

(b) That the crime scene correlation program included in 11693
the administrator's system will allow local law enforcement 11694
representatives to obtain, without need for a subpoena or 11695
warrant, real-time access or active global positioning system 11696
access to information contained in the program about a GPS- 11697
monitored offender's location at that time and, to the extent 11698
that it is available, at other previous points in time 11699
identified by the representative or designee, about the location 11700
of recent criminal activity in or near the offender's 11701
inclusionary or exclusionary zones, and about any possible 11702
connection between the offender's location and that recent 11703
criminal activity; 11704

(c) That the administrator allow access to the crime scene 11705
correlation program included in the administrator's system to 11706
law enforcement representatives as described in division (D) of 11707
this section. 11708

(C) (1) On and after the effective date of this section, 11709
any third-party contract administrator used for global 11710
positioning system monitoring of a GPS-monitored offender shall 11711
comply in the monitoring of the offender with system 11712
requirements of the department of rehabilitation and correction 11713
that exist on that date for global positioning system monitoring 11714

of such offenders. 11715

(2) If, on the effective date of this section, the 11716
department of rehabilitation and correction has not established 11717
system requirements of the type described in division (C)(1) of 11718
this section, within a reasonable period of time after that 11719
effective date, the department shall establish system 11720
requirements for global positioning system monitoring of GPS- 11721
monitored offenders. After establishment of the requirements, 11722
the department, and any third-party contract administrator used 11723
for global positioning system monitoring, shall comply with the 11724
established system requirements in the monitoring of a GPS- 11725
monitored offender. 11726

(D)(1) Not later than twelve months after the effective 11727
date of this section, the department of rehabilitation and 11728
correction shall establish and operate on the internet a 11729
statewide database that contains the information specified in 11730
division (D)(3) of this section for GPS-monitored offenders. At 11731
any point in time, the database shall contain the specified 11732
information for each GPS-monitored offender who then is subject 11733
to global positioning system monitoring. The database shall 11734
enable local law enforcement representatives to remotely search 11735
by electronic means the content of the database, and shall 11736
contain a link to the crime scene correlation program described 11737
in division (B)(2) of this section for third-party contract 11738
administrators required by that division to include such a 11739
program in their systems. The database is not a public record 11740
subject to inspection or copying under section 149.43 of the 11741
Revised Code and shall be available only to local law 11742
enforcement representatives as described in this division. 11743
Information obtained by local law enforcement representatives 11744
through use of this database is not open to inspection or 11745

copying under section 149.43 of the Revised Code. 11746

(2) (a) If the database established under division (D) (1) of this section includes a link to a crime scene correlation program described in division (B) (2) of this section that is included in the global positioning system used by a third-party contract administrator, a local law enforcement representative may use that link to obtain information contained in the program about a GPS-monitored offender and recent criminal activity, as described in division (B) (2) of this section. 11747
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(b) Separate from the authority described in division (D) (2) (a) of this section, if a local law enforcement representative, through use of the database established under division (D) (1) of this section or in any other manner learns the identity of, and contact information for, an employee of the department who is monitoring a GPS-monitored offender or the identity of, and contact information for, a third-party contract administrator that is being used for global positioning system monitoring of a GPS-monitored offender, the representative or another law enforcement officer designated by the representative may contact the employee or the administrator and, without need for a subpoena or warrant, request real-time access or active global positioning system access to information about the offender's location at that time and at other previous points in time identified by the representative or designee. Upon receipt of a request as described in this division, the employee of the department or the third-party contract administrator, without need for a subpoena or warrant, shall provide the representative or designee with the requested information regarding the offender's location at that time and, to the extent that it is available, at the other identified previous points in time. A request under this division also may request information that 11755
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the employee or administrator has obtained about the location of 11777
recent criminal activity in or near the GPS-monitored offender's 11778
inclusionary or exclusionary zones, and about any possible 11779
connection between the offender's location and that recent 11780
criminal activity, and, upon receipt of such a request, the 11781
employee or administrator, without need for a subpoena or 11782
warrant, shall provide the representative or designee with that 11783
information to the extent that it is available. 11784

(3) The information contained in the database required 11785
under division (D) (1) of this section shall include, for each 11786
GPS-monitored offender to be included within the database, all 11787
of the following: 11788

(a) The offender's name; 11789

(b) The offense or offenses for which the offender is 11790
subject to global positioning system monitoring and the 11791
offender's other criminal history; 11792

(c) The offender's residence address; 11793

(d) The monitoring parameters and restrictions for the 11794
offender, including all inclusionary zones, exclusionary zones, 11795
and inclusionary zone curfews for the offender and all other 11796
restrictions placed on the offender; 11797

(e) If an employee of the department is monitoring the 11798
offender, the identity of, and contact information for, the 11799
employee, and if a third-party contract administrator is being 11800
used for global positioning system monitoring of the offender, 11801
the identity of, and contact information for, the third-party 11802
contract administrator; 11803

(f) All previous violations of the monitoring parameters 11804
and restrictions applicable to the offender under the global 11805

positioning system monitoring that then is in effect for the 11806
offender. 11807

Sec. 5120.113. (A) For each inmate committed to the 11808
department of rehabilitation and correction, except as provided 11809
in division (B) of this section, the department shall prepare a 11810
written reentry plan for the inmate to help guide the inmate's 11811
rehabilitation program during imprisonment, to assist in the 11812
inmate's reentry into the community, and to assess the inmate's 11813
needs upon release. 11814

(B) Division (A) of this section does not apply to an 11815
inmate who has been sentenced to life imprisonment without 11816
parole or who has been sentenced to death. Division (A) of this 11817
section does not apply to any inmate who is expected to be 11818
imprisoned for thirty days or less, but the department may 11819
prepare a written reentry plan of the type described in that 11820
division if the department determines that the plan is needed. 11821

(C) The department may collect, if available, any social 11822
and other information that will aid in the preparation of 11823
reentry plans under this section. 11824

(D) In the event the department does not prepare a written 11825
reentry plan as specified in division (A) of this section, or 11826
makes a decision to not prepare a written reentry plan under 11827
division (B) of this section or to not collect information under 11828
division (C) of this section, that fact does not give rise to a 11829
claim for damages against the state, the department, the 11830
director of the department, or any employee of the department. 11831

(E) (1) As used in this division, "target offender" means a 11832
parolee, a releasee, or a prisoner otherwise released from a 11833
state correctional institution with respect to whom both of the 11834

following apply: 11835

(a) The department of rehabilitation and correction or the 11836
adult parole authority intends to require the parolee, releasee, 11837
or prisoner to reside in a halfway house, reentry center, or 11838
community residential center that has been licensed by the 11839
division of parole and community services pursuant to division 11840
(C) of section 2967.14 of the Revised Code during a part or for 11841
the entire period of the prisoner's or parolee's conditional 11842
release or of the releasee's term of post-release control. 11843

(b) No halfway house, reentry center, or community 11844
residential center that has been licensed as described in 11845
division (E) (1) of this section will accept the prisoner, 11846
parolee, or releasee to reside in the facility. 11847

(2) Not later than twenty-four months after the effective 11848
date of this amendment, the department, through the adult parole 11849
authority, shall establish and implement a reentry program for 11850
all target offenders. The program shall include a facility. The 11851
program and facility shall satisfy all the standards that the 11852
division of parole and community services adopts in accordance 11853
with Chapter 119. of the Revised Code for the licensure of 11854
halfway houses, reentry centers, and community residential 11855
centers. Upon the establishment and implementation of the 11856
program and facility, the department or authority shall require 11857
that all target offenders reside in the program's facility 11858
during a part or for the entire period of the target offender's 11859
conditional release or term of post-release control. 11860

Sec. 5120.53. (A) If a treaty between the United States 11861
and a foreign country provides for the transfer or exchange, 11862
from one of the signatory countries to the other signatory 11863
country, of convicted offenders who are citizens or nationals of 11864

the other signatory country, the governor, subject to and in 11865
accordance with the terms of the treaty, may authorize the 11866
director of rehabilitation and correction to allow the transfer 11867
or exchange of convicted offenders and to take any action 11868
necessary to initiate participation in the treaty. If the 11869
governor grants the director the authority described in this 11870
division, the director may take the necessary action to initiate 11871
participation in the treaty and, subject to and in accordance 11872
with division (B) of this section and the terms of the treaty, 11873
may allow the transfer or exchange to a foreign country that has 11874
signed the treaty of any convicted offender who is a citizen or 11875
national of that signatory country. 11876

(B) (1) No convicted offender who is serving a term of 11877
imprisonment in this state for aggravated murder, murder, or a 11878
felony of the first or second degree, who is serving a mandatory 11879
prison term imposed under section 2925.03 or 2925.11 of the 11880
Revised Code in circumstances in which the court was required to 11881
impose as the mandatory prison term the maximum definite prison 11882
term or longest minimum prison term authorized for the degree of 11883
offense committed, who is serving a term of imprisonment in this 11884
state imposed for an offense committed prior to ~~the effective~~ 11885
~~date of this amendment~~ July 1, 1996, that was an aggravated 11886
felony of the first or second degree or that was aggravated 11887
trafficking in violation of division (A) (9) or (10) of section 11888
2925.03 of the Revised Code, or who has been sentenced to death 11889
in this state shall be transferred or exchanged to another 11890
country pursuant to a treaty of the type described in division 11891
(A) of this section. 11892

(2) If a convicted offender is serving a term of 11893
imprisonment in this state and the offender is a citizen or 11894
national of a foreign country that has signed a treaty of the 11895

type described in division (A) of this section, if the governor 11896
has granted the director of rehabilitation and correction the 11897
authority described in that division, and if the transfer or 11898
exchange of the offender is not barred by division (B) (1) of 11899
this section, the director or the director's designee may 11900
approve the offender for transfer or exchange pursuant to the 11901
treaty if the director or the designee, after consideration of 11902
the factors set forth in the rules adopted by the department 11903
under division (D) of this section and all other relevant 11904
factors, determines that the transfer or exchange of the 11905
offender is appropriate. 11906

(C) Notwithstanding any provision of the Revised Code 11907
regarding the parole eligibility of, or the duration or 11908
calculation of a sentence of imprisonment imposed upon, an 11909
offender, if a convicted offender is serving a term of 11910
imprisonment in this state and the offender is a citizen or 11911
national of a foreign country that has signed a treaty of the 11912
type described in division (A) of this section, if the offender 11913
is serving an indefinite term of imprisonment, if the offender 11914
is barred from being transferred or exchanged pursuant to the 11915
treaty due to the indefinite nature of the offender's term of 11916
imprisonment, and if in accordance with division (B) (2) of this 11917
section the director of rehabilitation and correction or the 11918
director's designee approves the offender for transfer or 11919
exchange pursuant to the treaty, the parole board, pursuant to 11920
rules adopted by the director, shall set a date certain for the 11921
release of the offender. To the extent possible, the date 11922
certain that is set shall be reasonably proportionate to the 11923
indefinite term of imprisonment that the offender is serving. 11924
The date certain that is set for the release of the offender 11925
shall be considered only for purposes of facilitating the 11926

international transfer or exchange of the offender, shall not be 11927
viable or actionable for any other purpose, and shall not create 11928
any expectation or guarantee of release. If an offender for whom 11929
a date certain for release is set under this division is not 11930
transferred to or exchanged with the foreign country pursuant to 11931
the treaty, the date certain is null and void, and the 11932
offender's release shall be determined pursuant to the laws and 11933
rules of this state pertaining to parole eligibility and the 11934
duration and calculation of an indefinite sentence of 11935
imprisonment. 11936

(D) If the governor, pursuant to division (A) of this 11937
section, authorizes the director of rehabilitation and 11938
correction to allow any transfer or exchange of convicted 11939
offenders as described in that division, the director shall 11940
adopt rules under Chapter 119. of the Revised Code to implement 11941
the provisions of this section. The rules shall include a rule 11942
that requires the director or the director's designee, in 11943
determining whether to approve a convicted offender who is 11944
serving a term of imprisonment in this state for transfer or 11945
exchange pursuant to a treaty of the type described in division 11946
(A) of this section, to consider all of the following factors: 11947

(1) The nature of the offense for which the offender is 11948
serving the term of imprisonment in this state; 11949

(2) The likelihood that, if the offender is transferred or 11950
exchanged to a foreign country pursuant to the treaty, the 11951
offender will serve a shorter period of time in imprisonment in 11952
the foreign country than the offender would serve if the 11953
offender is not transferred or exchanged to the foreign country 11954
pursuant to the treaty; 11955

(3) The likelihood that, if the offender is transferred or 11956

exchanged to a foreign country pursuant to the treaty, the 11957
offender will return or attempt to return to this state after 11958
the offender has been released from imprisonment in the foreign 11959
country; 11960

(4) The degree of any shock to the conscience of justice 11961
and society that will be experienced in this state if the 11962
offender is transferred or exchanged to a foreign country 11963
pursuant to the treaty; 11964

(5) All other factors that the department determines are 11965
relevant to the determination. 11966

Sec. 5120.66. (A) Within ninety days after November 23, 11967
2005, but not before January 1, 2006, the department of 11968
rehabilitation and correction shall establish and operate on the 11969
internet a database that contains all of the following: 11970

(1) For each inmate in the custody of the department under 11971
a sentence imposed for a conviction of or plea of guilty to any 11972
offense, all of the following information: 11973

(a) The inmate's name; 11974

(b) For each offense for which the inmate was sentenced to 11975
a prison term or term of imprisonment and is in the department's 11976
custody, the name of the offense, the Revised Code section of 11977
which the offense is a violation, the gender of each victim of 11978
the offense if those facts are known, whether each victim of the 11979
offense was an adult or child if those facts are known, whether 11980
any victim of the offense was a law enforcement officer if that 11981
fact is known, the range of the possible prison terms or term of 11982
imprisonment that could have been imposed for the offense, the 11983
actual prison term or term of imprisonment imposed for the 11984
offense, the county in which the offense was committed, the date 11985

on which the inmate began serving the prison term or term of 11986
imprisonment imposed for the offense, and ~~either the~~ whichever 11987
of the following is applicable: 11988

(i) The date on which the inmate will be eligible for 11989
parole relative to the offense if the prison term or term of 11990
imprisonment is an indefinite term or life term ~~or the~~ with 11991
parole eligibility; 11992

(ii) The date on which the term ends if the prison term is 11993
a definite term; 11994

(iii) The date on which the inmate will be eligible for 11995
presumptive release under sections 2967.271 and 2967.272 of the 11996
Revised Code, if the inmate is serving a non-life felony 11997
indefinite prison term. 11998

(c) All of the following information that is applicable 11999
regarding the inmate: 12000

(i) If known to the department prior to the conduct of any 12001
hearing for judicial release of the defendant pursuant to 12002
section 2929.20 of the Revised Code in relation to any prison 12003
term or term of imprisonment the inmate is serving for any 12004
offense or any hearing for release of the defendant pursuant to 12005
section 2967.19 of the Revised Code in relation to any such 12006
term, notice of the fact that the inmate will be having a 12007
hearing regarding a possible grant of judicial release or 12008
release, the date of the hearing, and the right of any person 12009
pursuant to division (J) of section 2929.20 or division (H) of 12010
section 2967.19 of the Revised Code, whichever is applicable, to 12011
submit to the court a written statement regarding the possible 12012
judicial release or release. The department also shall post 12013
notice of the submission to a sentencing court of any 12014

recommendation for early release of the inmate pursuant to 12015
section 2967.19 of the Revised Code, as required by division (E) 12016
of that section. 12017

(ii) If the inmate is serving a prison term pursuant to 12018
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 12019
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 12020
Code, prior to the conduct of any hearing pursuant to section 12021
2971.05 of the Revised Code to determine whether to modify the 12022
requirement that the inmate serve the entire prison term in a 12023
state correctional facility in accordance with division (C) of 12024
that section, whether to continue, revise, or revoke any 12025
existing modification of that requirement, or whether to 12026
terminate the prison term in accordance with division (D) of 12027
that section, notice of the fact that the inmate will be having 12028
a hearing regarding those determinations and the date of the 12029
hearing; 12030

(iii) At least sixty days before the adult parole 12031
authority recommends a pardon or commutation of sentence for the 12032
inmate or at least sixty days prior to a hearing before the 12033
adult parole authority regarding a grant of parole to the inmate 12034
in relation to any prison term or term of imprisonment the 12035
inmate is serving for any offense, notice of the fact that the 12036
inmate might be under consideration for a pardon or commutation 12037
of sentence or will be having a hearing regarding a possible 12038
grant of parole, the date of any hearing regarding a possible 12039
grant of parole, and the right of any person to submit a written 12040
statement regarding the pending action; and at least sixty days 12041
prior to a determination by the department as to whether the 12042
inmate will be released under division (C) or (D)(2) of section 12043
2967.271 of the Revised Code if the inmate is serving a non-life 12044
felony indefinite prison term, notice of the fact that the 12045

department will be making a determination regarding a possible 12046
grant of release and, if the department will be conducting a 12047
hearing under that section before making the determination, the 12048
date of the hearing and the right of the victim to submit a 12049
written statement regarding the pending action; 12050

(iv) At least sixty days before the inmate is transferred 12051
to transitional control under section 2967.26 of the Revised 12052
Code in relation to any prison term or term of imprisonment the 12053
inmate is serving for any offense, notice of the pendency of the 12054
transfer, the date of the possible transfer, and the right of 12055
any person to submit a statement regarding the possible 12056
transfer; 12057

(v) Prompt notice of the inmate's escape from any facility 12058
in which the inmate was incarcerated and of the capture of the 12059
inmate after an escape; 12060

(vi) Notice of the inmate's death while in confinement; 12061

(vii) Prior to the release of the inmate from confinement, 12062
notice of the fact that the inmate will be released, of the date 12063
of the release, and, if applicable, of the standard terms and 12064
conditions of the release; 12065

(viii) Notice of the inmate's judicial release pursuant to 12066
section 2929.20 of the Revised Code or release pursuant to 12067
section 2967.19 of the Revised Code. 12068

(2) Information as to where a person can send written 12069
statements of the types referred to in divisions (A) (1) (c) (i), 12070
(iii), and (iv) of this section. 12071

(B) (1) The department shall update the database required 12072
under division (A) of this section every twenty-four hours to 12073
ensure that the information it contains is accurate and current. 12074

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

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

(4) No information included on the database required under division (A) of this section shall identify or enable the identification of any victim of any offense committed by an inmate.

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

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

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

Sec. 5149.04. (A) Persons paroled, conditionally pardoned, or released to community supervision shall be under jurisdiction of the adult parole authority and shall be supervised by the

field services section through its staff of parole and field 12104
officers in such manner as to insure as nearly as possible the 12105
offender's rehabilitation while at the same time providing 12106
maximum protection to the general public. All state and local 12107
officials shall furnish such information to officers of the 12108
section as they may request in the performance of their duties. 12109

(B) The superintendent, or superintendents, of the field 12110
services section shall be a person, or persons, especially 12111
qualified by training and experience in the field of 12112
corrections. The superintendent, or superintendents, shall 12113
supervise the work of the section and shall formulate and 12114
execute an effective program of offender supervision. The 12115
superintendent, or superintendents, shall collect and preserve 12116
any records and statistics with respect to offenders that are 12117
required by the chief of the authority. The section also shall 12118
include other personnel who are necessary for the performance of 12119
the section's duties. 12120

No person shall be appointed as a superintendent who is 12121
not qualified by education or experience in correctional work 12122
including law enforcement, probation, or parole work, in law, in 12123
social work, or in a combination of the three categories. 12124

(C) The superintendent, or superintendents, of the field 12125
services section, with the approval of the chief of the 12126
authority, may establish district offices for the section and 12127
may assign necessary parole and field officers and clerical 12128
staff to the district offices. 12129

(D) The field services section in the exercise of its 12130
supervision over offenders and persons conditionally pardoned 12131
shall carry out all lawful orders, terms, and conditions 12132
prescribed by the authority, the chief of the division of parole 12133

and community services, or the governor. 12134

(E) (1) As used in division (E) of this section: 12135

(a) "Case-load" means the maximum number of persons 12136
paroled, conditionally pardoned, or released to community 12137
supervision who should be under the supervision of any parole or 12138
field officer, based on the aggregate of the work load of the 12139
officer for each of those persons. 12140

(b) "Parole or field officer" means a parole or field 12141
officer of the field services section. 12142

(c) "Work-load" means the minimum number of hours that a 12143
parole or field officer is expected to dedicate to each person 12144
paroled, conditionally pardoned, or released to community 12145
supervision who is under the officer's supervision, based on the 12146
person's risk classification. 12147

(2) Not later than one year after the effective date of 12148
this amendment, the adult parole authority shall establish 12149
supervision standards for parole and field officers. The 12150
standards shall include a specification of a case-load and a 12151
work-load for parole and field officers. The case-load and work- 12152
load specified in the standards shall comport with industry 12153
standards set forth by the American probation and parole 12154
association. 12155

(3) Not later than two years after establishing the 12156
standards required under division (E) (2) of this section, the 12157
department of rehabilitation and correction shall ensure that 12158
the field services section has enough parole and field officers 12159
to comply with the standards and that the officers have been 12160
trained to the extent required to comply with the standards. 12161

Section 2. That existing sections 109.42, 121.22, 149.43, 12162

181.21, 181.26, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 12163
2905.32, 2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 12164
2921.321, 2921.36, 2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 12165
2925.041, 2925.05, 2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 12166
2929.19, 2929.191, 2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 12167
2967.01, 2967.021, 2967.03, 2967.13, 2967.14, 2967.19, 2967.191, 12168
2967.193, 2967.26, 2967.28, 2971.03, 3719.99, 5120.021, 12169
5120.113, 5120.53, 5120.66, and 5149.04 of the Revised Code are 12170
hereby repealed. 12171

Section 3. The General Assembly, applying the principle 12172
stated in division (B) of section 1.52 of the Revised Code that 12173
amendments are to be harmonized if reasonably capable of 12174
simultaneous operation, finds that the following sections, 12175
presented in this act as composites of the sections as amended 12176
by the acts indicated, are the resulting versions of the 12177
sections in effect prior to the effective date of the sections 12178
as presented in this act: 12179

Section 121.22 of the Revised Code as amended by both Sub. 12180
H.B. 158 and Sub. H.B. 413 of the 131st General Assembly. 12181

Section 2903.06 of the Revised Code as amended by both 12182
Sub. H.B. 300 and Sub. H.B. 388 of the 131st General Assembly. 12183

Section 2925.03 of the Revised Code as amended by Am. Sub. 12184
H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 131st General 12185
Assembly. 12186

Section 2925.11 of the Revised Code as amended by Sub. 12187
H.B. 110, H.B. 171, and Sub. S.B. 204, all of the 131st General 12188
Assembly. 12189

Section 2929.19 of the Revised Code as amended by both Am. 12190
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General 12191

Assembly.	12192
Section 2953.08 of the Revised Code as amended by Sub.	12193
H.B. 247, Am. Sub. S.B. 160, and Am. Sub. S.B. 337, all of the	12194
129th General Assembly.	12195
Section 2967.03 of the Revised Code as amended by Am. Sub.	12196
H.B. 487, Am. Sub. S.B. 160, and Am. Sub. S.B. 337, all of the	12197
129th General Assembly.	12198
Section 2967.191 of the Revised Code as amended by both	12199
Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General	12200
Assembly.	12201
Section 5120.66 of the Revised Code as amended by both Am.	12202
Sub. H.B. 487 and Am. Sub. S.B. 160 of the 129th General	12203
Assembly.	12204