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Representatives Seitz, Sykes

Cosponsors: Representatives Galonski, Miller, Strahorn, Boggs, Celebrezze, Smith, K., Kent, Craig, West, Holmes, Barnes, Blessing, Boyd, Brinkman, Brown, Dever, Fedor, Howse, Kelly, Lepore-Hagan, Ramos, Rezabek, Sheehy, Young

Senator Eklund

A BILL

To amend sections 2305.02, 2743.48, 2929.01, 1
2967.141, and 2969.21 of the Revised Code to 2
modify the state's wrongful imprisonment law and 3
to modify the purpose of violation sanction 4
centers. 5

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

Section 1. That sections 2305.02, 2743.48, 2929.01, 6
2967.141, and 2969.21 of the Revised Code be amended to read as 7
follows: 8

Sec. 2305.02. The court of common pleas in the county 9
where the underlying criminal action was initiated has 10
exclusive, original jurisdiction to hear and determine ~~a civil~~ 11
an action or proceeding that is commenced by an individual who 12
~~seeks a determination by that court that the individual~~ 13
satisfies divisions (A) (1) to (5) of section 2743.48 of the 14
Revised Code and that seeks a determination by the court that an 15
error in procedure of the type described in division (A) (5) of 16

that section occurred, that the offense of which the individual 17
was found guilty, including all lesser included offenses, was 18
not committed by the individual, or that no offense was 19
committed by any person. If ~~that~~ the court enters the requested 20
determination, it shall comply with division (B) of that 21
section. 22

Sec. 2743.48. (A) As used in this section and section 23
2743.49 of the Revised Code, a "wrongfully imprisoned 24
individual" means an individual who satisfies each of the 25
following: 26

(1) The individual was charged with a violation of a 27
section of the Revised Code by an indictment or information, and 28
the violation charged was an aggravated felony ~~or,~~ felony, or 29
misdemeanor. 30

(2) The individual was found guilty of, but did not plead 31
guilty to, the particular charge or a lesser-included offense by 32
the court or jury involved, and the offense of which the 33
individual was found guilty was an aggravated felony ~~or,~~ felony, 34
or misdemeanor. 35

(3) The individual was sentenced to an indefinite or 36
definite term of imprisonment in a state correctional 37
institution for the offense of which the individual was found 38
guilty. 39

(4) The individual's conviction was vacated, dismissed, or 40
reversed on appeal, ~~the prosecuting attorney in the case cannot~~ 41
~~or will not seek any further appeal of right or upon leave of~~ 42
~~court,~~ and ~~no~~ all of the following apply: 43

(a) No criminal proceeding is pending, ~~can be brought, or~~ 44
~~will be brought by any prosecuting attorney, city director of~~ 45

~~law, village solicitor, or other chief legal officer of a~~ 46
~~municipal corporation~~ against the individual for any act 47
associated with that conviction. 48

(b) The prosecuting attorney in the case, within one year 49
after the date of the vacating, dismissal, or reversal, has not 50
sought any further appeal of right or upon leave of court, 51
provided that this division does not limit or affect the seeking 52
of any such appeal after the expiration of that one-year period 53
as described in division (C)(3) of this section. 54

(c) The prosecuting attorney, city director of law, 55
village solicitor, or other chief legal officer of a municipal 56
corporation, within one year after the date of the vacating, 57
dismissal, or reversal, has not brought a criminal proceeding 58
against the individual for any act associated with that 59
conviction, provided that this division does not limit or affect 60
the bringing of any such proceeding after the expiration of that 61
one-year period as described in division (C)(3) of this section. 62

(5) Subsequent to sentencing ~~and or~~ during or subsequent 63
to imprisonment, an error in procedure was discovered that 64
occurred prior to, during, or after sentencing, that involved a 65
violation of the Brady Rule which violated the individual's 66
rights to a fair trial under the Ohio Constitution or the United 67
States Constitution, and that resulted in the individual's 68
release, or it was determined by the court of common pleas in 69
the county where the underlying criminal action was initiated 70
either that the ~~charged~~ offense of which the individual was 71
found guilty, including all lesser-included offenses, ~~either~~ was 72
not committed by the individual or that no offense was ~~not~~ 73
committed by any person. In addition to any other application of 74
the provisions of this division regarding an error in procedure 75

that occurred prior to, during, or after sentencing, as those 76
provisions exist on and after the effective date of this 77
amendment, if an individual had a claim dismissed, has a claim 78
pending, or did not file a claim because the state of the law in 79
effect prior to the effective date of this amendment barred the 80
claim or made the claim appear to be futile, those provisions 81
apply with respect to the individual and the claim and, on or 82
after that effective date, the individual may file a claim and 83
obtain the benefit of those provisions. 84

(B) (1) A person may file a civil action to be declared a 85
wrongfully imprisoned individual in the court of common pleas in 86
the county where the underlying criminal action was initiated. 87
That civil action shall be separate from the underlying finding 88
of guilt ~~by the court of common pleas~~. Upon the filing of a 89
civil action to be determined a wrongfully imprisoned 90
individual, the attorney general shall be served with a copy of 91
the complaint and shall be heard. 92

(2) When the court of common pleas in the county where the 93
underlying criminal action was initiated determines ~~in a~~ 94
~~separate civil action~~ that a person is a wrongfully imprisoned 95
individual, the court shall provide the person with a copy of 96
this section and orally inform the person and the person's 97
attorney of the person's rights under this section to commence a 98
civil action against the state in the court of claims because of 99
the person's wrongful imprisonment and to be represented in that 100
civil action by counsel of the person's own choice. 101

(3) The court described in division (B) (1) of this section 102
shall notify the clerk of the court of claims, in writing and 103
within seven days after the date of the entry of its 104
determination that the person is a wrongfully imprisoned 105

individual, of the name and proposed mailing address of the 106
person and of the fact that the person has the rights to 107
commence a civil action and to have legal representation as 108
provided in this section. The clerk of the court of claims shall 109
maintain in the clerk's office a list of wrongfully imprisoned 110
individuals for whom notices are received under this section and 111
shall create files in the clerk's office for each such 112
individual. 113

(4) Within sixty days after the date of the entry of the 114
determination by the court of common pleas in the county where 115
the underlying criminal action was initiated that a person is a 116
wrongfully imprisoned individual, the clerk of the court of 117
claims shall forward a preliminary judgment to the president of 118
the controlling board requesting the payment of fifty per cent 119
of the amount described in division (E) (2) (b) of this section to 120
the wrongfully imprisoned individual. The board shall take all 121
actions necessary to cause the payment of that amount out of the 122
emergency purposes special purpose account of the board. 123

(5) If an individual was serving at the time of the 124
wrongful imprisonment concurrent sentences on other convictions 125
that were not vacated, dismissed, or reversed on appeal, the 126
individual is not eligible for compensation as described in this 127
section for any portion of that wrongful imprisonment that 128
occurred during a concurrent sentence of that nature. 129

(C) (1) In a civil action under this section, a wrongfully 130
imprisoned individual has the right to have counsel of the 131
individual's own choice. 132

(2) If a wrongfully imprisoned individual who is the 133
subject of a court determination as described in division (B) (2) 134
of this section does not commence a civil action under this 135

section within six months after the entry of that determination, 136
the clerk of the court of claims shall send a letter to the 137
wrongfully imprisoned individual, at the address set forth in 138
the notice received from the court of common pleas pursuant to 139
division (B) (3) of this section or to any later address provided 140
by the wrongfully imprisoned individual, that reminds the 141
wrongfully imprisoned individual of the wrongfully imprisoned 142
individual's rights under this section. Until the statute of 143
limitations provided in division (H) of this section expires and 144
unless the wrongfully imprisoned individual commences a civil 145
action under this section, the clerk of the court of claims 146
shall send a similar letter in a similar manner to the 147
wrongfully imprisoned individual at least once each three months 148
after the sending of the first reminder. 149

(3) If an individual has been determined by the court of 150
common pleas in the county where the underlying criminal action 151
was initiated to be a wrongfully imprisoned individual, as 152
described in division (A) of this section, both of the following 153
apply: 154

(a) The finding under division (A) (4) (b) of this section 155
does not affect or negate any right or authority the prosecuting 156
attorney in the case may have to seek, after the expiration of 157
the one-year period described in that division, a further appeal 158
of right or upon leave of court with respect to the conviction 159
that was vacated, dismissed, or reversed on appeal, and the 160
prosecuting attorney may seek such a further appeal after the 161
expiration of that period. 162

(b) The finding under division (A) (4) (c) of this section 163
does not affect or negate any right or authority the prosecuting 164
attorney in the case may have under any other provision of law 165

to bring, after the expiration of the one-year period described 166
in that division, a criminal proceeding against the individual 167
for any act associated with the conviction that was vacated, 168
dismissed, or reversed on appeal, and the prosecuting attorney 169
may bring such a proceeding after the expiration of that period 170
as provided under any other provision of law. 171

(D) Notwithstanding any provisions of this chapter to the 172
contrary, a wrongfully imprisoned individual has and may file a 173
civil action against the state, in the court of claims, to 174
recover a sum of money as described in this section, because of 175
the individual's wrongful imprisonment. The court of claims 176
shall have exclusive, original jurisdiction over such a civil 177
action. The civil action shall proceed, be heard, and be 178
determined as provided in sections 2743.01 to 2743.20 of the 179
Revised Code, except that if a provision of this section 180
conflicts with a provision in any of those sections, the 181
provision in this section controls. 182

(E) (1) In a civil action as described in division (D) of 183
this section, the complainant may establish that the claimant is 184
a wrongfully imprisoned individual by submitting to the court of 185
claims a certified copy of the judgment entry of the court of 186
common pleas associated with the claimant's conviction and 187
sentencing, and a certified copy of the entry of the 188
determination of the court of common pleas that the claimant is 189
a wrongfully imprisoned individual under division (B) (2) of this 190
section. No other evidence shall be required of the complainant 191
to establish that the claimant is a wrongfully imprisoned 192
individual, and the claimant shall be irrebuttably presumed to 193
be a wrongfully imprisoned individual. 194

(2) In a civil action as described in division (D) of this 195

section, upon presentation of requisite proof to the court of 196
claims, a wrongfully imprisoned individual is entitled to 197
receive a sum of money that equals the total of each of the 198
following amounts: 199

(a) The amount of any fine or court costs imposed and 200
paid, and the reasonable attorney's fees and other expenses 201
incurred by the wrongfully imprisoned individual in connection 202
with all associated criminal proceedings and appeals, and, if 203
applicable, in connection with obtaining the wrongfully 204
imprisoned individual's discharge from confinement in the state 205
correctional institution; 206

(b) For each full year of imprisonment in the state 207
correctional institution for the offense of which the wrongfully 208
imprisoned individual was found guilty, forty thousand three 209
hundred thirty dollars or the adjusted amount determined by the 210
auditor of state pursuant to section 2743.49 of the Revised 211
Code, and for each part of a year of being so imprisoned, a pro- 212
rated share of forty thousand three hundred thirty dollars or 213
the adjusted amount determined by the auditor of state pursuant 214
to section 2743.49 of the Revised Code; 215

(c) Any loss of wages, salary, or other earned income that 216
directly resulted from the wrongfully imprisoned individual's 217
arrest, prosecution, conviction, and wrongful imprisonment; 218

(d) The amount of the following cost debts the department 219
of rehabilitation and correction recovered from the wrongfully 220
imprisoned individual who was in custody of the department or 221
under the department's supervision: 222

(i) Any user fee or copayment for services at a detention 223
facility, including, but not limited to, a fee or copayment for 224

sick call visits;	225
(ii) The cost of housing and feeding the wrongfully imprisoned individual in a detention facility;	226 227
(iii) The cost of supervision of the wrongfully imprisoned individual;	228 229
(iv) The cost of any ancillary services provided to the wrongfully imprisoned individual.	230 231
(F) (1) If the court of claims determines in a civil action as described in division (D) of this section that the complainant is a wrongfully imprisoned individual, it shall enter judgment for the wrongfully imprisoned individual in the amount of the sum of money to which the wrongfully imprisoned individual is entitled under division (E) (2) of this section. In determining that sum, the court of claims shall not take into consideration any expenses incurred by the state or any of its political subdivisions in connection with the arrest, prosecution, and imprisonment of the wrongfully imprisoned individual, including, but not limited to, expenses for food, clothing, shelter, and medical services. The court shall reduce that sum by the amount of the payment to the wrongfully imprisoned individual described in division (B) (4) of this section.	232 233 234 235 236 237 238 239 240 241 242 243 244 245 246
(2) If the wrongfully imprisoned individual was represented in the civil action under this section by counsel of the wrongfully imprisoned individual's own choice, the court of claims shall include in the judgment entry referred to in division (F) (1) of this section an award for the reasonable attorney's fees of that counsel. These fees shall be paid as provided in division (G) of this section.	247 248 249 250 251 252 253

(3) If the wrongfully imprisoned individual owes any debt 254
to the state or any of its political subdivisions, the court of 255
claims, in the judgment entry referred to in division (F) (1) of 256
this section, shall deduct the amount of any such debts that are 257
known from the sum of money to which the wrongfully imprisoned 258
individual is entitled under division (E) (2) of this section. 259
The court shall include in the judgment entry an award to the 260
state or a political subdivision, whichever is applicable, of 261
any amount deducted pursuant to this division. These amounts 262
shall be paid as provided in division (G) of this section. 263

(4) (a) If, at the time of the judgment entry referred to 264
in division (F) (1) of this section, the wrongfully imprisoned 265
individual has won or received a qualifying monetary award or 266
recovery that arose from any conduct that resulted in or 267
contributed to the person being determined to be a wrongfully 268
imprisoned individual, all of the following apply: 269

(i) The court of claims, in the judgment entry, shall 270
deduct the amount of the award or recovery in the action that 271
the wrongfully imprisoned individual actually collected prior to 272
the time of the judgment entry, after the payment of the 273
individual's attorney's fees and costs related to the 274
litigation, from the sum of money to which the wrongfully 275
imprisoned individual is entitled under division (E) (2) of this 276
section. If the wrongfully imprisoned individual has won or 277
received two or more qualifying monetary awards or recoveries of 278
the type described in division (F) (4) (a) of this section, the 279
court shall aggregate the amounts of all of those awards or 280
recoveries that the individual actually collected prior to the 281
date of the judgment entry, and the aggregate amount shall be 282
the amount deducted under this division from the sum of money to 283
which the wrongfully imprisoned individual is entitled under 284

division (E) (2) of this section. The court shall include in the 285
judgment entry an award to the state of any amount deducted 286
pursuant to this division. These amounts shall be paid as 287
provided in division (G) of this section. 288

(ii) If the wrongfully imprisoned individual actually 289
collects any amount of the qualifying monetary award or recovery 290
after the date of the judgment entry referred to in division (F) 291
(1) of this section, the wrongfully imprisoned individual shall 292
reimburse the state for the sum of money paid under the judgment 293
entry referred to in division (F) (1) of this section, after the 294
deduction of the individual's attorney's fees and costs related 295
to the litigation, for the amount of the qualifying monetary 296
award or recovery actually collected after that date. A 297
reimbursement required under this division shall not exceed the 298
amount that the wrongfully imprisoned individual actually 299
collects under the qualifying monetary award or recovery. If the 300
wrongfully imprisoned individual has won or received two or more 301
qualifying monetary awards or recoveries of the type described 302
in division (F) (4) (a) of this section and actually collects any 303
amount of two or more of those qualifying monetary awards or 304
recoveries after the date of the judgment entry referred to in 305
division (F) (1) of this section, the court shall apply this 306
division separately with respect to each such qualifying 307
monetary award or recovery. 308

(iii) The total amount a court deducts under division (F) 309
(4) (a) (i) of this section with respect to a qualifying monetary 310
award or recovery plus the total amount of a reimbursement 311
required under division (F) (4) (a) (ii) of this section with 312
respect to that same qualifying monetary award or recovery shall 313
not exceed the amount that the wrongfully imprisoned individual 314
actually collects under that qualifying monetary award or 315

recovery. 316

(b) If division (F)(4)(a) of this section does not apply 317
and if, after the time of the judgment entry referred to in 318
division (F)(1) of this section, the wrongfully imprisoned 319
individual wins a qualifying monetary award or recovery that 320
arose from any conduct that resulted in or contributed to the 321
person being determined to be a wrongfully imprisoned 322
individual, the wrongfully imprisoned individual shall reimburse 323
the state for the sum of money paid under the judgment entry 324
referred to in division (F)(1) of this section, after the 325
deduction of the individual's attorney's fees and costs related 326
to the litigation. A reimbursement required under this division 327
shall not exceed the amount that the wrongfully imprisoned 328
individual actually collects under the qualifying monetary award 329
or recovery. If the wrongfully imprisoned individual has won or 330
received two or more such qualifying monetary awards or 331
recoveries, the court shall apply this division separately with 332
respect to each such qualifying monetary award or recovery. 333

(c) Divisions (F)(4)(a) and (b) of this section apply only 334
with respect to judgment entries referred to in division (F)(1) 335
of this section that are entered on or after the effective date 336
of divisions (F)(4)(a) and (b) of this section. 337

(5) If, after the time of the judgment entry referred to 338
in division (F)(1) of this section, the wrongfully imprisoned 339
individual is convicted of or pleads guilty to an offense that 340
is based on any act associated with the conviction that was 341
vacated, reversed, or dismissed on appeal and that was the basis 342
of the person being determined to be a wrongfully imprisoned 343
individual, the wrongfully imprisoned individual shall reimburse 344
the state for the entire sum of money paid under the judgment 345

entry referred to in division (F) (1) of this section. 346

(6) The state consents to be sued by a wrongfully 347
imprisoned individual because the imprisonment was wrongful, and 348
to liability on its part because of that fact, only as provided 349
in this section. However, this section does not affect any 350
liability of the state or of its employees to a wrongfully 351
imprisoned individual on a claim for relief that is not based on 352
the fact of the wrongful imprisonment, including, but not 353
limited to, a claim for relief that arises out of circumstances 354
occurring during the wrongfully imprisoned individual's 355
confinement in the state correctional institution. 356

(G) The clerk of the court of claims shall forward a 357
certified copy of a judgment under division (F) of this section 358
to the president of the controlling board. The board shall take 359
all actions necessary to cause the payment of the judgment out 360
of the emergency purposes special purpose account of the board. 361

(H) To be eligible to recover a sum of money as described 362
in this section because of wrongful imprisonment, both of the 363
following shall apply to a wrongfully imprisoned individual: 364

(1) The wrongfully imprisoned individual shall not have 365
been, prior to September 24, 1986, the subject of an act of the 366
general assembly that authorized an award of compensation for 367
the wrongful imprisonment or have been the subject of an action 368
before the former sundry claims board that resulted in an award 369
of compensation for the wrongful imprisonment. 370

(2) The wrongfully imprisoned individual shall commence a 371
civil action under this section in the court of claims no later 372
than two years after the date of the entry of the determination 373
of the court of common pleas that the individual is a wrongfully 374

imprisoned individual under division (B) (2) of this section. 375

(I) No determination of a court of common pleas as 376
specified in division (B) of this section or of the court of 377
claims as described in division (D) of this section that a 378
person is a wrongfully imprisoned individual, and no finding in 379
the civil action that results in either of those determinations, 380
is admissible as evidence in any criminal proceeding that is 381
pending at the time of, or is commenced subsequent to, that 382
civil action. 383

(J) (1) As used in division (A) of this section, "Brady 384
Rule" means the rule established pursuant to the decision of the 385
United States supreme court in Brady v. Maryland (1963), 373 386
U.S. 83. 387

(2) As used in divisions (F) (3) to (5) of this section: 388

(a) "State" and "political subdivisions" have the same 389
meanings as in section 2743.01 of the Revised Code. 390

(b) "Qualifying monetary award or recovery" means a 391
monetary award won in, or a monetary recovery received through a 392
settlement in, a civil action under section 1983 of Title 42 of 393
the United States Code, 93 Stat. 1284 (1979), 42 U.S.C. 1983, as 394
amended. 395

Sec. 2929.01. As used in this chapter: 396

(A) (1) "Alternative residential facility" means, subject 397
to division (A) (2) of this section, any facility other than an 398
offender's home or residence in which an offender is assigned to 399
live and that satisfies all of the following criteria: 400

(a) It provides programs through which the offender may 401
seek or maintain employment or may receive education, training, 402

treatment, or habilitation. 403

(b) It has received the appropriate license or certificate 404
for any specialized education, training, treatment, 405
habilitation, or other service that it provides from the 406
government agency that is responsible for licensing or 407
certifying that type of education, training, treatment, 408
habilitation, or service. 409

(2) "Alternative residential facility" does not include a 410
community-based correctional facility, jail, halfway house, or 411
prison. 412

(B) "Basic probation supervision" means a requirement that 413
the offender maintain contact with a person appointed to 414
supervise the offender in accordance with sanctions imposed by 415
the court or imposed by the parole board pursuant to section 416
2967.28 of the Revised Code. "Basic probation supervision" 417
includes basic parole supervision and basic post-release control 418
supervision. 419

(C) "Cocaine," "fentanyl-related compound," "hashish," 420
"L.S.D.," and "unit dose" have the same meanings as in section 421
2925.01 of the Revised Code. 422

(D) "Community-based correctional facility" means a 423
community-based correctional facility and program or district 424
community-based correctional facility and program developed 425
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 426

(E) "Community control sanction" means a sanction that is 427
not a prison term and that is described in section 2929.15, 428
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 429
that is not a jail term and that is described in section 430
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 431

control sanction" includes probation if the sentence involved 432
was imposed for a felony that was committed prior to July 1, 433
1996, or if the sentence involved was imposed for a misdemeanor 434
that was committed prior to January 1, 2004. 435

(F) "Controlled substance," "marihuana," "schedule I," and 436
"schedule II" have the same meanings as in section 3719.01 of 437
the Revised Code. 438

(G) "Curfew" means a requirement that an offender during a 439
specified period of time be at a designated place. 440

(H) "Day reporting" means a sanction pursuant to which an 441
offender is required each day to report to and leave a center or 442
other approved reporting location at specified times in order to 443
participate in work, education or training, treatment, and other 444
approved programs at the center or outside the center. 445

(I) "Deadly weapon" has the same meaning as in section 446
2923.11 of the Revised Code. 447

(J) "Drug and alcohol use monitoring" means a program 448
under which an offender agrees to submit to random chemical 449
analysis of the offender's blood, breath, or urine to determine 450
whether the offender has ingested any alcohol or other drugs. 451

(K) "Drug treatment program" means any program under which 452
a person undergoes assessment and treatment designed to reduce 453
or completely eliminate the person's physical or emotional 454
reliance upon alcohol, another drug, or alcohol and another drug 455
and under which the person may be required to receive assessment 456
and treatment on an outpatient basis or may be required to 457
reside at a facility other than the person's home or residence 458
while undergoing assessment and treatment. 459

(L) "Economic loss" means any economic detriment suffered 460

by a victim as a direct and proximate result of the commission 461
of an offense and includes any loss of income due to lost time 462
at work because of any injury caused to the victim, and any 463
property loss, medical cost, or funeral expense incurred as a 464
result of the commission of the offense. "Economic loss" does 465
not include non-economic loss or any punitive or exemplary 466
damages. 467

(M) "Education or training" includes study at, or in 468
conjunction with a program offered by, a university, college, or 469
technical college or vocational study and also includes the 470
completion of primary school, secondary school, and literacy 471
curricula or their equivalent. 472

(N) "Firearm" has the same meaning as in section 2923.11 473
of the Revised Code. 474

(O) "Halfway house" means a facility licensed by the 475
division of parole and community services of the department of 476
rehabilitation and correction pursuant to section 2967.14 of the 477
Revised Code as a suitable facility for the care and treatment 478
of adult offenders. 479

(P) "House arrest" means a period of confinement of an 480
offender that is in the offender's home or in other premises 481
specified by the sentencing court or by the parole board 482
pursuant to section 2967.28 of the Revised Code and during which 483
all of the following apply: 484

(1) The offender is required to remain in the offender's 485
home or other specified premises for the specified period of 486
confinement, except for periods of time during which the 487
offender is at the offender's place of employment or at other 488
premises as authorized by the sentencing court or by the parole 489

board.	490
(2) The offender is required to report periodically to a person designated by the court or parole board.	491 492
(3) The offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board.	493 494 495
(Q) "Intensive probation supervision" means a requirement that an offender maintain frequent contact with a person appointed by the court, or by the parole board pursuant to section 2967.28 of the Revised Code, to supervise the offender while the offender is seeking or maintaining necessary employment and participating in training, education, and treatment programs as required in the court's or parole board's order. "Intensive probation supervision" includes intensive parole supervision and intensive post-release control supervision.	496 497 498 499 500 501 502 503 504 505
(R) "Jail" means a jail, workhouse, minimum security jail, or other residential facility used for the confinement of alleged or convicted offenders that is operated by a political subdivision or a combination of political subdivisions of this state.	506 507 508 509 510
(S) "Jail term" means the term in a jail that a sentencing court imposes or is authorized to impose pursuant to section 2929.24 or 2929.25 of the Revised Code or pursuant to any other provision of the Revised Code that authorizes a term in a jail for a misdemeanor conviction.	511 512 513 514 515
(T) "Mandatory jail term" means the term in a jail that a sentencing court is required to impose pursuant to division (G) of section 1547.99 of the Revised Code, division (E) of section	516 517 518

2903.06 or division (D) of section 2903.08 of the Revised Code, 519
division (E) or (G) of section 2929.24 of the Revised Code, 520
division (B) of section 4510.14 of the Revised Code, or division 521
(G) of section 4511.19 of the Revised Code or pursuant to any 522
other provision of the Revised Code that requires a term in a 523
jail for a misdemeanor conviction. 524

(U) "Delinquent child" has the same meaning as in section 525
2152.02 of the Revised Code. 526

(V) "License violation report" means a report that is made 527
by a sentencing court, or by the parole board pursuant to 528
section 2967.28 of the Revised Code, to the regulatory or 529
licensing board or agency that issued an offender a professional 530
license or a license or permit to do business in this state and 531
that specifies that the offender has been convicted of or 532
pleaded guilty to an offense that may violate the conditions 533
under which the offender's professional license or license or 534
permit to do business in this state was granted or an offense 535
for which the offender's professional license or license or 536
permit to do business in this state may be revoked or suspended. 537

(W) "Major drug offender" means an offender who is 538
convicted of or pleads guilty to the possession of, sale of, or 539
offer to sell any drug, compound, mixture, preparation, or 540
substance that consists of or contains at least one thousand 541
grams of hashish; at least one hundred grams of cocaine; at 542
least one thousand unit doses or one hundred grams of heroin; at 543
least five thousand unit doses of L.S.D. or five hundred grams 544
of L.S.D. in a liquid concentrate, liquid extract, or liquid 545
distillate form; at least fifty grams of a controlled substance 546
analog; at least one thousand unit doses or one hundred grams of 547
a fentanyl-related compound; or at least one hundred times the 548

amount of any other schedule I or II controlled substance other 549
than marihuana that is necessary to commit a felony of the third 550
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 551
of the Revised Code that is based on the possession of, sale of, 552
or offer to sell the controlled substance. 553

(X) "Mandatory prison term" means any of the following: 554

(1) Subject to division (X) (2) of this section, the term 555
in prison that must be imposed for the offenses or circumstances 556
set forth in divisions (F) (1) to (8) or (F) (12) to (21) of 557
section 2929.13 and division (B) of section 2929.14 of the 558
Revised Code. Except as provided in sections 2925.02, 2925.03, 559
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 560
maximum or another specific term is required under section 561
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 562
described in this division may be any prison term authorized for 563
the level of offense. 564

(2) The term of sixty or one hundred twenty days in prison 565
that a sentencing court is required to impose for a third or 566
fourth degree felony OVI offense pursuant to division (G) (2) of 567
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 568
of the Revised Code or the term of one, two, three, four, or 569
five years in prison that a sentencing court is required to 570
impose pursuant to division (G) (2) of section 2929.13 of the 571
Revised Code. 572

(3) The term in prison imposed pursuant to division (A) of 573
section 2971.03 of the Revised Code for the offenses and in the 574
circumstances described in division (F) (11) of section 2929.13 575
of the Revised Code or pursuant to division (B) (1) (a), (b), or 576
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 577
section 2971.03 of the Revised Code and that term as modified or 578

terminated pursuant to section 2971.05 of the Revised Code.	579
(Y) "Monitored time" means a period of time during which	580
an offender continues to be under the control of the sentencing	581
court or parole board, subject to no conditions other than	582
leading a law-abiding life.	583
(Z) "Offender" means a person who, in this state, is	584
convicted of or pleads guilty to a felony or a misdemeanor.	585
(AA) "Prison" means a residential facility used for the	586
confinement of convicted felony offenders that is under the	587
control of the department of rehabilitation and correction but	588
does not include <u>and includes</u> a violation sanction center	589
operated under authority of section 2967.141 of the Revised	590
Code.	591
(BB) "Prison term" includes either of the following	592
sanctions for an offender:	593
(1) A stated prison term;	594
(2) A term in a prison shortened by, or with the approval	595
of, the sentencing court pursuant to section 2929.143, 2929.20,	596
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code.	597
(CC) "Repeat violent offender" means a person about whom	598
both of the following apply:	599
(1) The person is being sentenced for committing or for	600
complicity in committing any of the following:	601
(a) Aggravated murder, murder, any felony of the first or	602
second degree that is an offense of violence, or an attempt to	603
commit any of these offenses if the attempt is a felony of the	604
first or second degree;	605

(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense described in division (CC) (1) (a) of this section.

(2) The person previously was convicted of or pleaded guilty to an offense described in division (CC) (1) (a) or (b) of this section.

(DD) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 or 2929.24 to 2929.28 of the Revised Code.

(EE) "Sentence" means the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to an offense.

(FF) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory prison terms imposed by the sentencing court pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised Code or under section 2919.25 of the Revised Code. "Stated prison term" includes any credit received by the offender for time spent in jail awaiting trial, sentencing, or transfer to prison for the offense and any time spent under house arrest or house arrest with electronic monitoring imposed after earning credits pursuant to section 2967.193 of the Revised Code. If an offender is serving a prison term as a risk reduction sentence under sections 2929.143 and 5120.036 of the Revised Code, "stated prison term" includes any period of time by which the prison term imposed upon the offender is shortened by the offender's successful completion of all assessment and treatment or

programming pursuant to those sections. 636

(GG) "Victim-offender mediation" means a reconciliation or 637
mediation program that involves an offender and the victim of 638
the offense committed by the offender and that includes a 639
meeting in which the offender and the victim may discuss the 640
offense, discuss restitution, and consider other sanctions for 641
the offense. 642

(HH) "Fourth degree felony OVI offense" means a violation 643
of division (A) of section 4511.19 of the Revised Code that, 644
under division (G) of that section, is a felony of the fourth 645
degree. 646

(II) "Mandatory term of local incarceration" means the 647
term of sixty or one hundred twenty days in a jail, a community- 648
based correctional facility, a halfway house, or an alternative 649
residential facility that a sentencing court may impose upon a 650
person who is convicted of or pleads guilty to a fourth degree 651
felony OVI offense pursuant to division (G) (1) of section 652
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 653
section 4511.19 of the Revised Code. 654

(JJ) "Designated homicide, assault, or kidnapping 655
offense," "violent sex offense," "sexual motivation 656
specification," "sexually violent offense," "sexually violent 657
predator," and "sexually violent predator specification" have 658
the same meanings as in section 2971.01 of the Revised Code. 659

(KK) "Sexually oriented offense," "child-victim oriented 660
offense," and "tier III sex offender/child-victim offender" have 661
the same meanings as in section 2950.01 of the Revised Code. 662

(LL) An offense is "committed in the vicinity of a child" 663
if the offender commits the offense within thirty feet of or 664

within the same residential unit as a child who is under 665
eighteen years of age, regardless of whether the offender knows 666
the age of the child or whether the offender knows the offense 667
is being committed within thirty feet of or within the same 668
residential unit as the child and regardless of whether the 669
child actually views the commission of the offense. 670

(MM) "Family or household member" has the same meaning as 671
in section 2919.25 of the Revised Code. 672

(NN) "Motor vehicle" and "manufactured home" have the same 673
meanings as in section 4501.01 of the Revised Code. 674

(OO) "Detention" and "detention facility" have the same 675
meanings as in section 2921.01 of the Revised Code. 676

(PP) "Third degree felony OVI offense" means a violation 677
of division (A) of section 4511.19 of the Revised Code that, 678
under division (G) of that section, is a felony of the third 679
degree. 680

(QQ) "Random drug testing" has the same meaning as in 681
section 5120.63 of the Revised Code. 682

(RR) "Felony sex offense" has the same meaning as in 683
section 2967.28 of the Revised Code. 684

(SS) "Body armor" has the same meaning as in section 685
2941.1411 of the Revised Code. 686

(TT) "Electronic monitoring" means monitoring through the 687
use of an electronic monitoring device. 688

(UU) "Electronic monitoring device" means any of the 689
following: 690

(1) Any device that can be operated by electrical or 691

battery power and that conforms with all of the following: 692

(a) The device has a transmitter that can be attached to a 693
person, that will transmit a specified signal to a receiver of 694
the type described in division (UU) (1) (b) of this section if the 695
transmitter is removed from the person, turned off, or altered 696
in any manner without prior court approval in relation to 697
electronic monitoring or without prior approval of the 698
department of rehabilitation and correction in relation to the 699
use of an electronic monitoring device for an inmate on 700
transitional control or otherwise is tampered with, that can 701
transmit continuously and periodically a signal to that receiver 702
when the person is within a specified distance from the 703
receiver, and that can transmit an appropriate signal to that 704
receiver if the person to whom it is attached travels a 705
specified distance from that receiver. 706

(b) The device has a receiver that can receive 707
continuously the signals transmitted by a transmitter of the 708
type described in division (UU) (1) (a) of this section, can 709
transmit continuously those signals by a wireless or landline 710
telephone connection to a central monitoring computer of the 711
type described in division (UU) (1) (c) of this section, and can 712
transmit continuously an appropriate signal to that central 713
monitoring computer if the device has been turned off or altered 714
without prior court approval or otherwise tampered with. The 715
device is designed specifically for use in electronic 716
monitoring, is not a converted wireless phone or another 717
tracking device that is clearly not designed for electronic 718
monitoring, and provides a means of text-based or voice 719
communication with the person. 720

(c) The device has a central monitoring computer that can 721

receive continuously the signals transmitted by a wireless or 722
landline telephone connection by a receiver of the type 723
described in division (UU) (1) (b) of this section and can monitor 724
continuously the person to whom an electronic monitoring device 725
of the type described in division (UU) (1) (a) of this section is 726
attached. 727

(2) Any device that is not a device of the type described 728
in division (UU) (1) of this section and that conforms with all 729
of the following: 730

(a) The device includes a transmitter and receiver that 731
can monitor and determine the location of a subject person at 732
any time, or at a designated point in time, through the use of a 733
central monitoring computer or through other electronic means. 734

(b) The device includes a transmitter and receiver that 735
can determine at any time, or at a designated point in time, 736
through the use of a central monitoring computer or other 737
electronic means the fact that the transmitter is turned off or 738
altered in any manner without prior approval of the court in 739
relation to the electronic monitoring or without prior approval 740
of the department of rehabilitation and correction in relation 741
to the use of an electronic monitoring device for an inmate on 742
transitional control or otherwise is tampered with. 743

(3) Any type of technology that can adequately track or 744
determine the location of a subject person at any time and that 745
is approved by the director of rehabilitation and correction, 746
including, but not limited to, any satellite technology, voice 747
tracking system, or retinal scanning system that is so approved. 748

(VV) "Non-economic loss" means nonpecuniary harm suffered 749
by a victim of an offense as a result of or related to the 750

commission of the offense, including, but not limited to, pain 751
and suffering; loss of society, consortium, companionship, care, 752
assistance, attention, protection, advice, guidance, counsel, 753
instruction, training, or education; mental anguish; and any 754
other intangible loss. 755

(WW) "Prosecutor" has the same meaning as in section 756
2935.01 of the Revised Code. 757

(XX) "Continuous alcohol monitoring" means the ability to 758
automatically test and periodically transmit alcohol consumption 759
levels and tamper attempts at least every hour, regardless of 760
the location of the person who is being monitored. 761

(YY) A person is "adjudicated a sexually violent predator" 762
if the person is convicted of or pleads guilty to a violent sex 763
offense and also is convicted of or pleads guilty to a sexually 764
violent predator specification that was included in the 765
indictment, count in the indictment, or information charging 766
that violent sex offense or if the person is convicted of or 767
pleads guilty to a designated homicide, assault, or kidnapping 768
offense and also is convicted of or pleads guilty to both a 769
sexual motivation specification and a sexually violent predator 770
specification that were included in the indictment, count in the 771
indictment, or information charging that designated homicide, 772
assault, or kidnapping offense. 773

(ZZ) An offense is "committed in proximity to a school" if 774
the offender commits the offense in a school safety zone or 775
within five hundred feet of any school building or the 776
boundaries of any school premises, regardless of whether the 777
offender knows the offense is being committed in a school safety 778
zone or within five hundred feet of any school building or the 779
boundaries of any school premises. 780

(AAA) "Human trafficking" means a scheme or plan to which 781
all of the following apply: 782

(1) Its object is one or more of the following: 783

(a) To subject a victim or victims to involuntary 784
servitude, as defined in section 2905.31 of the Revised Code or 785
to compel a victim or victims to engage in sexual activity for 786
hire, to engage in a performance that is obscene, sexually 787
oriented, or nudity oriented, or to be a model or participant in 788
the production of material that is obscene, sexually oriented, 789
or nudity oriented; 790

(b) To facilitate, encourage, or recruit a victim who is 791
less than sixteen years of age or is a person with a 792
developmental disability, or victims who are less than sixteen 793
years of age or are persons with developmental disabilities, for 794
any purpose listed in divisions (A) (2) (a) to (c) of section 795
2905.32 of the Revised Code; 796

(c) To facilitate, encourage, or recruit a victim who is 797
sixteen or seventeen years of age, or victims who are sixteen or 798
seventeen years of age, for any purpose listed in divisions (A) 799
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 800
circumstances described in division (A) (5), (6), (7), (8), (9), 801
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 802
apply with respect to the person engaging in the conduct and the 803
victim or victims. 804

(2) It involves at least two felony offenses, whether or 805
not there has been a prior conviction for any of the felony 806
offenses, to which all of the following apply: 807

(a) Each of the felony offenses is a violation of section 808
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 809

division (A) (1) or (2) of section 2907.323, or division (B) (1), 810
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 811
is a violation of a law of any state other than this state that 812
is substantially similar to any of the sections or divisions of 813
the Revised Code identified in this division. 814

(b) At least one of the felony offenses was committed in 815
this state. 816

(c) The felony offenses are related to the same scheme or 817
plan and are not isolated instances. 818

(BBB) "Material," "nudity," "obscene," "performance," and 819
"sexual activity" have the same meanings as in section 2907.01 820
of the Revised Code. 821

(CCC) "Material that is obscene, sexually oriented, or 822
nudity oriented" means any material that is obscene, that shows 823
a person participating or engaging in sexual activity, 824
masturbation, or bestiality, or that shows a person in a state 825
of nudity. 826

(DDD) "Performance that is obscene, sexually oriented, or 827
nudity oriented" means any performance that is obscene, that 828
shows a person participating or engaging in sexual activity, 829
masturbation, or bestiality, or that shows a person in a state 830
of nudity. 831

(EEE) "Accelerant" means a fuel or oxidizing agent, such 832
as an ignitable liquid, used to initiate a fire or increase the 833
rate of growth or spread of a fire. 834

Sec. 2967.141. (A) ~~As used in this section, "alternative-~~ 835
~~residential facility" has the same meaning as in section 2929.01-~~ 836
~~of the Revised Code.~~ 837

~~(B) The department of rehabilitation and correction,~~ 838
~~through its division of parole and community services,~~ 839
operate or contract for the operation of one or more violation 840
sanction centers ~~as an alternative residential facility.~~ A 841
violation sanction center operated under authority of this 842
division is ~~not~~ a prison as defined in section 2929.01 of the 843
Revised Code. A violation sanction center operated under 844
authority of this division may be used for either of the 845
following purposes: 846

(1) Service of ~~the a prison term of a more restrictive~~ 847
~~post-release control sanction~~ that the parole board, subsequent 848
to a hearing, imposes pursuant to division (F) ~~(2)~~ (3) of section 849
2967.28 of the Revised Code upon a releasee who has violated a 850
post-release control sanction imposed upon the releasee under 851
that section; 852

~~(2) Service of a sanction that~~ As a facility designated by 853
the adult parole authority ~~or parole board~~ imposes upon a 854
parolee whom the authority determines to be for confining a 855
~~parole violator because of a violation of the terms and~~ 856
~~conditions of the parolee's parole or conditional pardon~~ 857
pursuant to division (A) of section 2967.15 of the Revised Code 858
until a determination is made regarding the person's release 859
status. 860

~~(C) If a violation sanction center is established under~~ 861
~~the authority of this section, notwithstanding the fact that the~~ 862
~~center is an alternative residential facility for the purposes~~ 863
~~described in division (B) of this section, the center shall be~~ 864
~~used only for the purposes described in that division.~~ (B) A 865
violation sanction center established under the authority of 866
this section is not an alternative residential facility for the 867

purpose of imposing sentence on an offender who is convicted of 868
or pleads guilty to a felony, and a court that is sentencing an 869
offender for a felony pursuant to sections 2929.11 to 2929.19 of 870
the Revised Code shall not sentence the offender to a community 871
residential sanction that requires the offender to serve a term 872
in the center. 873

~~(D)~~ (C) If a releasee is ordered to serve a sanction in a 874
violation sanction center, as described in division ~~(B)~~ (A) (1) of 875
this section, all of the following apply: 876

(1) The releasee shall ~~not~~ be considered to be under a ~~new~~ 877
prison term for a violation of post-release control imposed 878
pursuant to division (F) (3) of section 2967.28 of the Revised 879
Code. 880

(2) The time the releasee serves in the center shall ~~not~~ 881
count toward, and shall ~~not~~ be considered in determining, the 882
maximum cumulative prison term for all violations that is 883
described in division (F) (3) of section 2967.28 of the Revised 884
Code. 885

(3) The time the releasee serves in the center shall not 886
count as part of, and shall not be credited toward, the 887
remaining period of post-release control that is applicable to 888
the releasee. 889

Sec. 2969.21. As used in sections 2969.21 to 2969.27 of 890
the Revised Code: 891

(A) "Clerk" means the elected or appointed clerk of any 892
court in this state, except the court of claims or the supreme 893
court, in which an inmate has commenced a civil action against a 894
government entity or employee or has filed an appeal of the 895
judgment or order in a civil action of that nature. 896

(B) (1) "Civil action or appeal against a government entity or employee" means any of the following:	897 898
(a) A civil action that an inmate commences against the state, a political subdivision, or an employee of the state or a political subdivision in a court of common pleas, court of appeals, county court, or municipal court;	899 900 901 902
(b) An appeal of the judgment or order in a civil action of the type described in division (B) (1) (a) of this section that an inmate files in a court of appeals.	903 904 905
(2) "Civil action or appeal against a governmental entity or employee" does not include any civil action that an inmate commences against the state, a political subdivision, or an employee of the state or a political subdivision in the court of claims or the supreme court or an appeal of the judgment or order entered by the court of claims in a civil action of that nature, that an inmate files in a court of appeals or the supreme court.	906 907 908 909 910 911 912 913
(C) "Employee" means an officer or employee of the state or of a political subdivision who is acting under color of state law.	914 915 916
(D) "Inmate" means a person who is in actual confinement in a state correctional institution or in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse or a releasee who is serving a sanction in a violation sanction center.	917 918 919 920 921
(E) "Inmate account" means an account maintained by the department of rehabilitation and correction under rules adopted by the director of rehabilitation and correction pursuant to section 5120.01 of the Revised Code or a similar account	922 923 924 925

maintained by a sheriff or any other administrator of a jail or 926
workhouse or by the administrator of a violation sanction 927
center. 928

(F) "Political subdivision" means a county, township, 929
city, or village; the office of an elected officer of a county, 930
township, city, or village; or a department, board, office, 931
commission, agency, institution, or other instrumentality of a 932
county, township, city, or village. 933

(G) "State" has the same meaning as in section 2743.01 of 934
the Revised Code. 935

(H) "State correctional institution" has the same meaning 936
as in section 2967.01 of the Revised Code. 937

(I) "Violation sanction center" means ~~an alternative~~ 938
~~residential facility~~ a prison that houses releasees who have 939
violated a post-release control sanction or the terms and 940
conditions of parole or of a conditional pardon and that is 941
operated pursuant to section 2967.141 of the Revised Code. 942

Section 2. That existing sections 2305.02, 2743.48, 943
2929.01, 2967.141, and 2969.21 of the Revised Code are hereby 944
repealed. 945

Section 3. Section 2929.01 of the Revised Code is 946
presented in this act as a composite of the section as amended 947
by both Sub. H.B. 63 and Am. Sub. S.B. 1 of the 132nd General 948
Assembly. The General Assembly, applying the principle stated in 949
division (B) of section 1.52 of the Revised Code that amendments 950
are to be harmonized if reasonably capable of simultaneous 951
operation, finds that the composite is the resulting version of 952
the section in effect prior to the effective date of the section 953
as presented in this act. 954