

**As Reported by the Senate Government Oversight and Reform
Committee**

132nd General Assembly

**Regular Session
2017-2018**

Sub. S. B. No. 201

Senators Bacon, O'Brien

Cosponsors: Senators Kunze, Gardner, Beagle, Manning, Hoagland, Coley

A BILL

To amend sections 109.42, 121.22, 149.43, 2903.06, 1
2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 2
2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 3
2919.25, 2921.321, 2921.36, 2923.132, 2925.01, 4
2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 5
2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 6
2929.19, 2929.191, 2929.20, 2929.61, 2930.16, 7
2943.032, 2953.08, 2967.01, 2967.021, 2967.03, 8
2967.13, 2967.19, 2967.191, 2967.193, 2967.26, 9
2967.28, 2971.03, 3719.99, 5120.53, and 5120.66 10
and to enact sections 2901.011, 2929.144, and 11
2967.271 of the Revised Code to provide for 12
indefinite prison terms for first or second 13
degree felonies and specified third degree 14
felonies, with presumptive release of offenders 15
sentenced to such a term at the end of the 16
minimum term; to generally allow the Department 17
of Rehabilitation and Correction with approval 18
of the sentencing court to reduce the minimum 19
term for exceptional conduct or adjustment to 20
incarceration; to allow the Department to rebut 21
the release presumption and keep the offender in 22

prison up to the maximum term if it makes 23
specified findings; and to name the act's 24
provisions the Reagan Tokes Law. 25

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

Section 1. That sections 109.42, 121.22, 149.43, 2903.06, 26
2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 2907.02, 2907.03, 27
2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 2921.36, 2923.132, 28
2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.11, 29
2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 2929.20, 30
2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 2967.03, 31
2967.13, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 2971.03, 32
3719.99, 5120.53, and 5120.66 be amended and sections 2901.011, 33
2929.144, and 2967.271 of the Revised Code be enacted to read as 34
follows: 35

Sec. 109.42. (A) The attorney general shall prepare and 36
have printed a pamphlet that contains a compilation of all 37
statutes relative to victim's rights in which the attorney 38
general lists and explains the statutes in the form of a 39
victim's bill of rights. The attorney general shall distribute 40
the pamphlet to all sheriffs, marshals, municipal corporation 41
and township police departments, constables, and other law 42
enforcement agencies, to all prosecuting attorneys, city 43
directors of law, village solicitors, and other similar chief 44
legal officers of municipal corporations, and to organizations 45
that represent or provide services for victims of crime. The 46
victim's bill of rights set forth in the pamphlet shall contain 47
a description of all of the rights of victims that are provided 48
for in Chapter 2930. or in any other section of the Revised Code 49

and shall include, but not be limited to, all of the following: 50

(1) The right of a victim or a victim's representative to 51
attend a proceeding before a grand jury, in a juvenile case, or 52
in a criminal case pursuant to a subpoena without being 53
discharged from the victim's or representative's employment, 54
having the victim's or representative's employment terminated, 55
having the victim's or representative's pay decreased or 56
withheld, or otherwise being punished, penalized, or threatened 57
as a result of time lost from regular employment because of the 58
victim's or representative's attendance at the proceeding 59
pursuant to the subpoena, as set forth in section 2151.211, 60
2930.18, 2939.121, or 2945.451 of the Revised Code; 61

(2) The potential availability pursuant to section 62
2151.359 or 2152.61 of the Revised Code of a forfeited 63
recognizance to pay damages caused by a child when the 64
delinquency of the child or child's violation of probation or 65
community control is found to be proximately caused by the 66
failure of the child's parent or guardian to subject the child 67
to reasonable parental authority or to faithfully discharge the 68
conditions of probation or community control; 69

(3) The availability of awards of reparations pursuant to 70
sections 2743.51 to 2743.72 of the Revised Code for injuries 71
caused by criminal offenses; 72

(4) The right of the victim in certain criminal or 73
juvenile cases or a victim's representative to receive, pursuant 74
to section 2930.06 of the Revised Code, notice of the date, 75
time, and place of the trial or delinquency proceeding in the 76
case or, if there will not be a trial or delinquency proceeding, 77
information from the prosecutor, as defined in section 2930.01 78
of the Revised Code, regarding the disposition of the case; 79

(5) The right of the victim in certain criminal or 80
juvenile cases or a victim's representative to receive, pursuant 81
to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 82
notice of the name of the person charged with the violation, the 83
case or docket number assigned to the charge, and a telephone 84
number or numbers that can be called to obtain information about 85
the disposition of the case; 86

(6) The right of the victim in certain criminal or 87
juvenile cases or of the victim's representative pursuant to 88
section 2930.13 or 2930.14 of the Revised Code, subject to any 89
reasonable terms set by the court as authorized under section 90
2930.14 of the Revised Code, to make a statement about the 91
victimization and, if applicable, a statement relative to the 92
sentencing or disposition of the offender; 93

(7) The opportunity to obtain a court order, pursuant to 94
section 2945.04 of the Revised Code, to prevent or stop the 95
commission of the offense of intimidation of a crime victim or 96
witness or an offense against the person or property of the 97
complainant, or of the complainant's ward or child; 98

(8) The right of the victim in certain criminal or 99
juvenile cases or a victim's representative pursuant to sections 100
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 101
Code to receive notice of a pending motion for judicial release, 102
release pursuant to section 2967.19 of the Revised Code, or 103
other early release of the person who committed the offense 104
against the victim, to make an oral or written statement at the 105
court hearing on the motion, and to be notified of the court's 106
decision on the motion; 107

(9) The right of the victim in certain criminal or 108
juvenile cases or a victim's representative pursuant to section 109

2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised Code to receive notice of any pending commutation, pardon, parole, transitional control, discharge, other form of authorized release, post-release control, or supervised release for the person who committed the offense against the victim or any application for release of that person and to send a written statement relative to the victimization and the pending action to the adult parole authority or the release authority of the department of youth services;

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

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

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

(13) The possibility of receiving restitution from an offender or a delinquent child pursuant to section 2152.20, 2929.18, or 2929.28 of the Revised Code;

(14) The right of the victim in certain criminal or juvenile cases or a victim's representative, pursuant to section 2930.16 of the Revised Code, to receive notice of the escape from confinement or custody of the person who committed the

offense, to receive that notice from the custodial agency of the 139
person at the victim's last address or telephone number provided 140
to the custodial agency, and to receive notice that, if either 141
the victim's address or telephone number changes, it is in the 142
victim's interest to provide the new address or telephone number 143
to the custodial agency; 144

(15) The right of a victim of domestic violence to seek 145
the issuance of a civil protection order pursuant to section 146
3113.31 of the Revised Code, the right of a victim of a 147
violation of section 2903.14, 2909.06, 2909.07, 2911.12, 148
2911.211, or 2919.22 of the Revised Code, a violation of a 149
substantially similar municipal ordinance, or an offense of 150
violence who is a family or household member of the offender at 151
the time of the offense to seek the issuance of a temporary 152
protection order pursuant to section 2919.26 of the Revised 153
Code, and the right of both types of victims to be accompanied 154
by a victim advocate during court proceedings; 155

(16) The right of a victim of a sexually oriented offense 156
or of a child-victim oriented offense that is committed by a 157
person who is convicted of, pleads guilty to, or is adjudicated 158
a delinquent child for committing the offense and who is in a 159
category specified in division (B) of section 2950.10 of the 160
Revised Code to receive, pursuant to that section, notice that 161
the person has registered with a sheriff under section 2950.04, 162
2950.041, or 2950.05 of the Revised Code and notice of the 163
person's name, the person's residence that is registered, and 164
the offender's school, institution of higher education, or place 165
of employment address or addresses that are registered, the 166
person's photograph, and a summary of the manner in which the 167
victim must make a request to receive the notice. As used in 168
this division, "sexually oriented offense" and "child-victim 169

oriented offense" have the same meanings as in section 2950.01 170
of the Revised Code. 171

(17) The right of a victim of certain sexually violent 172
offenses committed by an offender who also is convicted of or 173
pleads guilty to a sexually violent predator specification and 174
who is sentenced to a prison term pursuant to division (A) (3) of 175
section 2971.03 of the Revised Code, of a victim of a violation 176
of division (A) (1) (b) of section 2907.02 of the Revised Code 177
committed on or after January 2, 2007, by an offender who is 178
sentenced for the violation pursuant to division (B) (1) (a), (b), 179
or (c) of section 2971.03 of the Revised Code, of a victim of an 180
attempted rape committed on or after January 2, 2007, by an 181
offender who also is convicted of or pleads guilty to a 182
specification of the type described in section 2941.1418, 183
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 184
the violation pursuant to division (B) (2) (a), (b), or (c) of 185
section 2971.03 of the Revised Code, and of a victim of an 186
offense that is described in division (B) (3) (a), (b), (c), or 187
(d) of section 2971.03 of the Revised Code and is committed by 188
an offender who is sentenced pursuant to one of those divisions 189
to receive, pursuant to section 2930.16 of the Revised Code, 190
notice of a hearing to determine whether to modify the 191
requirement that the offender serve the entire prison term in a 192
state correctional facility, whether to continue, revise, or 193
revoke any existing modification of that requirement, or whether 194
to terminate the prison term. As used in this division, 195
"sexually violent offense" and "sexually violent predator 196
specification" have the same meanings as in section 2971.01 of 197
the Revised Code. 198

(B) (1) (a) Subject to division (B) (1) (c) of this section, a 199
prosecuting attorney, assistant prosecuting attorney, city 200

director of law, assistant city director of law, village 201
solicitor, assistant village solicitor, or similar chief legal 202
officer of a municipal corporation or an assistant of any of 203
those officers who prosecutes an offense committed in this 204
state, upon first contact with the victim of the offense, the 205
victim's family, or the victim's dependents, shall give the 206
victim, the victim's family, or the victim's dependents a copy 207
of the pamphlet prepared pursuant to division (A) of this 208
section and explain, upon request, the information in the 209
pamphlet to the victim, the victim's family, or the victim's 210
dependents. 211

(b) Subject to division (B) (1) (c) of this section, a law 212
enforcement agency that investigates an offense or delinquent 213
act committed in this state shall give the victim of the offense 214
or delinquent act, the victim's family, or the victim's 215
dependents a copy of the pamphlet prepared pursuant to division 216
(A) of this section at one of the following times: 217

(i) Upon first contact with the victim, the victim's 218
family, or the victim's dependents; 219

(ii) If the offense or delinquent act is an offense of 220
violence, if the circumstances of the offense or delinquent act 221
and the condition of the victim, the victim's family, or the 222
victim's dependents indicate that the victim, the victim's 223
family, or the victim's dependents will not be able to 224
understand the significance of the pamphlet upon first contact 225
with the agency, and if the agency anticipates that it will have 226
an additional contact with the victim, the victim's family, or 227
the victim's dependents, upon the agency's second contact with 228
the victim, the victim's family, or the victim's dependents. 229

If the agency does not give the victim, the victim's 230

family, or the victim's dependents a copy of the pamphlet upon 231
first contact with them and does not have a second contact with 232
the victim, the victim's family, or the victim's dependents, the 233
agency shall mail a copy of the pamphlet to the victim, the 234
victim's family, or the victim's dependents at their last known 235
address. 236

(c) In complying on and after December 9, 1994, with the 237
duties imposed by division (B) (1) (a) or (b) of this section, an 238
official or a law enforcement agency shall use copies of the 239
pamphlet that are in the official's or agency's possession on 240
December 9, 1994, until the official or agency has distributed 241
all of those copies. After the official or agency has 242
distributed all of those copies, the official or agency shall 243
use only copies of the pamphlet that contain at least the 244
information described in divisions (A) (1) to (17) of this 245
section. 246

(2) The failure of a law enforcement agency or of a 247
prosecuting attorney, assistant prosecuting attorney, city 248
director of law, assistant city director of law, village 249
solicitor, assistant village solicitor, or similar chief legal 250
officer of a municipal corporation or an assistant to any of 251
those officers to give, as required by division (B) (1) of this 252
section, the victim of an offense or delinquent act, the 253
victim's family, or the victim's dependents a copy of the 254
pamphlet prepared pursuant to division (A) of this section does 255
not give the victim, the victim's family, the victim's 256
dependents, or a victim's representative any rights under 257
section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 258
2969.06, 3109.09, or 3109.10 of the Revised Code or under any 259
other provision of the Revised Code and does not affect any 260
right under those sections. 261

(3) A law enforcement agency, a prosecuting attorney or 262
assistant prosecuting attorney, or a city director of law, 263
assistant city director of law, village solicitor, assistant 264
village solicitor, or similar chief legal officer of a municipal 265
corporation that distributes a copy of the pamphlet prepared 266
pursuant to division (A) of this section shall not be required 267
to distribute a copy of an information card or other printed 268
material provided by the clerk of the court of claims pursuant 269
to section 2743.71 of the Revised Code. 270

(C) The cost of printing and distributing the pamphlet 271
prepared pursuant to division (A) of this section shall be paid 272
out of the reparations fund, created pursuant to section 273
2743.191 of the Revised Code, in accordance with division (D) of 274
that section. 275

(D) As used in this section: 276

(1) "Victim's representative" has the same meaning as in 277
section 2930.01 of the Revised Code; 278

(2) "Victim advocate" has the same meaning as in section 279
2919.26 of the Revised Code. 280

Sec. 121.22. (A) This section shall be liberally construed 281
to require public officials to take official action and to 282
conduct all deliberations upon official business only in open 283
meetings unless the subject matter is specifically excepted by 284
law. 285

(B) As used in this section: 286

(1) "Public body" means any of the following: 287

(a) Any board, commission, committee, council, or similar 288
decision-making body of a state agency, institution, or 289

authority, and any legislative authority or board, commission, 290
committee, council, agency, authority, or similar decision- 291
making body of any county, township, municipal corporation, 292
school district, or other political subdivision or local public 293
institution; 294

(b) Any committee or subcommittee of a body described in 295
division (B) (1) (a) of this section; 296

(c) A court of jurisdiction of a sanitary district 297
organized wholly for the purpose of providing a water supply for 298
domestic, municipal, and public use when meeting for the purpose 299
of the appointment, removal, or reappointment of a member of the 300
board of directors of such a district pursuant to section 301
6115.10 of the Revised Code, if applicable, or for any other 302
matter related to such a district other than litigation 303
involving the district. As used in division (B) (1) (c) of this 304
section, "court of jurisdiction" has the same meaning as "court" 305
in section 6115.01 of the Revised Code. 306

(2) "Meeting" means any prearranged discussion of the 307
public business of the public body by a majority of its members. 308

(3) "Regulated individual" means either of the following: 309

(a) A student in a state or local public educational 310
institution; 311

(b) A person who is, voluntarily or involuntarily, an 312
inmate, patient, or resident of a state or local institution 313
because of criminal behavior, mental illness, an intellectual 314
disability, disease, disability, age, or other condition 315
requiring custodial care. 316

(4) "Public office" has the same meaning as in section 317
149.011 of the Revised Code. 318

(C) All meetings of any public body are declared to be 319
public meetings open to the public at all times. A member of a 320
public body shall be present in person at a meeting open to the 321
public to be considered present or to vote at the meeting and 322
for purposes of determining whether a quorum is present at the 323
meeting. 324

The minutes of a regular or special meeting of any public 325
body shall be promptly prepared, filed, and maintained and shall 326
be open to public inspection. The minutes need only reflect the 327
general subject matter of discussions in executive sessions 328
authorized under division (G) or (J) of this section. 329

(D) This section does not apply to any of the following: 330

(1) A grand jury; 331

(2) An audit conference conducted by the auditor of state 332
or independent certified public accountants with officials of 333
the public office that is the subject of the audit; 334

(3) The adult parole authority when its hearings are 335
conducted at a correctional institution for the sole purpose of 336
interviewing inmates to determine parole or pardon and the 337
department of rehabilitation and correction when its hearings 338
are conducted at a correctional institution for the sole purpose 339
of making determinations under section 2967.271 of the Revised 340
Code regarding the release or maintained incarceration of an 341
offender to whom that section applies; 342

(4) The organized crime investigations commission 343
established under section 177.01 of the Revised Code; 344

(5) Meetings of a child fatality review board established 345
under section 307.621 of the Revised Code, meetings related to a 346
review conducted pursuant to guidelines established by the 347

director of health under section 3701.70 of the Revised Code,	348
and meetings conducted pursuant to sections 5153.171 to 5153.173	349
of the Revised Code;	350
(6) The state medical board when determining whether to	351
suspend a certificate without a prior hearing pursuant to	352
division (G) of either section 4730.25 or 4731.22 of the Revised	353
Code;	354
(7) The board of nursing when determining whether to	355
suspend a license or certificate without a prior hearing	356
pursuant to division (B) of section 4723.281 of the Revised	357
Code;	358
(8) The state board of pharmacy when determining whether	359
to suspend a license without a prior hearing pursuant to	360
division (D) of section 4729.16 of the Revised Code;	361
(9) The state chiropractic board when determining whether	362
to suspend a license without a hearing pursuant to section	363
4734.37 of the Revised Code;	364
(10) The executive committee of the emergency response	365
commission when determining whether to issue an enforcement	366
order or request that a civil action, civil penalty action, or	367
criminal action be brought to enforce Chapter 3750. of the	368
Revised Code;	369
(11) The board of directors of the nonprofit corporation	370
formed under section 187.01 of the Revised Code or any committee	371
thereof, and the board of directors of any subsidiary of that	372
corporation or a committee thereof;	373
(12) An audit conference conducted by the audit staff of	374
the department of job and family services with officials of the	375
public office that is the subject of that audit under section	376

5101.37 of the Revised Code;	377
(13) The occupational therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license or limited permit without a hearing pursuant to division (D) of section 4755.11 of the Revised Code;	378 379 380 381 382
(14) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (E) of section 4755.47 of the Revised Code;	383 384 385 386
(15) The athletic trainers section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (D) of section 4755.64 of the Revised Code.	387 388 389 390
(E) The controlling board, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board or authority members present, may close the meeting during consideration of the following information confidentially received by the authority or board from the applicant:	391 392 393 394 395 396 397 398 399
(1) Marketing plans;	400
(2) Specific business strategy;	401
(3) Production techniques and trade secrets;	402
(4) Financial projections;	403
(5) Personal financial statements of the applicant or	404

members of the applicant's immediate family, including, but not 405
limited to, tax records or other similar information not open to 406
public inspection. 407

The vote by the authority or board to accept or reject the 408
application, as well as all proceedings of the authority or 409
board not subject to this division, shall be open to the public 410
and governed by this section. 411

(F) Every public body, by rule, shall establish a 412
reasonable method whereby any person may determine the time and 413
place of all regularly scheduled meetings and the time, place, 414
and purpose of all special meetings. A public body shall not 415
hold a special meeting unless it gives at least twenty-four 416
hours' advance notice to the news media that have requested 417
notification, except in the event of an emergency requiring 418
immediate official action. In the event of an emergency, the 419
member or members calling the meeting shall notify the news 420
media that have requested notification immediately of the time, 421
place, and purpose of the meeting. 422

The rule shall provide that any person, upon request and 423
payment of a reasonable fee, may obtain reasonable advance 424
notification of all meetings at which any specific type of 425
public business is to be discussed. Provisions for advance 426
notification may include, but are not limited to, mailing the 427
agenda of meetings to all subscribers on a mailing list or 428
mailing notices in self-addressed, stamped envelopes provided by 429
the person. 430

(G) Except as provided in divisions (G) (8) and (J) of this 431
section, the members of a public body may hold an executive 432
session only after a majority of a quorum of the public body 433
determines, by a roll call vote, to hold an executive session 434

and only at a regular or special meeting for the sole purpose of 435
the consideration of any of the following matters: 436

(1) To consider the appointment, employment, dismissal, 437
discipline, promotion, demotion, or compensation of a public 438
employee or official, or the investigation of charges or 439
complaints against a public employee, official, licensee, or 440
regulated individual, unless the public employee, official, 441
licensee, or regulated individual requests a public hearing. 442
Except as otherwise provided by law, no public body shall hold 443
an executive session for the discipline of an elected official 444
for conduct related to the performance of the elected official's 445
official duties or for the elected official's removal from 446
office. If a public body holds an executive session pursuant to 447
division (G) (1) of this section, the motion and vote to hold 448
that executive session shall state which one or more of the 449
approved purposes listed in division (G) (1) of this section are 450
the purposes for which the executive session is to be held, but 451
need not include the name of any person to be considered at the 452
meeting. 453

(2) To consider the purchase of property for public 454
purposes, the sale of property at competitive bidding, or the 455
sale or other disposition of unneeded, obsolete, or unfit-for- 456
use property in accordance with section 505.10 of the Revised 457
Code, if premature disclosure of information would give an 458
unfair competitive or bargaining advantage to a person whose 459
personal, private interest is adverse to the general public 460
interest. No member of a public body shall use division (G) (2) 461
of this section as a subterfuge for providing covert information 462
to prospective buyers or sellers. A purchase or sale of public 463
property is void if the seller or buyer of the public property 464
has received covert information from a member of a public body 465

that has not been disclosed to the general public in sufficient 466
time for other prospective buyers and sellers to prepare and 467
submit offers. 468

If the minutes of the public body show that all meetings 469
and deliberations of the public body have been conducted in 470
compliance with this section, any instrument executed by the 471
public body purporting to convey, lease, or otherwise dispose of 472
any right, title, or interest in any public property shall be 473
conclusively presumed to have been executed in compliance with 474
this section insofar as title or other interest of any bona fide 475
purchasers, lessees, or transferees of the property is 476
concerned. 477

(3) Conferences with an attorney for the public body 478
concerning disputes involving the public body that are the 479
subject of pending or imminent court action; 480

(4) Preparing for, conducting, or reviewing negotiations 481
or bargaining sessions with public employees concerning their 482
compensation or other terms and conditions of their employment; 483

(5) Matters required to be kept confidential by federal 484
law or regulations or state statutes; 485

(6) Details relative to the security arrangements and 486
emergency response protocols for a public body or a public 487
office, if disclosure of the matters discussed could reasonably 488
be expected to jeopardize the security of the public body or 489
public office; 490

(7) In the case of a county hospital operated pursuant to 491
Chapter 339. of the Revised Code, a joint township hospital 492
operated pursuant to Chapter 513. of the Revised Code, or a 493
municipal hospital operated pursuant to Chapter 749. of the 494

Revised Code, to consider trade secrets, as defined in section 495
1333.61 of the Revised Code; 496

(8) To consider confidential information related to the 497
marketing plans, specific business strategy, production 498
techniques, trade secrets, or personal financial statements of 499
an applicant for economic development assistance, or to 500
negotiations with other political subdivisions respecting 501
requests for economic development assistance, provided that both 502
of the following conditions apply: 503

(a) The information is directly related to a request for 504
economic development assistance that is to be provided or 505
administered under any provision of Chapter 715., 725., 1724., 506
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 507
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 508
5709.81 of the Revised Code, or that involves public 509
infrastructure improvements or the extension of utility services 510
that are directly related to an economic development project. 511

(b) A unanimous quorum of the public body determines, by a 512
roll call vote, that the executive session is necessary to 513
protect the interests of the applicant or the possible 514
investment or expenditure of public funds to be made in 515
connection with the economic development project. 516

If a public body holds an executive session to consider 517
any of the matters listed in divisions (G)(2) to (8) of this 518
section, the motion and vote to hold that executive session 519
shall state which one or more of the approved matters listed in 520
those divisions are to be considered at the executive session. 521

A public body specified in division (B)(1)(c) of this 522
section shall not hold an executive session when meeting for the 523

purposes specified in that division. 524

(H) A resolution, rule, or formal action of any kind is 525
invalid unless adopted in an open meeting of the public body. A 526
resolution, rule, or formal action adopted in an open meeting 527
that results from deliberations in a meeting not open to the 528
public is invalid unless the deliberations were for a purpose 529
specifically authorized in division (G) or (J) of this section 530
and conducted at an executive session held in compliance with 531
this section. A resolution, rule, or formal action adopted in an 532
open meeting is invalid if the public body that adopted the 533
resolution, rule, or formal action violated division (F) of this 534
section. 535

(I) (1) Any person may bring an action to enforce this 536
section. An action under division (I) (1) of this section shall 537
be brought within two years after the date of the alleged 538
violation or threatened violation. Upon proof of a violation or 539
threatened violation of this section in an action brought by any 540
person, the court of common pleas shall issue an injunction to 541
compel the members of the public body to comply with its 542
provisions. 543

(2) (a) If the court of common pleas issues an injunction 544
pursuant to division (I) (1) of this section, the court shall 545
order the public body that it enjoins to pay a civil forfeiture 546
of five hundred dollars to the party that sought the injunction 547
and shall award to that party all court costs and, subject to 548
reduction as described in division (I) (2) of this section, 549
reasonable attorney's fees. The court, in its discretion, may 550
reduce an award of attorney's fees to the party that sought the 551
injunction or not award attorney's fees to that party if the 552
court determines both of the following: 553

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

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

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

(3) Irreparable harm and prejudice to the party that sought the injunction shall be conclusively and irrebuttably presumed upon proof of a violation or threatened violation of this section.

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

(J) (1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an

executive session for one or more of the following purposes	583
unless an applicant requests a public hearing:	584
(a) Interviewing an applicant for financial assistance	585
under sections 5901.01 to 5901.15 of the Revised Code;	586
(b) Discussing applications, statements, and other	587
documents described in division (B) of section 5901.09 of the	588
Revised Code;	589
(c) Reviewing matters relating to an applicant's request	590
for financial assistance under sections 5901.01 to 5901.15 of	591
the Revised Code.	592
(2) A veterans service commission shall not exclude an	593
applicant for, recipient of, or former recipient of financial	594
assistance under sections 5901.01 to 5901.15 of the Revised	595
Code, and shall not exclude representatives selected by the	596
applicant, recipient, or former recipient, from a meeting that	597
the commission conducts as an executive session that pertains to	598
the applicant's, recipient's, or former recipient's application	599
for financial assistance.	600
(3) A veterans service commission shall vote on the grant	601
or denial of financial assistance under sections 5901.01 to	602
5901.15 of the Revised Code only in an open meeting of the	603
commission. The minutes of the meeting shall indicate the name,	604
address, and occupation of the applicant, whether the assistance	605
was granted or denied, the amount of the assistance if	606
assistance is granted, and the votes for and against the	607
granting of assistance.	608
Sec. 149.43. (A) As used in this section:	609
(1) "Public record" means records kept by any public	610
office, including, but not limited to, state, county, city,	611

village, township, and school district units, and records 612
pertaining to the delivery of educational services by an 613
alternative school in this state kept by the nonprofit or for- 614
profit entity operating the alternative school pursuant to 615
section 3313.533 of the Revised Code. "Public record" does not 616
mean any of the following: 617

(a) Medical records; 618

(b) Records pertaining to probation and parole proceedings 619
~~or~~, to proceedings related to the imposition of community 620
control sanctions and post-release control sanctions, or to 621
proceedings related to determinations under section 2967.271 of 622
the Revised Code regarding the release or maintained 623
incarceration of an offender to whom that section applies; 624

(c) Records pertaining to actions under section 2151.85 625
and division (C) of section 2919.121 of the Revised Code and to 626
appeals of actions arising under those sections; 627

(d) Records pertaining to adoption proceedings, including 628
the contents of an adoption file maintained by the department of 629
health under sections 3705.12 to 3705.124 of the Revised Code; 630

(e) Information in a record contained in the putative 631
father registry established by section 3107.062 of the Revised 632
Code, regardless of whether the information is held by the 633
department of job and family services or, pursuant to section 634
3111.69 of the Revised Code, the office of child support in the 635
department or a child support enforcement agency; 636

(f) Records specified in division (A) of section 3107.52 637
of the Revised Code; 638

(g) Trial preparation records; 639

(h) Confidential law enforcement investigatory records;	640
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	641 642
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	643 644
(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;	645 646 647 648
(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;	649 650 651 652
(m) Intellectual property records;	653
(n) Donor profile records;	654
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	655 656
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer residential and familial information;	657 658 659 660 661 662 663
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in	664 665 666 667

section 1333.61 of the Revised Code;	668
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	669 670
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	671 672 673 674 675 676 677 678 679 680 681 682
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	683 684 685 686 687
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	688 689 690 691 692 693
(v) Records the release of which is prohibited by state or federal law;	694 695
(w) Proprietary information of or relating to any person	696

that is submitted to or compiled by the Ohio venture capital 697
authority created under section 150.01 of the Revised Code; 698

(x) Financial statements and data any person submits for 699
any purpose to the Ohio housing finance agency or the 700
controlling board in connection with applying for, receiving, or 701
accounting for financial assistance from the agency, and 702
information that identifies any individual who benefits directly 703
or indirectly from financial assistance from the agency; 704

(y) Records listed in section 5101.29 of the Revised Code; 705

(z) Discharges recorded with a county recorder under 706
section 317.24 of the Revised Code, as specified in division (B) 707
(2) of that section; 708

(aa) Usage information including names and addresses of 709
specific residential and commercial customers of a municipally 710
owned or operated public utility; 711

(bb) Records described in division (C) of section 187.04 712
of the Revised Code that are not designated to be made available 713
to the public as provided in that division; 714

(cc) Information and records that are made confidential, 715
privileged, and not subject to disclosure under divisions (B) 716
and (C) of section 2949.221 of the Revised Code; 717

(dd) Personal information, as defined in section 149.45 of 718
the Revised Code; 719

(ee) The confidential name, address, and other personally 720
identifiable information of a program participant in the address 721
confidentiality program established under sections 111.41 to 722
111.47 of the Revised Code, including the contents of any 723
application for absent voter's ballots, absent voter's ballot 724

identification envelope statement of voter, or provisional 725
ballot affirmation completed by a program participant who has a 726
confidential voter registration record, and records or portions 727
of records pertaining to that program that identify the number 728
of program participants that reside within a precinct, ward, 729
township, municipal corporation, county, or any other geographic 730
area smaller than the state. As used in this division, 731
"confidential address" and "program participant" have the 732
meaning defined in section 111.41 of the Revised Code. 733

(ff) Orders for active military service of an individual 734
serving or with previous service in the armed forces of the 735
United States, including a reserve component, or the Ohio 736
organized militia, except that, such order becomes a public 737
record on the day that is fifteen years after the published date 738
or effective date of the call to order. 739

(2) "Confidential law enforcement investigatory record" 740
means any record that pertains to a law enforcement matter of a 741
criminal, quasi-criminal, civil, or administrative nature, but 742
only to the extent that the release of the record would create a 743
high probability of disclosure of any of the following: 744

(a) The identity of a suspect who has not been charged 745
with the offense to which the record pertains, or of an 746
information source or witness to whom confidentiality has been 747
reasonably promised; 748

(b) Information provided by an information source or 749
witness to whom confidentiality has been reasonably promised, 750
which information would reasonably tend to disclose the source's 751
or witness's identity; 752

(c) Specific confidential investigatory techniques or 753

procedures or specific investigatory work product; 754

(d) Information that would endanger the life or physical 755
safety of law enforcement personnel, a crime victim, a witness, 756
or a confidential information source. 757

(3) "Medical record" means any document or combination of 758
documents, except births, deaths, and the fact of admission to 759
or discharge from a hospital, that pertains to the medical 760
history, diagnosis, prognosis, or medical condition of a patient 761
and that is generated and maintained in the process of medical 762
treatment. 763

(4) "Trial preparation record" means any record that 764
contains information that is specifically compiled in reasonable 765
anticipation of, or in defense of, a civil or criminal action or 766
proceeding, including the independent thought processes and 767
personal trial preparation of an attorney. 768

(5) "Intellectual property record" means a record, other 769
than a financial or administrative record, that is produced or 770
collected by or for faculty or staff of a state institution of 771
higher learning in the conduct of or as a result of study or 772
research on an educational, commercial, scientific, artistic, 773
technical, or scholarly issue, regardless of whether the study 774
or research was sponsored by the institution alone or in 775
conjunction with a governmental body or private concern, and 776
that has not been publicly released, published, or patented. 777

(6) "Donor profile record" means all records about donors 778
or potential donors to a public institution of higher education 779
except the names and reported addresses of the actual donors and 780
the date, amount, and conditions of the actual donation. 781

(7) "Peace officer, parole officer, probation officer, 782

bailiff, prosecuting attorney, assistant prosecuting attorney, 783
correctional employee, community-based correctional facility 784
employee, youth services employee, firefighter, EMT, 785
investigator of the bureau of criminal identification and 786
investigation, or federal law enforcement officer residential 787
and familial information" means any information that discloses 788
any of the following about a peace officer, parole officer, 789
probation officer, bailiff, prosecuting attorney, assistant 790
prosecuting attorney, correctional employee, community-based 791
correctional facility employee, youth services employee, 792
firefighter, EMT, investigator of the bureau of criminal 793
identification and investigation, or federal law enforcement 794
officer: 795

(a) The address of the actual personal residence of a 796
peace officer, parole officer, probation officer, bailiff, 797
assistant prosecuting attorney, correctional employee, 798
community-based correctional facility employee, youth services 799
employee, firefighter, EMT, an investigator of the bureau of 800
criminal identification and investigation, or federal law 801
enforcement officer, except for the state or political 802
subdivision in which the peace officer, parole officer, 803
probation officer, bailiff, assistant prosecuting attorney, 804
correctional employee, community-based correctional facility 805
employee, youth services employee, firefighter, EMT, 806
investigator of the bureau of criminal identification and 807
investigation, or federal law enforcement officer resides; 808

(b) Information compiled from referral to or participation 809
in an employee assistance program; 810

(c) The social security number, the residential telephone 811
number, any bank account, debit card, charge card, or credit 812

card number, or the emergency telephone number of, or any 813
medical information pertaining to, a peace officer, parole 814
officer, probation officer, bailiff, prosecuting attorney, 815
assistant prosecuting attorney, correctional employee, 816
community-based correctional facility employee, youth services 817
employee, firefighter, EMT, investigator of the bureau of 818
criminal identification and investigation, or federal law 819
enforcement officer; 820

(d) The name of any beneficiary of employment benefits, 821
including, but not limited to, life insurance benefits, provided 822
to a peace officer, parole officer, probation officer, bailiff, 823
prosecuting attorney, assistant prosecuting attorney, 824
correctional employee, community-based correctional facility 825
employee, youth services employee, firefighter, EMT, 826
investigator of the bureau of criminal identification and 827
investigation, or federal law enforcement officer by the peace 828
officer's, parole officer's, probation officer's, bailiff's, 829
prosecuting attorney's, assistant prosecuting attorney's, 830
correctional employee's, community-based correctional facility 831
employee's, youth services employee's, firefighter's, EMT's, 832
investigator of the bureau of criminal identification and 833
investigation's, or federal law enforcement officer's employer; 834

(e) The identity and amount of any charitable or 835
employment benefit deduction made by the peace officer's, parole 836
officer's, probation officer's, bailiff's, prosecuting 837
attorney's, assistant prosecuting attorney's, correctional 838
employee's, community-based correctional facility employee's, 839
youth services employee's, firefighter's, EMT's, investigator of 840
the bureau of criminal identification and investigation's, or 841
federal law enforcement officer's employer from the peace 842
officer's, parole officer's, probation officer's, bailiff's, 843

prosecuting attorney's, assistant prosecuting attorney's, 844
correctional employee's, community-based correctional facility 845
employee's, youth services employee's, firefighter's, EMT's, 846
investigator of the bureau of criminal identification and 847
investigation's, or federal law enforcement officer's 848
compensation unless the amount of the deduction is required by 849
state or federal law; 850

(f) The name, the residential address, the name of the 851
employer, the address of the employer, the social security 852
number, the residential telephone number, any bank account, 853
debit card, charge card, or credit card number, or the emergency 854
telephone number of the spouse, a former spouse, or any child of 855
a peace officer, parole officer, probation officer, bailiff, 856
prosecuting attorney, assistant prosecuting attorney, 857
correctional employee, community-based correctional facility 858
employee, youth services employee, firefighter, EMT, 859
investigator of the bureau of criminal identification and 860
investigation, or federal law enforcement officer; 861

(g) A photograph of a peace officer who holds a position 862
or has an assignment that may include undercover or plain 863
clothes positions or assignments as determined by the peace 864
officer's appointing authority. 865

As used in divisions (A) (7) and (B) (9) of this section, 866
"peace officer" has the same meaning as in section 109.71 of the 867
Revised Code and also includes the superintendent and troopers 868
of the state highway patrol; it does not include the sheriff of 869
a county or a supervisory employee who, in the absence of the 870
sheriff, is authorized to stand in for, exercise the authority 871
of, and perform the duties of the sheriff. 872

As used in divisions (A) (7) and (B) (9) of this section, 873

"correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

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

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

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

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

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

(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that

pertains to the recreational activities of a person under the	903
age of eighteen years, and that discloses any of the following:	904
(a) The address or telephone number of a person under the	905
age of eighteen or the address or telephone number of that	906
person's parent, guardian, custodian, or emergency contact	907
person;	908
(b) The social security number, birth date, or	909
photographic image of a person under the age of eighteen;	910
(c) Any medical record, history, or information pertaining	911
to a person under the age of eighteen;	912
(d) Any additional information sought or required about a	913
person under the age of eighteen for the purpose of allowing	914
that person to participate in any recreational activity	915
conducted or sponsored by a public office or to use or obtain	916
admission privileges to any recreational facility owned or	917
operated by a public office.	918
(9) "Community control sanction" has the same meaning as	919
in section 2929.01 of the Revised Code.	920
(10) "Post-release control sanction" has the same meaning	921
as in section 2967.01 of the Revised Code.	922
(11) "Redaction" means obscuring or deleting any	923
information that is exempt from the duty to permit public	924
inspection or copying from an item that otherwise meets the	925
definition of a "record" in section 149.011 of the Revised Code.	926
(12) "Designee" and "elected official" have the same	927
meanings as in section 109.43 of the Revised Code.	928
(B) (1) Upon request and subject to division (B) (8) of this	929
section, all public records responsive to the request shall be	930

promptly prepared and made available for inspection to any 931
person at all reasonable times during regular business hours. 932
Subject to division (B) (8) of this section, upon request, a 933
public office or person responsible for public records shall 934
make copies of the requested public record available at cost and 935
within a reasonable period of time. If a public record contains 936
information that is exempt from the duty to permit public 937
inspection or to copy the public record, the public office or 938
the person responsible for the public record shall make 939
available all of the information within the public record that 940
is not exempt. When making that public record available for 941
public inspection or copying that public record, the public 942
office or the person responsible for the public record shall 943
notify the requester of any redaction or make the redaction 944
plainly visible. A redaction shall be deemed a denial of a 945
request to inspect or copy the redacted information, except if 946
federal or state law authorizes or requires a public office to 947
make the redaction. 948

(2) To facilitate broader access to public records, a 949
public office or the person responsible for public records shall 950
organize and maintain public records in a manner that they can 951
be made available for inspection or copying in accordance with 952
division (B) of this section. A public office also shall have 953
available a copy of its current records retention schedule at a 954
location readily available to the public. If a requester makes 955
an ambiguous or overly broad request or has difficulty in making 956
a request for copies or inspection of public records under this 957
section such that the public office or the person responsible 958
for the requested public record cannot reasonably identify what 959
public records are being requested, the public office or the 960
person responsible for the requested public record may deny the 961

request but shall provide the requester with an opportunity to 962
revise the request by informing the requester of the manner in 963
which records are maintained by the public office and accessed 964
in the ordinary course of the public office's or person's 965
duties. 966

(3) If a request is ultimately denied, in part or in 967
whole, the public office or the person responsible for the 968
requested public record shall provide the requester with an 969
explanation, including legal authority, setting forth why the 970
request was denied. If the initial request was provided in 971
writing, the explanation also shall be provided to the requester 972
in writing. The explanation shall not preclude the public office 973
or the person responsible for the requested public record from 974
relying upon additional reasons or legal authority in defending 975
an action commenced under division (C) of this section. 976

(4) Unless specifically required or authorized by state or 977
federal law or in accordance with division (B) of this section, 978
no public office or person responsible for public records may 979
limit or condition the availability of public records by 980
requiring disclosure of the requester's identity or the intended 981
use of the requested public record. Any requirement that the 982
requester disclose the requester's identity or the intended use 983
of the requested public record constitutes a denial of the 984
request. 985

(5) A public office or person responsible for public 986
records may ask a requester to make the request in writing, may 987
ask for the requester's identity, and may inquire about the 988
intended use of the information requested, but may do so only 989
after disclosing to the requester that a written request is not 990
mandatory and that the requester may decline to reveal the 991

requester's identity or the intended use and when a written 992
request or disclosure of the identity or intended use would 993
benefit the requester by enhancing the ability of the public 994
office or person responsible for public records to identify, 995
locate, or deliver the public records sought by the requester. 996

(6) If any person chooses to obtain a copy of a public 997
record in accordance with division (B) of this section, the 998
public office or person responsible for the public record may 999
require that person to pay in advance the cost involved in 1000
providing the copy of the public record in accordance with the 1001
choice made by the person seeking the copy under this division. 1002
The public office or the person responsible for the public 1003
record shall permit that person to choose to have the public 1004
record duplicated upon paper, upon the same medium upon which 1005
the public office or person responsible for the public record 1006
keeps it, or upon any other medium upon which the public office 1007
or person responsible for the public record determines that it 1008
reasonably can be duplicated as an integral part of the normal 1009
operations of the public office or person responsible for the 1010
public record. When the person seeking the copy makes a choice 1011
under this division, the public office or person responsible for 1012
the public record shall provide a copy of it in accordance with 1013
the choice made by the person seeking the copy. Nothing in this 1014
section requires a public office or person responsible for the 1015
public record to allow the person seeking a copy of the public 1016
record to make the copies of the public record. 1017

(7) (a) Upon a request made in accordance with division (B) 1018
of this section and subject to division (B) (6) of this section, 1019
a public office or person responsible for public records shall 1020
transmit a copy of a public record to any person by United 1021
States mail or by any other means of delivery or transmission 1022

within a reasonable period of time after receiving the request 1023
for the copy. The public office or person responsible for the 1024
public record may require the person making the request to pay 1025
in advance the cost of postage if the copy is transmitted by 1026
United States mail or the cost of delivery if the copy is 1027
transmitted other than by United States mail, and to pay in 1028
advance the costs incurred for other supplies used in the 1029
mailing, delivery, or transmission. 1030

(b) Any public office may adopt a policy and procedures 1031
that it will follow in transmitting, within a reasonable period 1032
of time after receiving a request, copies of public records by 1033
United States mail or by any other means of delivery or 1034
transmission pursuant to division (B) (7) of this section. A 1035
public office that adopts a policy and procedures under division 1036
(B) (7) of this section shall comply with them in performing its 1037
duties under that division. 1038

(c) In any policy and procedures adopted under division 1039
(B) (7) of this section: 1040

(i) A public office may limit the number of records 1041
requested by a person that the office will physically deliver by 1042
United States mail or by another delivery service to ten per 1043
month, unless the person certifies to the office in writing that 1044
the person does not intend to use or forward the requested 1045
records, or the information contained in them, for commercial 1046
purposes; 1047

(ii) A public office that chooses to provide some or all 1048
of its public records on a web site that is fully accessible to 1049
and searchable by members of the public at all times, other than 1050
during acts of God outside the public office's control or 1051
maintenance, and that charges no fee to search, access, 1052

download, or otherwise receive records provided on the web site, 1053
may limit to ten per month the number of records requested by a 1054
person that the office will deliver in a digital format, unless 1055
the requested records are not provided on the web site and 1056
unless the person certifies to the office in writing that the 1057
person does not intend to use or forward the requested records, 1058
or the information contained in them, for commercial purposes. 1059

(iii) For purposes of division (B) (7) of this section, 1060
"commercial" shall be narrowly construed and does not include 1061
reporting or gathering news, reporting or gathering information 1062
to assist citizen oversight or understanding of the operation or 1063
activities of government, or nonprofit educational research. 1064

(8) A public office or person responsible for public 1065
records is not required to permit a person who is incarcerated 1066
pursuant to a criminal conviction or a juvenile adjudication to 1067
inspect or to obtain a copy of any public record concerning a 1068
criminal investigation or prosecution or concerning what would 1069
be a criminal investigation or prosecution if the subject of the 1070
investigation or prosecution were an adult, unless the request 1071
to inspect or to obtain a copy of the record is for the purpose 1072
of acquiring information that is subject to release as a public 1073
record under this section and the judge who imposed the sentence 1074
or made the adjudication with respect to the person, or the 1075
judge's successor in office, finds that the information sought 1076
in the public record is necessary to support what appears to be 1077
a justiciable claim of the person. 1078

(9) (a) Upon written request made and signed by a 1079
journalist on or after December 16, 1999, a public office, or 1080
person responsible for public records, having custody of the 1081
records of the agency employing a specified peace officer, 1082

parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer shall disclose to the journalist the address of the actual personal residence of the peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer and, if the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, investigator of the bureau of criminal identification and investigation's, or federal law enforcement officer's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, investigator of the bureau of criminal identification and investigation's, or federal law enforcement officer's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

(b) Division (B) (9) (a) of this section also applies to

journalist requests for customer information maintained by a 1114
municipally owned or operated public utility, other than social 1115
security numbers and any private financial information such as 1116
credit reports, payment methods, credit card numbers, and bank 1117
account information. 1118

(c) As used in division (B) (9) of this section, 1119
"journalist" means a person engaged in, connected with, or 1120
employed by any news medium, including a newspaper, magazine, 1121
press association, news agency, or wire service, a radio or 1122
television station, or a similar medium, for the purpose of 1123
gathering, processing, transmitting, compiling, editing, or 1124
disseminating information for the general public. 1125

(C) (1) If a person allegedly is aggrieved by the failure 1126
of a public office or the person responsible for public records 1127
to promptly prepare a public record and to make it available to 1128
the person for inspection in accordance with division (B) of 1129
this section or by any other failure of a public office or the 1130
person responsible for public records to comply with an 1131
obligation in accordance with division (B) of this section, the 1132
person allegedly aggrieved may do only one of the following, and 1133
not both: 1134

(a) File a complaint with the clerk of the court of claims 1135
or the clerk of the court of common pleas under section 2743.75 1136
of the Revised Code; 1137

(b) Commence a mandamus action to obtain a judgment that 1138
orders the public office or the person responsible for the 1139
public record to comply with division (B) of this section, that 1140
awards court costs and reasonable attorney's fees to the person 1141
that instituted the mandamus action, and, if applicable, that 1142
includes an order fixing statutory damages under division (C) (2) 1143

of this section. The mandamus action may be commenced in the 1144
court of common pleas of the county in which division (B) of 1145
this section allegedly was not complied with, in the supreme 1146
court pursuant to its original jurisdiction under Section 2 of 1147
Article IV, Ohio Constitution, or in the court of appeals for 1148
the appellate district in which division (B) of this section 1149
allegedly was not complied with pursuant to its original 1150
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1151

(2) If a requester transmits a written request by hand 1152
delivery or certified mail to inspect or receive copies of any 1153
public record in a manner that fairly describes the public 1154
record or class of public records to the public office or person 1155
responsible for the requested public records, except as 1156
otherwise provided in this section, the requester shall be 1157
entitled to recover the amount of statutory damages set forth in 1158
this division if a court determines that the public office or 1159
the person responsible for public records failed to comply with 1160
an obligation in accordance with division (B) of this section. 1161

The amount of statutory damages shall be fixed at one 1162
hundred dollars for each business day during which the public 1163
office or person responsible for the requested public records 1164
failed to comply with an obligation in accordance with division 1165
(B) of this section, beginning with the day on which the 1166
requester files a mandamus action to recover statutory damages, 1167
up to a maximum of one thousand dollars. The award of statutory 1168
damages shall not be construed as a penalty, but as compensation 1169
for injury arising from lost use of the requested information. 1170
The existence of this injury shall be conclusively presumed. The 1171
award of statutory damages shall be in addition to all other 1172
remedies authorized by this section. 1173

The court may reduce an award of statutory damages or not 1174
award statutory damages if the court determines both of the 1175
following: 1176

(a) That, based on the ordinary application of statutory 1177
law and case law as it existed at the time of the conduct or 1178
threatened conduct of the public office or person responsible 1179
for the requested public records that allegedly constitutes a 1180
failure to comply with an obligation in accordance with division 1181
(B) of this section and that was the basis of the mandamus 1182
action, a well-informed public office or person responsible for 1183
the requested public records reasonably would believe that the 1184
conduct or threatened conduct of the public office or person 1185
responsible for the requested public records did not constitute 1186
a failure to comply with an obligation in accordance with 1187
division (B) of this section; 1188

(b) That a well-informed public office or person 1189
responsible for the requested public records reasonably would 1190
believe that the conduct or threatened conduct of the public 1191
office or person responsible for the requested public records 1192
would serve the public policy that underlies the authority that 1193
is asserted as permitting that conduct or threatened conduct. 1194

(3) In a mandamus action filed under division (C)(1) of 1195
this section, the following apply: 1196

(a) (i) If the court orders the public office or the person 1197
responsible for the public record to comply with division (B) of 1198
this section, the court shall determine and award to the relator 1199
all court costs, which shall be construed as remedial and not 1200
punitive. 1201

(ii) If the court makes a determination described in 1202

division (C) (3) (b) (iii) of this section, the court shall 1203
determine and award to the relator all court costs, which shall 1204
be construed as remedial and not punitive. 1205

(b) If the court renders a judgment that orders the public 1206
office or the person responsible for the public record to comply 1207
with division (B) of this section or if the court determines any 1208
of the following, the court may award reasonable attorney's fees 1209
to the relator, subject to the provisions of division (C) (4) of 1210
this section: 1211

(i) The public office or the person responsible for the 1212
public records failed to respond affirmatively or negatively to 1213
the public records request in accordance with the time allowed 1214
under division (B) of this section. 1215

(ii) The public office or the person responsible for the 1216
public records promised to permit the relator to inspect or 1217
receive copies of the public records requested within a 1218
specified period of time but failed to fulfill that promise 1219
within that specified period of time. 1220

(iii) The public office or the person responsible for the 1221
public records acted in bad faith when the office or person 1222
voluntarily made the public records available to the relator for 1223
the first time after the relator commenced the mandamus action, 1224
but before the court issued any order concluding whether or not 1225
the public office or person was required to comply with division 1226
(B) of this section. No discovery may be conducted on the issue 1227
of the alleged bad faith of the public office or person 1228
responsible for the public records. This division shall not be 1229
construed as creating a presumption that the public office or 1230
the person responsible for the public records acted in bad faith 1231
when the office or person voluntarily made the public records 1232

available to the relator for the first time after the relator 1233
commenced the mandamus action, but before the court issued any 1234
order described in this division. 1235

(c) The court shall not award attorney's fees to the 1236
relator if the court determines both of the following: 1237

(i) That, based on the ordinary application of statutory 1238
law and case law as it existed at the time of the conduct or 1239
threatened conduct of the public office or person responsible 1240
for the requested public records that allegedly constitutes a 1241
failure to comply with an obligation in accordance with division 1242
(B) of this section and that was the basis of the mandamus 1243
action, a well-informed public office or person responsible for 1244
the requested public records reasonably would believe that the 1245
conduct or threatened conduct of the public office or person 1246
responsible for the requested public records did not constitute 1247
a failure to comply with an obligation in accordance with 1248
division (B) of this section; 1249

(ii) That a well-informed public office or person 1250
responsible for the requested public records reasonably would 1251
believe that the conduct or threatened conduct of the public 1252
office or person responsible for the requested public records 1253
would serve the public policy that underlies the authority that 1254
is asserted as permitting that conduct or threatened conduct. 1255

(4) All of the following apply to any award of reasonable 1256
attorney's fees awarded under division (C) (3) (b) of this 1257
section: 1258

(a) The fees shall be construed as remedial and not 1259
punitive. 1260

(b) The fees awarded shall not exceed the total of the 1261

reasonable attorney's fees incurred before the public record was 1262
made available to the relator and the fees described in division 1263
(C) (4) (c) of this section. 1264

(c) Reasonable attorney's fees shall include reasonable 1265
fees incurred to produce proof of the reasonableness and amount 1266
of the fees and to otherwise litigate entitlement to the fees. 1267

(d) The court may reduce the amount of fees awarded if the 1268
court determines that, given the factual circumstances involved 1269
with the specific public records request, an alternative means 1270
should have been pursued to more effectively and efficiently 1271
resolve the dispute that was subject to the mandamus action 1272
filed under division (C) (1) of this section. 1273

(5) If the court does not issue a writ of mandamus under 1274
division (C) of this section and the court determines at that 1275
time that the bringing of the mandamus action was frivolous 1276
conduct as defined in division (A) of section 2323.51 of the 1277
Revised Code, the court may award to the public office all court 1278
costs, expenses, and reasonable attorney's fees, as determined 1279
by the court. 1280

(D) Chapter 1347. of the Revised Code does not limit the 1281
provisions of this section. 1282

(E) (1) To ensure that all employees of public offices are 1283
appropriately educated about a public office's obligations under 1284
division (B) of this section, all elected officials or their 1285
appropriate designees shall attend training approved by the 1286
attorney general as provided in section 109.43 of the Revised 1287
Code. In addition, all public offices shall adopt a public 1288
records policy in compliance with this section for responding to 1289
public records requests. In adopting a public records policy 1290

under this division, a public office may obtain guidance from 1291
the model public records policy developed and provided to the 1292
public office by the attorney general under section 109.43 of 1293
the Revised Code. Except as otherwise provided in this section, 1294
the policy may not limit the number of public records that the 1295
public office will make available to a single person, may not 1296
limit the number of public records that it will make available 1297
during a fixed period of time, and may not establish a fixed 1298
period of time before it will respond to a request for 1299
inspection or copying of public records, unless that period is 1300
less than eight hours. 1301

(2) The public office shall distribute the public records 1302
policy adopted by the public office under division (E)(1) of 1303
this section to the employee of the public office who is the 1304
records custodian or records manager or otherwise has custody of 1305
the records of that office. The public office shall require that 1306
employee to acknowledge receipt of the copy of the public 1307
records policy. The public office shall create a poster that 1308
describes its public records policy and shall post the poster in 1309
a conspicuous place in the public office and in all locations 1310
where the public office has branch offices. The public office 1311
may post its public records policy on the internet web site of 1312
the public office if the public office maintains an internet web 1313
site. A public office that has established a manual or handbook 1314
of its general policies and procedures for all employees of the 1315
public office shall include the public records policy of the 1316
public office in the manual or handbook. 1317

(F)(1) The bureau of motor vehicles may adopt rules 1318
pursuant to Chapter 119. of the Revised Code to reasonably limit 1319
the number of bulk commercial special extraction requests made 1320
by a person for the same records or for updated records during a 1321

calendar year. The rules may include provisions for charges to 1322
be made for bulk commercial special extraction requests for the 1323
actual cost of the bureau, plus special extraction costs, plus 1324
ten per cent. The bureau may charge for expenses for redacting 1325
information, the release of which is prohibited by law. 1326

(2) As used in division (F) (1) of this section: 1327

(a) "Actual cost" means the cost of depleted supplies, 1328
records storage media costs, actual mailing and alternative 1329
delivery costs, or other transmitting costs, and any direct 1330
equipment operating and maintenance costs, including actual 1331
costs paid to private contractors for copying services. 1332

(b) "Bulk commercial special extraction request" means a 1333
request for copies of a record for information in a format other 1334
than the format already available, or information that cannot be 1335
extracted without examination of all items in a records series, 1336
class of records, or database by a person who intends to use or 1337
forward the copies for surveys, marketing, solicitation, or 1338
resale for commercial purposes. "Bulk commercial special 1339
extraction request" does not include a request by a person who 1340
gives assurance to the bureau that the person making the request 1341
does not intend to use or forward the requested copies for 1342
surveys, marketing, solicitation, or resale for commercial 1343
purposes. 1344

(c) "Commercial" means profit-seeking production, buying, 1345
or selling of any good, service, or other product. 1346

(d) "Special extraction costs" means the cost of the time 1347
spent by the lowest paid employee competent to perform the task, 1348
the actual amount paid to outside private contractors employed 1349
by the bureau, or the actual cost incurred to create computer 1350

programs to make the special extraction. "Special extraction 1351
costs" include any charges paid to a public agency for computer 1352
or records services. 1353

(3) For purposes of divisions (F)(1) and (2) of this 1354
section, "surveys, marketing, solicitation, or resale for 1355
commercial purposes" shall be narrowly construed and does not 1356
include reporting or gathering news, reporting or gathering 1357
information to assist citizen oversight or understanding of the 1358
operation or activities of government, or nonprofit educational 1359
research. 1360

(G) A request by a defendant, counsel of a defendant, or 1361
any agent of a defendant in a criminal action that public 1362
records related to that action be made available under this 1363
section shall be considered a demand for discovery pursuant to 1364
the Criminal Rules, except to the extent that the Criminal Rules 1365
plainly indicate a contrary intent. The defendant, counsel of 1366
the defendant, or agent of the defendant making a request under 1367
this division shall serve a copy of the request on the 1368
prosecuting attorney, director of law, or other chief legal 1369
officer responsible for prosecuting the action. 1370

Sec. 2901.011. The amendments to sections 109.42, 121.22, 1371
149.43, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 1372
2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 1373
2921.36, 2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 1374
2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 1375
2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 1376
2967.03, 2967.13, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 1377
2971.03, 3719.99, 5120.53, and 5120.66 and the enactment of 1378
sections 2901.011, 2929.144, and 2967.271 of the Revised Code by 1379
... B... of the 132nd general assembly constitute the Reagan 1380

<u>Tokes Law.</u>	1381
Sec. 2903.06. (A) No person, while operating or	1382
participating in the operation of a motor vehicle, motorcycle,	1383
snowmobile, locomotive, watercraft, or aircraft, shall cause the	1384
death of another or the unlawful termination of another's	1385
pregnancy in any of the following ways:	1386
(1) (a) As the proximate result of committing a violation	1387
of division (A) of section 4511.19 of the Revised Code or of a	1388
substantially equivalent municipal ordinance;	1389
(b) As the proximate result of committing a violation of	1390
division (A) of section 1547.11 of the Revised Code or of a	1391
substantially equivalent municipal ordinance;	1392
(c) As the proximate result of committing a violation of	1393
division (A) (3) of section 4561.15 of the Revised Code or of a	1394
substantially equivalent municipal ordinance.	1395
(2) In one of the following ways:	1396
(a) Recklessly;	1397
(b) As the proximate result of committing, while operating	1398
or participating in the operation of a motor vehicle or	1399
motorcycle in a construction zone, a reckless operation offense,	1400
provided that this division applies only if the person whose	1401
death is caused or whose pregnancy is unlawfully terminated is	1402
in the construction zone at the time of the offender's	1403
commission of the reckless operation offense in the construction	1404
zone and does not apply as described in division (F) of this	1405
section.	1406
(3) In one of the following ways:	1407
(a) Negligently;	1408

(b) As the proximate result of committing, while operating 1409
or participating in the operation of a motor vehicle or 1410
motorcycle in a construction zone, a speeding offense, provided 1411
that this division applies only if the person whose death is 1412
caused or whose pregnancy is unlawfully terminated is in the 1413
construction zone at the time of the offender's commission of 1414
the speeding offense in the construction zone and does not apply 1415
as described in division (F) of this section. 1416

(4) As the proximate result of committing a violation of 1417
any provision of any section contained in Title XLV of the 1418
Revised Code that is a minor misdemeanor or of a municipal 1419
ordinance that, regardless of the penalty set by ordinance for 1420
the violation, is substantially equivalent to any provision of 1421
any section contained in Title XLV of the Revised Code that is a 1422
minor misdemeanor. 1423

(B) (1) Whoever violates division (A) (1) or (2) of this 1424
section is guilty of aggravated vehicular homicide and shall be 1425
punished as provided in divisions (B) (2) and (3) of this 1426
section. 1427

(2) (a) Except as otherwise provided in division (B) (2) (b) 1428
or (c) of this section, aggravated vehicular homicide committed 1429
in violation of division (A) (1) of this section is a felony of 1430
the second degree and the court shall impose a mandatory prison 1431
term on the offender as described in division (E) of this 1432
section. 1433

(b) Except as otherwise provided in division (B) (2) (c) of 1434
this section, aggravated vehicular homicide committed in 1435
violation of division (A) (1) of this section is a felony of the 1436
first degree, and the court shall impose a mandatory prison term 1437
on the offender as described in division (E) of this section, if 1438

any of the following apply: 1439

(i) At the time of the offense, the offender was driving 1440
under a suspension or cancellation imposed under Chapter 4510. 1441
or any other provision of the Revised Code or was operating a 1442
motor vehicle or motorcycle, did not have a valid driver's 1443
license, commercial driver's license, temporary instruction 1444
permit, probationary license, or nonresident operating 1445
privilege, and was not eligible for renewal of the offender's 1446
driver's license or commercial driver's license without 1447
examination under section 4507.10 of the Revised Code. 1448

(ii) The offender previously has been convicted of or 1449
pleaded guilty to a violation of this section. 1450

(iii) The offender previously has been convicted of or 1451
pleaded guilty to any traffic-related homicide, manslaughter, or 1452
assault offense. 1453

(c) Aggravated vehicular homicide committed in violation 1454
of division (A) (1) of this section is a felony of the first 1455
degree, and the court shall sentence the offender to a mandatory 1456
prison term as provided in section 2929.142 of the Revised Code 1457
and described in division (E) of this section if any of the 1458
following apply: 1459

(i) The offender previously has been convicted of or 1460
pleaded guilty to three or more prior violations of section 1461
4511.19 of the Revised Code or of a substantially equivalent 1462
municipal ordinance within the previous ten years. 1463

(ii) The offender previously has been convicted of or 1464
pleaded guilty to three or more prior violations of division (A) 1465
of section 1547.11 of the Revised Code or of a substantially 1466
equivalent municipal ordinance within the previous ten years. 1467

(iii) The offender previously has been convicted of or 1468
pleaded guilty to three or more prior violations of division (A) 1469
(3) of section 4561.15 of the Revised Code or of a substantially 1470
equivalent municipal ordinance within the previous ten years. 1471

(iv) The offender previously has been convicted of or 1472
pleaded guilty to three or more prior violations of division (A) 1473
(1) of this section within the previous ten years. 1474

(v) The offender previously has been convicted of or 1475
pleaded guilty to three or more prior violations of division (A) 1476
(1) of section 2903.08 of the Revised Code within the previous 1477
ten years. 1478

(vi) The offender previously has been convicted of or 1479
pleaded guilty to three or more prior violations of section 1480
2903.04 of the Revised Code within the previous ten years in 1481
circumstances in which division (D) of that section applied 1482
regarding the violations. 1483

(vii) The offender previously has been convicted of or 1484
pleaded guilty to three or more violations of any combination of 1485
the offenses listed in division (B) (2) (c) (i), (ii), (iii), (iv), 1486
(v), or (vi) of this section within the previous ten years. 1487

(viii) The offender previously has been convicted of or 1488
pleaded guilty to a second or subsequent felony violation of 1489
division (A) of section 4511.19 of the Revised Code. 1490

(d) In addition to any other sanctions imposed pursuant to 1491
division (B) (2) (a), (b), or (c) of this section for aggravated 1492
vehicular homicide committed in violation of division (A) (1) of 1493
this section, the court shall impose upon the offender a class 1494
one suspension of the offender's driver's license, commercial 1495
driver's license, temporary instruction permit, probationary 1496

license, or nonresident operating privilege as specified in 1497
division (A) (1) of section 4510.02 of the Revised Code. 1498

Divisions (A) (1) to (3) of section 4510.54 of the Revised 1499
Code apply to a suspension imposed under division (B) (2) (d) of 1500
this section. 1501

(3) Except as otherwise provided in this division, 1502
aggravated vehicular homicide committed in violation of division 1503
(A) (2) of this section is a felony of the third degree. 1504
Aggravated vehicular homicide committed in violation of division 1505
(A) (2) of this section is a felony of the second degree if, at 1506
the time of the offense, the offender was driving under a 1507
suspension or cancellation imposed under Chapter 4510. or any 1508
other provision of the Revised Code or was operating a motor 1509
vehicle or motorcycle, did not have a valid driver's license, 1510
commercial driver's license, temporary instruction permit, 1511
probationary license, or nonresident operating privilege, and 1512
was not eligible for renewal of the offender's driver's license 1513
or commercial driver's license without examination under section 1514
4507.10 of the Revised Code or if the offender previously has 1515
been convicted of or pleaded guilty to a violation of this 1516
section or any traffic-related homicide, manslaughter, or 1517
assault offense. The court shall impose a mandatory prison term 1518
on the offender when required by division (E) of this section. 1519

In addition to any other sanctions imposed pursuant to 1520
this division for a violation of division (A) (2) of this 1521
section, the court shall impose upon the offender a class two 1522
suspension of the offender's driver's license, commercial 1523
driver's license, temporary instruction permit, probationary 1524
license, or nonresident operating privilege from the range 1525
specified in division (A) (2) of section 4510.02 of the Revised 1526

Code or, if the offender previously has been convicted of or 1527
pleaded guilty to a traffic-related murder, felonious assault, 1528
or attempted murder offense, a class one suspension of the 1529
offender's driver's license, commercial driver's license, 1530
temporary instruction permit, probationary license, or 1531
nonresident operating privilege as specified in division (A)(1) 1532
of that section. 1533

(C) Whoever violates division (A)(3) of this section is 1534
guilty of vehicular homicide. Except as otherwise provided in 1535
this division, vehicular homicide is a misdemeanor of the first 1536
degree. Vehicular homicide committed in violation of division 1537
(A)(3) of this section is a felony of the fourth degree if, at 1538
the time of the offense, the offender was driving under a 1539
suspension or cancellation imposed under Chapter 4510. or any 1540
other provision of the Revised Code or was operating a motor 1541
vehicle or motorcycle, did not have a valid driver's license, 1542
commercial driver's license, temporary instruction permit, 1543
probationary license, or nonresident operating privilege, and 1544
was not eligible for renewal of the offender's driver's license 1545
or commercial driver's license without examination under section 1546
4507.10 of the Revised Code or if the offender previously has 1547
been convicted of or pleaded guilty to a violation of this 1548
section or any traffic-related homicide, manslaughter, or 1549
assault offense. The court shall impose a mandatory jail term or 1550
a mandatory prison term on the offender when required by 1551
division (E) of this section. 1552

In addition to any other sanctions imposed pursuant to 1553
this division, the court shall impose upon the offender a class 1554
four suspension of the offender's driver's license, commercial 1555
driver's license, temporary instruction permit, probationary 1556
license, or nonresident operating privilege from the range 1557

specified in division (A) (4) of section 4510.02 of the Revised 1558
Code, or, if the offender previously has been convicted of or 1559
pleaded guilty to a violation of this section or any traffic- 1560
related homicide, manslaughter, or assault offense, a class 1561
three suspension of the offender's driver's license, commercial 1562
driver's license, temporary instruction permit, probationary 1563
license, or nonresident operating privilege from the range 1564
specified in division (A) (3) of that section, or, if the 1565
offender previously has been convicted of or pleaded guilty to a 1566
traffic-related murder, felonious assault, or attempted murder 1567
offense, a class two suspension of the offender's driver's 1568
license, commercial driver's license, temporary instruction 1569
permit, probationary license, or nonresident operating privilege 1570
as specified in division (A) (2) of that section. 1571

(D) Whoever violates division (A) (4) of this section is 1572
guilty of vehicular manslaughter. Except as otherwise provided 1573
in this division, vehicular manslaughter is a misdemeanor of the 1574
second degree. Vehicular manslaughter is a misdemeanor of the 1575
first degree if, at the time of the offense, the offender was 1576
driving under a suspension or cancellation imposed under Chapter 1577
4510. or any other provision of the Revised Code or was 1578
operating a motor vehicle or motorcycle, did not have a valid 1579
driver's license, commercial driver's license, temporary 1580
instruction permit, probationary license, or nonresident 1581
operating privilege, and was not eligible for renewal of the 1582
offender's driver's license or commercial driver's license 1583
without examination under section 4507.10 of the Revised Code or 1584
if the offender previously has been convicted of or pleaded 1585
guilty to a violation of this section or any traffic-related 1586
homicide, manslaughter, or assault offense. 1587

In addition to any other sanctions imposed pursuant to 1588

this division, the court shall impose upon the offender a class 1589
six suspension of the offender's driver's license, commercial 1590
driver's license, temporary instruction permit, probationary 1591
license, or nonresident operating privilege from the range 1592
specified in division (A) (6) of section 4510.02 of the Revised 1593
Code or, if the offender previously has been convicted of or 1594
pleaded guilty to a violation of this section, any traffic- 1595
related homicide, manslaughter, or assault offense, or a 1596
traffic-related murder, felonious assault, or attempted murder 1597
offense, a class four suspension of the offender's driver's 1598
license, commercial driver's license, temporary instruction 1599
permit, probationary license, or nonresident operating privilege 1600
from the range specified in division (A) (4) of that section. 1601

(E) (1) The court shall impose a mandatory prison term on 1602
an offender who is convicted of or pleads guilty to a violation 1603
of division (A) (1) of this section. Except as otherwise provided 1604
in this division, the mandatory prison term shall be a definite 1605
term from the range of prison terms provided in division (A) (1) 1606
(b) of section 2929.14 of the Revised Code for a felony of the 1607
first degree or from division (A) (2) (b) of that section for a 1608
felony of the second degree, whichever is applicable, except 1609
that if the violation is committed on or after the effective 1610
date of this amendment, the court shall impose as the minimum 1611
prison term for the offense a mandatory prison term that is one 1612
of the minimum terms prescribed for a felony of the first degree 1613
in division (A) (1) (a) of section 2929.14 of the Revised Code or 1614
one of the terms prescribed for a felony of the second degree in 1615
division (A) (2) (a) of that section, whichever is applicable. If 1616
division (B) (2) (c) (i), (ii), (iii), (iv), (v), (vi), (vii), or 1617
(viii) of this section applies to an offender who is convicted 1618
of or pleads guilty to the violation of division (A) (1) of this 1619

section, the court shall impose the mandatory prison term 1620
pursuant to division (B) of section 2929.142 of the Revised 1621
Code. The court shall impose a mandatory jail term of at least 1622
fifteen days on an offender who is convicted of or pleads guilty 1623
to a misdemeanor violation of division (A) (3) (b) of this section 1624
and may impose upon the offender a longer jail term as 1625
authorized pursuant to section 2929.24 of the Revised Code. ~~The~~ 1626

(2) The court shall impose a mandatory prison term on an 1627
offender who is convicted of or pleads guilty to a violation of 1628
division (A) (2) or (3) (a) of this section or a felony violation 1629
of division (A) (3) (b) of this section if either division (E) (2) 1630
(a) or (b) of this section applies. The mandatory prison term 1631
shall be a definite term from the range of prison terms provided 1632
in division (A) (3) (a) (ii) of section 2929.14 of the Revised Code 1633
for a felony of the third degree or from division (A) (4) of that 1634
section for a felony of the fourth degree, whichever is 1635
applicable, except that if the violation is a felony of the 1636
third degree committed on or after the effective date of this 1637
amendment, the court shall impose as the minimum prison term for 1638
the offense a mandatory prison term that is one of the minimum 1639
terms prescribed for a felony of the third degree in division 1640
(A) (3) (a) (i) of section 2929.14 of the Revised Code. The court 1641
shall impose a mandatory prison term on an offender in a 1642
category described in this division if either of the following 1643
applies: 1644

~~(1)~~ (a) The offender previously has been convicted of or 1645
pleaded guilty to a violation of this section or section 2903.08 1646
of the Revised Code. 1647

~~(2)~~ (b) At the time of the offense, the offender was 1648
driving under suspension or cancellation under Chapter 4510. or 1649

any other provision of the Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under section 4507.10 of the Revised Code.

(F) Divisions (A) (2) (b) and (3) (b) of this section do not apply in a particular construction zone unless signs of the type described in section 2903.081 of the Revised Code are erected in that construction zone in accordance with the guidelines and design specifications established by the director of transportation under section 5501.27 of the Revised Code. The failure to erect signs of the type described in section 2903.081 of the Revised Code in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of division (A) (1), (A) (2) (a), (A) (3) (a), or (A) (4) of this section in that construction zone or the prosecution of any person who violates any of those divisions in that construction zone.

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

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

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

(c) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code. 1680
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(d) "Reckless operation offense" means a violation of section 4511.20 of the Revised Code or a municipal ordinance substantially equivalent to section 4511.20 of the Revised Code. 1682
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(e) "Speeding offense" means a violation of section 4511.21 of the Revised Code or a municipal ordinance pertaining to speed. 1685
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(f) "Traffic-related murder, felonious assault, or attempted murder offense" means a violation of section 2903.01 or 2903.02 of the Revised Code in circumstances in which the offender used a motor vehicle as the means to commit the violation, a violation of division (A) (2) of section 2903.11 of the Revised Code in circumstances in which the deadly weapon used in the commission of the violation is a motor vehicle, or an attempt to commit aggravated murder or murder in violation of section 2923.02 of the Revised Code in circumstances in which the offender used a motor vehicle as the means to attempt to commit the aggravated murder or murder. 1688
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(g) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code. 1699
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(2) 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. 1701
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Sec. 2903.08. (A) No person, while operating or 1708

participating in the operation of a motor vehicle, motorcycle, 1709
snowmobile, locomotive, watercraft, or aircraft, shall cause 1710
serious physical harm to another person or another's unborn in 1711
any of the following ways: 1712

(1) (a) As the proximate result of committing a violation 1713
of division (A) of section 4511.19 of the Revised Code or of a 1714
substantially equivalent municipal ordinance; 1715

(b) As the proximate result of committing a violation of 1716
division (A) of section 1547.11 of the Revised Code or of a 1717
substantially equivalent municipal ordinance; 1718

(c) As the proximate result of committing a violation of 1719
division (A) (3) of section 4561.15 of the Revised Code or of a 1720
substantially equivalent municipal ordinance. 1721

(2) In one of the following ways: 1722

(a) As the proximate result of committing, while operating 1723
or participating in the operation of a motor vehicle or 1724
motorcycle in a construction zone, a reckless operation offense, 1725
provided that this division applies only if the person to whom 1726
the serious physical harm is caused or to whose unborn the 1727
serious physical harm is caused is in the construction zone at 1728
the time of the offender's commission of the reckless operation 1729
offense in the construction zone and does not apply as described 1730
in division (E) of this section; 1731

(b) Recklessly. 1732

(3) As the proximate result of committing, while operating 1733
or participating in the operation of a motor vehicle or 1734
motorcycle in a construction zone, a speeding offense, provided 1735
that this division applies only if the person to whom the 1736
serious physical harm is caused or to whose unborn the serious 1737

physical harm is caused is in the construction zone at the time 1738
of the offender's commission of the speeding offense in the 1739
construction zone and does not apply as described in division 1740
(E) of this section. 1741

(B) (1) Whoever violates division (A) (1) of this section is 1742
guilty of aggravated vehicular assault. Except as otherwise 1743
provided in this division, aggravated vehicular assault is a 1744
felony of the third degree. Aggravated vehicular assault is a 1745
felony of the second degree if any of the following apply: 1746

(a) At the time of the offense, the offender was driving 1747
under a suspension imposed under Chapter 4510. or any other 1748
provision of the Revised Code. 1749

(b) The offender previously has been convicted of or 1750
pleaded guilty to a violation of this section. 1751

(c) The offender previously has been convicted of or 1752
pleaded guilty to any traffic-related homicide, manslaughter, or 1753
assault offense. 1754

(d) The offender previously has been convicted of or 1755
pleaded guilty to three or more prior violations of section 1756
4511.19 of the Revised Code or a substantially equivalent 1757
municipal ordinance within the previous ten years. 1758

(e) The offender previously has been convicted of or 1759
pleaded guilty to three or more prior violations of division (A) 1760
of section 1547.11 of the Revised Code or of a substantially 1761
equivalent municipal ordinance within the previous ten years. 1762

(f) The offender previously has been convicted of or 1763
pleaded guilty to three or more prior violations of division (A) 1764
(3) of section 4561.15 of the Revised Code or of a substantially 1765
equivalent municipal ordinance within the previous ten years. 1766

(g) The offender previously has been convicted of or 1767
pleaded guilty to three or more prior violations of any 1768
combination of the offenses listed in division (B) (1) (d), (e), 1769
or (f) of this section. 1770

(h) The offender previously has been convicted of or 1771
pleaded guilty to a second or subsequent felony violation of 1772
division (A) of section 4511.19 of the Revised Code. 1773

(2) In addition to any other sanctions imposed pursuant to 1774
division (B) (1) of this section, except as otherwise provided in 1775
this division, the court shall impose upon the offender a class 1776
three suspension of the offender's driver's license, commercial 1777
driver's license, temporary instruction permit, probationary 1778
license, or nonresident operating privilege from the range 1779
specified in division (A) (3) of section 4510.02 of the Revised 1780
Code. If the offender previously has been convicted of or 1781
pleaded guilty to a violation of this section, any traffic- 1782
related homicide, manslaughter, or assault offense, or any 1783
traffic-related murder, felonious assault, or attempted murder 1784
offense, the court shall impose either a class two suspension of 1785
the offender's driver's license, commercial driver's license, 1786
temporary instruction permit, probationary license, or 1787
nonresident operating privilege from the range specified in 1788
division (A) (2) of that section or a class one suspension as 1789
specified in division (A) (1) of that section. 1790

(C) (1) Whoever violates division (A) (2) or (3) of this 1791
section is guilty of vehicular assault and shall be punished as 1792
provided in divisions (C) (2) and (3) of this section. 1793

(2) Except as otherwise provided in this division, 1794
vehicular assault committed in violation of division (A) (2) of 1795
this section is a felony of the fourth degree. Vehicular assault 1796

committed in violation of division (A) (2) of this section is a 1797
felony of the third degree if, at the time of the offense, the 1798
offender was driving under a suspension imposed under Chapter 1799
4510. or any other provision of the Revised Code, if the 1800
offender previously has been convicted of or pleaded guilty to a 1801
violation of this section or any traffic-related homicide, 1802
manslaughter, or assault offense, or if, in the same course of 1803
conduct that resulted in the violation of division (A) (2) of 1804
this section, the offender also violated section 4549.02, 1805
4549.021, or 4549.03 of the Revised Code. 1806

In addition to any other sanctions imposed, the court 1807
shall impose upon the offender a class four suspension of the 1808
offender's driver's license, commercial driver's license, 1809
temporary instruction permit, probationary license, or 1810
nonresident operating privilege from the range specified in 1811
division (A) (4) of section 4510.02 of the Revised Code or, if 1812
the offender previously has been convicted of or pleaded guilty 1813
to a violation of this section, any traffic-related homicide, 1814
manslaughter, or assault offense, or any traffic-related murder, 1815
felonious assault, or attempted murder offense, a class three 1816
suspension of the offender's driver's license, commercial 1817
driver's license, temporary instruction permit, probationary 1818
license, or nonresident operating privilege from the range 1819
specified in division (A) (3) of that section. 1820

(3) Except as otherwise provided in this division, 1821
vehicular assault committed in violation of division (A) (3) of 1822
this section is a misdemeanor of the first degree. Vehicular 1823
assault committed in violation of division (A) (3) of this 1824
section is a felony of the fourth degree if, at the time of the 1825
offense, the offender was driving under a suspension imposed 1826
under Chapter 4510. or any other provision of the Revised Code 1827

or if the offender previously has been convicted of or pleaded 1828
guilty to a violation of this section or any traffic-related 1829
homicide, manslaughter, or assault offense. 1830

In addition to any other sanctions imposed, the court 1831
shall impose upon the offender a class four suspension of the 1832
offender's driver's license, commercial driver's license, 1833
temporary instruction permit, probationary license, or 1834
nonresident operating privilege from the range specified in 1835
division (A) (4) of section 4510.02 of the Revised Code or, if 1836
the offender previously has been convicted of or pleaded guilty 1837
to a violation of this section, any traffic-related homicide, 1838
manslaughter, or assault offense, or any traffic-related murder, 1839
felonious assault, or attempted murder offense, a class three 1840
suspension of the offender's driver's license, commercial 1841
driver's license, temporary instruction permit, probationary 1842
license, or nonresident operating privilege from the range 1843
specified in division (A) (3) of section 4510.02 of the Revised 1844
Code. 1845

(D) (1) The court shall impose a mandatory prison term, as 1846
described in division (D) (4) of this section, on an offender who 1847
is convicted of or pleads guilty to a violation of division (A) 1848
(1) of this section. 1849

(2) The court shall impose a mandatory prison term, as 1850
described in division (D) (4) of this section, on an offender who 1851
is convicted of or pleads guilty to a violation of division (A) 1852
(2) of this section or a felony violation of division (A) (3) of 1853
this section if either of the following applies: 1854

(a) The offender previously has been convicted of or 1855
pleaded guilty to a violation of this section or section 2903.06 1856
of the Revised Code. 1857

(b) At the time of the offense, the offender was driving 1858
under suspension under Chapter 4510. or any other provision of 1859
the Revised Code. 1860

(3) The court shall impose a mandatory jail term of at 1861
least seven days on an offender who is convicted of or pleads 1862
guilty to a misdemeanor violation of division (A) (3) of this 1863
section and may impose upon the offender a longer jail term as 1864
authorized pursuant to section 2929.24 of the Revised Code. 1865

(4) A mandatory prison term required under division (D) (1) 1866
or (2) of this section shall be a definite term from the range 1867
of prison terms provided in division (A) (2) (b) of section 1868
2929.14 of the Revised Code for a felony of the second degree, 1869
from division (A) (3) (a) (ii) of that section for a felony of the 1870
third degree, or from division (A) (4) of that section for a 1871
felony of the fourth degree, whichever is applicable, except 1872
that if the violation is a felony of the second or third degree 1873
committed on or after the effective date of this amendment, the 1874
court shall impose as the minimum prison term for the offense a 1875
mandatory prison term that is one of the minimum terms 1876
prescribed for a felony of the second degree in division (A) (2) 1877
(a) of section 2929.14 of the Revised Code or that is one of the 1878
terms prescribed for a felony of the third degree in division 1879
(A) (3) (a) (i) of section 2929.14 of the Revised Code, whichever 1880
is applicable. 1881

(E) Divisions (A) (2) (a) and (3) of this section do not 1882
apply in a particular construction zone unless signs of the type 1883
described in section 2903.081 of the Revised Code are erected in 1884
that construction zone in accordance with the guidelines and 1885
design specifications established by the director of 1886
transportation under section 5501.27 of the Revised Code. The 1887

failure to erect signs of the type described in section 2903.081 1888
of the Revised Code in a particular construction zone in 1889
accordance with those guidelines and design specifications does 1890
not limit or affect the application of division (A) (1) or (2) (b) 1891
of this section in that construction zone or the prosecution of 1892
any person who violates either of those divisions in that 1893
construction zone. 1894

(F) As used in this section: 1895

(1) "Mandatory prison term" and "mandatory jail term" have 1896
the same meanings as in section 2929.01 of the Revised Code. 1897

(2) "Traffic-related homicide, manslaughter, or assault 1898
offense" and "traffic-related murder, felonious assault, or 1899
attempted murder offense" have the same meanings as in section 1900
2903.06 of the Revised Code. 1901

(3) "Construction zone" has the same meaning as in section 1902
5501.27 of the Revised Code. 1903

(4) "Reckless operation offense" and "speeding offense" 1904
have the same meanings as in section 2903.06 of the Revised 1905
Code. 1906

(G) For the purposes of this section, when a penalty or 1907
suspension is enhanced because of a prior or current violation 1908
of a specified law or a prior or current specified offense, the 1909
reference to the violation of the specified law or the specified 1910
offense includes any violation of any substantially equivalent 1911
municipal ordinance, former law of this state, or current or 1912
former law of another state or the United States. 1913

Sec. 2903.11. (A) No person shall knowingly do either of 1914
the following: 1915

(1) Cause serious physical harm to another or to another's unborn;	1916 1917
(2) Cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance.	1918 1919 1920
(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:	1921 1922 1923 1924
(1) Engage in sexual conduct with another person without disclosing that knowledge to the other person prior to engaging in the sexual conduct;	1925 1926 1927
(2) Engage in sexual conduct with a person whom the offender knows or has reasonable cause to believe lacks the mental capacity to appreciate the significance of the knowledge that the offender has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome;	1928 1929 1930 1931 1932
(3) Engage in sexual conduct with a person under eighteen years of age who is not the spouse of the offender.	1933 1934
(C) The prosecution of a person under this section does not preclude prosecution of that person under section 2907.02 of the Revised Code.	1935 1936 1937
(D) (1) (a) Whoever violates this section is guilty of felonious assault. Except as otherwise provided in this division or division (D) (1) (b) of this section, felonious assault is a felony of the second degree. If the victim of a violation of division (A) of this section is a peace officer or an investigator of the bureau of criminal identification and investigation, felonious assault is a felony of the first	1938 1939 1940 1941 1942 1943 1944

degree. 1945

(b) Regardless of whether the felonious assault is a 1946
felony of the first or second degree under division (D) (1) (a) of 1947
this section, if the offender also is convicted of or pleads 1948
guilty to a specification as described in section 2941.1423 of 1949
the Revised Code that was included in the indictment, count in 1950
the indictment, or information charging the offense, except as 1951
otherwise provided in this division or unless a longer prison 1952
term is required under any other provision of law, the court 1953
shall sentence the offender to a mandatory prison term as 1954
provided in division (B) (8) of section 2929.14 of the Revised 1955
Code. If the victim of the offense is a peace officer or an 1956
investigator of the bureau of criminal identification and 1957
investigation, and if the victim suffered serious physical harm 1958
as a result of the commission of the offense, felonious assault 1959
is a felony of the first degree, and the court, pursuant to 1960
division (F) of section 2929.13 of the Revised Code, shall 1961
impose as a mandatory prison term one of the definite prison 1962
terms prescribed for a felony of the first degree in division 1963
(A) (1) (b) of section 2929.14 of the Revised Code, except that if 1964
the violation is committed on or after the effective date of 1965
this amendment, the court shall impose as the minimum prison 1966
term for the offense a mandatory prison term that is one of the 1967
minimum terms prescribed for a felony of the first degree in 1968
division (A) (1) (a) of section 2929.14 of the Revised Code. 1969

(2) In addition to any other sanctions imposed pursuant to 1970
division (D) (1) of this section for felonious assault committed 1971
in violation of division (A) (1) or (2) of this section, if the 1972
offender also is convicted of or pleads guilty to a 1973
specification of the type described in section 2941.1425 of the 1974
Revised Code that was included in the indictment, count in the 1975

indictment, or information charging the offense, the court shall 1976
sentence the offender to a mandatory prison term under division 1977
(B) (9) of section 2929.14 of the Revised Code. 1978

(3) In addition to any other sanctions imposed pursuant to 1979
division (D) (1) of this section for felonious assault committed 1980
in violation of division (A) (2) of this section, if the deadly 1981
weapon used in the commission of the violation is a motor 1982
vehicle, the court shall impose upon the offender a class two 1983
suspension of the offender's driver's license, commercial 1984
driver's license, temporary instruction permit, probationary 1985
license, or nonresident operating privilege as specified in 1986
division (A) (2) of section 4510.02 of the Revised Code. 1987

(E) As used in this section: 1988

(1) "Deadly weapon" and "dangerous ordnance" have the same 1989
meanings as in section 2923.11 of the Revised Code. 1990

(2) "Motor vehicle" has the same meaning as in section 1991
4501.01 of the Revised Code. 1992

(3) "Peace officer" has the same meaning as in section 1993
2935.01 of the Revised Code. 1994

(4) "Sexual conduct" has the same meaning as in section 1995
2907.01 of the Revised Code, except that, as used in this 1996
section, it does not include the insertion of an instrument, 1997
apparatus, or other object that is not a part of the body into 1998
the vaginal or anal opening of another, unless the offender knew 1999
at the time of the insertion that the instrument, apparatus, or 2000
other object carried the offender's bodily fluid. 2001

(5) "Investigator of the bureau of criminal identification 2002
and investigation" means an investigator of the bureau of 2003
criminal identification and investigation who is commissioned by 2004

the superintendent of the bureau as a special agent for the 2005
purpose of assisting law enforcement officers or providing 2006
emergency assistance to peace officers pursuant to authority 2007
granted under section 109.541 of the Revised Code. 2008

(6) "Investigator" has the same meaning as in section 2009
109.541 of the Revised Code. 2010

(F) The provisions of division (D) (2) of this section and 2011
of division (F) (20) of section 2929.13, divisions (B) (9) and (C) 2012
(6) of section 2929.14, and section 2941.1425 of the Revised 2013
Code shall be known as "Judy's Law." 2014

Sec. 2903.12. (A) No person, while under the influence of 2015
sudden passion or in a sudden fit of rage, either of which is 2016
brought on by serious provocation occasioned by the victim that 2017
is reasonably sufficient to incite the person into using deadly 2018
force, shall knowingly: 2019

(1) Cause serious physical harm to another or to another's 2020
unborn; 2021

(2) Cause or attempt to cause physical harm to another or 2022
to another's unborn by means of a deadly weapon or dangerous 2023
ordnance, as defined in section 2923.11 of the Revised Code. 2024

(B) Whoever violates this section is guilty of aggravated 2025
assault. Except as otherwise provided in this division, 2026
aggravated assault is a felony of the fourth degree. If the 2027
victim of the offense is a peace officer or an investigator of 2028
the bureau of criminal identification and investigation, 2029
aggravated assault is a felony of the third degree. Regardless 2030
of whether the offense is a felony of the third or fourth degree 2031
under this division, if the offender also is convicted of or 2032
pleads guilty to a specification as described in section 2033

2941.1423 of the Revised Code that was included in the 2034
indictment, count in the indictment, or information charging the 2035
offense, except as otherwise provided in this division, the 2036
court shall sentence the offender to a mandatory prison term as 2037
provided in division (B) (8) of section 2929.14 of the Revised 2038
Code. If the victim of the offense is a peace officer or an 2039
investigator of the bureau of criminal identification and 2040
investigation, and if the victim suffered serious physical harm 2041
as a result of the commission of the offense, aggravated assault 2042
is a felony of the third degree, and the court, pursuant to 2043
division (F) of section 2929.13 of the Revised Code, shall 2044
impose as a mandatory prison term one of the definite prison 2045
terms prescribed in division (A) (3) (b) of section 2929.14 of the 2046
Revised Code for a felony of the third degree. 2047

(C) As used in this section: 2048

(1) "Investigator of the bureau of criminal identification 2049
and investigation" has the same meaning as in section 2903.11 of 2050
the Revised Code. 2051

(2) "Peace officer" has the same meaning as in section 2052
2935.01 of the Revised Code. 2053

Sec. 2905.01. (A) No person, by force, threat, or 2054
deception, or, in the case of a victim under the age of thirteen 2055
or mentally incompetent, by any means, shall remove another from 2056
the place where the other person is found or restrain the 2057
liberty of the other person, for any of the following purposes: 2058

(1) To hold for ransom, or as a shield or hostage; 2059

(2) To facilitate the commission of any felony or flight 2060
thereafter; 2061

(3) To terrorize, or to inflict serious physical harm on 2062

the victim or another; 2063

(4) To engage in sexual activity, as defined in section 2064
2907.01 of the Revised Code, with the victim against the 2065
victim's will; 2066

(5) To hinder, impede, or obstruct a function of 2067
government, or to force any action or concession on the part of 2068
governmental authority; 2069

(6) To hold in a condition of involuntary servitude. 2070

(B) No person, by force, threat, or deception, or, in the 2071
case of a victim under the age of thirteen or mentally 2072
incompetent, by any means, shall knowingly do any of the 2073
following, under circumstances that create a substantial risk of 2074
serious physical harm to the victim or, in the case of a minor 2075
victim, under circumstances that either create a substantial 2076
risk of serious physical harm to the victim or cause physical 2077
harm to the victim: 2078

(1) Remove another from the place where the other person 2079
is found; 2080

(2) Restrain another of the other person's liberty. 2081

(C) (1) Whoever violates this section is guilty of 2082
kidnapping. Except as otherwise provided in this division or 2083
division (C) (2) or (3) of this section, kidnapping is a felony 2084
of the first degree. Except as otherwise provided in this 2085
division or division (C) (2) or (3) of this section, if an 2086
offender who violates division (A) (1) to (5), (B) (1), or (B) (2) 2087
of this section releases the victim in a safe place unharmed, 2088
kidnapping is a felony of the second degree. 2089

(2) If the offender in any case also is convicted of or 2090

pleads guilty to a specification as described in section 2091
2941.1422 of the Revised Code that was included in the 2092
indictment, count in the indictment, or information charging the 2093
offense, the court shall order the offender to make restitution 2094
as provided in division (B)(8) of section 2929.18 of the Revised 2095
Code and, except as otherwise provided in division (C)(3) of 2096
this section, shall sentence the offender to a mandatory prison 2097
term as provided in division (B)(7) of section 2929.14 of the 2098
Revised Code. 2099

(3) If the victim of the offense is less than thirteen 2100
years of age and if the offender also is convicted of or pleads 2101
guilty to a sexual motivation specification that was included in 2102
the indictment, count in the indictment, or information charging 2103
the offense, kidnapping is a felony of the first degree, and, 2104
notwithstanding the definite or indefinite sentence provided for 2105
a felony of the first degree in section 2929.14 of the Revised 2106
Code, the offender shall be sentenced pursuant to section 2107
2971.03 of the Revised Code as follows: 2108

(a) Except as otherwise provided in division (C)(3)(b) of 2109
this section, the offender shall be sentenced pursuant to that 2110
section to an indefinite prison term consisting of a minimum 2111
term of fifteen years and a maximum term of life imprisonment. 2112

(b) If the offender releases the victim in a safe place 2113
unharmd, the offender shall be sentenced pursuant to that 2114
section to an indefinite term consisting of a minimum term of 2115
ten years and a maximum term of life imprisonment. 2116

(D) As used in this section: 2117

(1) "Involuntary servitude" has the same meaning as in 2118
section 2905.31 of the Revised Code. 2119

(2) "Sexual motivation specification" has the same meaning 2120
as in section 2971.01 of the Revised Code. 2121

Sec. 2905.32. (A) No person shall knowingly recruit, lure, 2122
entice, isolate, harbor, transport, provide, obtain, or 2123
maintain, or knowingly attempt to recruit, lure, entice, 2124
isolate, harbor, transport, provide, obtain, or maintain, 2125
another person if any of the following applies: 2126

(1) The offender knows that the other person will be 2127
subjected to involuntary servitude or be compelled to engage in 2128
sexual activity for hire, engage in a performance that is 2129
obscene, sexually oriented, or nudity oriented, or be a model or 2130
participant in the production of material that is obscene, 2131
sexually oriented, or nudity oriented. 2132

(2) The other person is less than sixteen years of age or 2133
is a person with a developmental disability whom the offender 2134
knows or has reasonable cause to believe is a person with a 2135
developmental disability, and either the offender knows that the 2136
other person will be subjected to involuntary servitude or the 2137
offender's knowing recruitment, luring, enticement, isolation, 2138
harboring, transportation, provision, obtaining, or maintenance 2139
of the other person or knowing attempt to recruit, lure, entice, 2140
isolate, harbor, transport, provide, obtain, or maintain the 2141
other person is for any of the following purposes: 2142

(a) To engage in sexual activity for hire; 2143

(b) To engage in a performance for hire that is obscene, 2144
sexually oriented, or nudity oriented; 2145

(c) To be a model or participant for hire in the 2146
production of material that is obscene, sexually oriented, or 2147
nudity oriented. 2148

(3) The other person is sixteen or seventeen years of age, 2149
either the offender knows that the other person will be 2150
subjected to involuntary servitude or the offender's knowing 2151
recruitment, luring, enticement, isolation, harboring, 2152
transportation, provision, obtaining, or maintenance of the 2153
other person or knowing attempt to recruit, lure, entice, 2154
isolate, harbor, transport, provide, obtain, or maintain the 2155
other person is for any purpose described in divisions (A) (2) (a) 2156
to (c) of this section, and the circumstances described in 2157
division (A) (5), (6), (7), (8), (9), (10), (11), (12), or (13) 2158
of section 2907.03 of the Revised Code apply with respect to the 2159
offender and the other person. 2160

(B) For a prosecution under division (A) (1) of this 2161
section, the element "compelled" does not require that the 2162
compulsion be openly displayed or physically exerted. The 2163
element "compelled" has been established if the state proves 2164
that the victim's will was overcome by force, fear, duress, 2165
intimidation, or fraud. 2166

(C) In a prosecution under this section, proof that the 2167
defendant engaged in sexual activity with any person, or 2168
solicited sexual activity with any person, whether or not for 2169
hire, without more, does not constitute a violation of this 2170
section. 2171

(D) A prosecution for a violation of this section does not 2172
preclude a prosecution of a violation of any other section of 2173
the Revised Code. One or more acts, a series of acts, or a 2174
course of behavior that can be prosecuted under this section or 2175
any other section of the Revised Code may be prosecuted under 2176
this section, the other section of the Revised Code, or both 2177
sections. However, if an offender is convicted of or pleads 2178

guilty to a violation of this section and also is convicted of 2179
or pleads guilty to a violation of section 2907.21 of the 2180
Revised Code based on the same conduct involving the same victim 2181
that was the basis of the violation of this section, or is 2182
convicted of or pleads guilty to any other violation of Chapter 2183
2907. of the Revised Code based on the same conduct involving 2184
the same victim that was the basis of the violation of this 2185
section, the two offenses are allied offenses of similar import 2186
under section 2941.25 of the Revised Code. 2187

(E) Whoever violates this section is guilty of trafficking 2188
in persons, a felony of the first degree. ~~Notwithstanding~~ For a 2189
violation committed prior to the effective date of this 2190
amendment, notwithstanding the range of definite terms set forth 2191
in division (A) (1) (b) of section 2929.14 of the Revised Code, 2192
the court shall sentence the offender to a definite prison term 2193
of ten, eleven, twelve, thirteen, fourteen, or fifteen years. 2194
For a violation committed on or after the effective date of this 2195
amendment, notwithstanding the range of minimum terms set forth 2196
in division (A) (1) (a) of section 2929.14 of the Revised Code, 2197
the court shall sentence the offender to an indefinite prison 2198
term pursuant to that division, with a minimum term under that 2199
sentence of ten, eleven, twelve, thirteen, fourteen, or fifteen 2200
years. 2201

(F) As used in this section: 2202

(1) "Person with a developmental disability" means a 2203
person whose ability to resist or consent to an act is 2204
substantially impaired because of a mental or physical condition 2205
or because of advanced age. 2206

(2) "Sexual activity for hire," "performance for hire," 2207
and "model or participant for hire" mean an implicit or explicit 2208

agreement to provide sexual activity, engage in an obscene, 2209
sexually oriented, or nudity oriented performance, or be a model 2210
or participant in the production of obscene, sexually oriented, 2211
or nudity oriented material, whichever is applicable, in 2212
exchange for anything of value paid to any of the following: 2213

(a) The person engaging in such sexual activity, 2214
performance, or modeling or participation; 2215

(b) Any person who recruits, lures, entices, isolates, 2216
harbors, transports, provides, obtains, or maintains, or 2217
attempts to recruit, lure, entice, isolate, harbor, transport, 2218
provide, obtain, or maintain the person described in division 2219
(F) (2) (a) of this section; 2220

(c) Any person associated with a person described in 2221
division (F) (2) (a) or (b) of this section. 2222

(3) "Material that is obscene, sexually oriented, or 2223
nudity oriented" and "performance that is obscene, sexually 2224
oriented, or nudity oriented" have the same meanings as in 2225
section 2929.01 of the Revised Code. 2226

Sec. 2907.02. (A) (1) No person shall engage in sexual 2227
conduct with another who is not the spouse of the offender or 2228
who is the spouse of the offender but is living separate and 2229
apart from the offender, when any of the following applies: 2230

(a) For the purpose of preventing resistance, the offender 2231
substantially impairs the other person's judgment or control by 2232
administering any drug, intoxicant, or controlled substance to 2233
the other person surreptitiously or by force, threat of force, 2234
or deception. 2235

(b) The other person is less than thirteen years of age, 2236
whether or not the offender knows the age of the other person. 2237

(c) The other person's ability to resist or consent is 2238
substantially impaired because of a mental or physical condition 2239
or because of advanced age, and the offender knows or has 2240
reasonable cause to believe that the other person's ability to 2241
resist or consent is substantially impaired because of a mental 2242
or physical condition or because of advanced age. 2243

(2) No person shall engage in sexual conduct with another 2244
when the offender purposely compels the other person to submit 2245
by force or threat of force. 2246

(B) Whoever violates this section is guilty of rape, a 2247
felony of the first degree. If the offender under division (A) 2248
(1) (a) of this section substantially impairs the other person's 2249
judgment or control by administering any controlled substance 2250
described in section 3719.41 of the Revised Code to the other 2251
person surreptitiously or by force, threat of force, or 2252
deception, the prison term imposed upon the offender shall be 2253
one of the definite prison terms prescribed for a felony of the 2254
first degree in division (A) (1) (b) of section 2929.14 of the 2255
Revised Code that is not less than five years, except that if 2256
the violation is committed on or after the effective date of 2257
this amendment, the court shall impose as the minimum prison 2258
term for the offense a mandatory prison term that is one of the 2259
minimum terms prescribed for a felony of the first degree in 2260
division (A) (1) (a) of section 2929.14 of the Revised Code that 2261
is not less than five years. Except as otherwise provided in 2262
this division, notwithstanding sections 2929.11 to 2929.14 of 2263
the Revised Code, an offender under division (A) (1) (b) of this 2264
section shall be sentenced to a prison term or term of life 2265
imprisonment pursuant to section 2971.03 of the Revised Code. If 2266
an offender is convicted of or pleads guilty to a violation of 2267
division (A) (1) (b) of this section, if the offender was less 2268

than sixteen years of age at the time the offender committed the 2269
violation of that division, and if the offender during or 2270
immediately after the commission of the offense did not cause 2271
serious physical harm to the victim, the victim was ten years of 2272
age or older at the time of the commission of the violation, and 2273
the offender has not previously been convicted of or pleaded 2274
guilty to a violation of this section or a substantially similar 2275
existing or former law of this state, another state, or the 2276
United States, the court shall not sentence the offender to a 2277
prison term or term of life imprisonment pursuant to section 2278
2971.03 of the Revised Code, and instead the court shall 2279
sentence the offender as otherwise provided in this division. If 2280
an offender under division (A) (1) (b) of this section previously 2281
has been convicted of or pleaded guilty to violating division 2282
(A) (1) (b) of this section or to violating an existing or former 2283
law of this state, another state, or the United States that is 2284
substantially similar to division (A) (1) (b) of this section, if 2285
the offender during or immediately after the commission of the 2286
offense caused serious physical harm to the victim, or if the 2287
victim under division (A) (1) (b) of this section is less than ten 2288
years of age, in lieu of sentencing the offender to a prison 2289
term or term of life imprisonment pursuant to section 2971.03 of 2290
the Revised Code, the court may impose upon the offender a term 2291
of life without parole. If the court imposes a term of life 2292
without parole pursuant to this division, division (F) of 2293
section 2971.03 of the Revised Code applies, and the offender 2294
automatically is classified a tier III sex offender/child-victim 2295
offender, as described in that division. 2296

(C) A victim need not prove physical resistance to the 2297
offender in prosecutions under this section. 2298

(D) Evidence of specific instances of the victim's sexual 2299

activity, opinion evidence of the victim's sexual activity, and 2300
reputation evidence of the victim's sexual activity shall not be 2301
admitted under this section unless it involves evidence of the 2302
origin of semen, pregnancy, or disease, or the victim's past 2303
sexual activity with the offender, and only to the extent that 2304
the court finds that the evidence is material to a fact at issue 2305
in the case and that its inflammatory or prejudicial nature does 2306
not outweigh its probative value. 2307

Evidence of specific instances of the defendant's sexual 2308
activity, opinion evidence of the defendant's sexual activity, 2309
and reputation evidence of the defendant's sexual activity shall 2310
not be admitted under this section unless it involves evidence 2311
of the origin of semen, pregnancy, or disease, the defendant's 2312
past sexual activity with the victim, or is admissible against 2313
the defendant under section 2945.59 of the Revised Code, and 2314
only to the extent that the court finds that the evidence is 2315
material to a fact at issue in the case and that its 2316
inflammatory or prejudicial nature does not outweigh its 2317
probative value. 2318

(E) Prior to taking testimony or receiving evidence of any 2319
sexual activity of the victim or the defendant in a proceeding 2320
under this section, the court shall resolve the admissibility of 2321
the proposed evidence in a hearing in chambers, which shall be 2322
held at or before preliminary hearing and not less than three 2323
days before trial, or for good cause shown during the trial. 2324

(F) Upon approval by the court, the victim may be 2325
represented by counsel in any hearing in chambers or other 2326
proceeding to resolve the admissibility of evidence. If the 2327
victim is indigent or otherwise is unable to obtain the services 2328
of counsel, the court, upon request, may appoint counsel to 2329

represent the victim without cost to the victim. 2330

(G) It is not a defense to a charge under division (A) (2) 2331
of this section that the offender and the victim were married or 2332
were cohabiting at the time of the commission of the offense. 2333

Sec. 2907.03. (A) No person shall engage in sexual conduct 2334
with another, not the spouse of the offender, when any of the 2335
following apply: 2336

(1) The offender knowingly coerces the other person to 2337
submit by any means that would prevent resistance by a person of 2338
ordinary resolution. 2339

(2) The offender knows that the other person's ability to 2340
appraise the nature of or control the other person's own conduct 2341
is substantially impaired. 2342

(3) The offender knows that the other person submits 2343
because the other person is unaware that the act is being 2344
committed. 2345

(4) The offender knows that the other person submits 2346
because the other person mistakenly identifies the offender as 2347
the other person's spouse. 2348

(5) The offender is the other person's natural or adoptive 2349
parent, or a stepparent, or guardian, custodian, or person in 2350
loco parentis of the other person. 2351

(6) The other person is in custody of law or a patient in 2352
a hospital or other institution, and the offender has 2353
supervisory or disciplinary authority over the other person. 2354

(7) The offender is a teacher, administrator, coach, or 2355
other person in authority employed by or serving in a school for 2356
which the state board of education prescribes minimum standards 2357

pursuant to division (D) of section 3301.07 of the Revised Code, 2358
the other person is enrolled in or attends that school, and the 2359
offender is not enrolled in and does not attend that school. 2360

(8) The other person is a minor, the offender is a 2361
teacher, administrator, coach, or other person in authority 2362
employed by or serving in an institution of higher education, 2363
and the other person is enrolled in or attends that institution. 2364

(9) The other person is a minor, and the offender is the 2365
other person's athletic or other type of coach, is the other 2366
person's instructor, is the leader of a scouting troop of which 2367
the other person is a member, or is a person with temporary or 2368
occasional disciplinary control over the other person. 2369

(10) The offender is a mental health professional, the 2370
other person is a mental health client or patient of the 2371
offender, and the offender induces the other person to submit by 2372
falsely representing to the other person that the sexual conduct 2373
is necessary for mental health treatment purposes. 2374

(11) The other person is confined in a detention facility, 2375
and the offender is an employee of that detention facility. 2376

(12) The other person is a minor, the offender is a 2377
cleric, and the other person is a member of, or attends, the 2378
church or congregation served by the cleric. 2379

(13) The other person is a minor, the offender is a peace 2380
officer, and the offender is more than two years older than the 2381
other person. 2382

(B) Whoever violates this section is guilty of sexual 2383
battery. Except as otherwise provided in this division, sexual 2384
battery is a felony of the third degree. If the other person is 2385
less than thirteen years of age, sexual battery is a felony of 2386

the second degree, and the court shall impose upon the offender 2387
a mandatory prison term equal to one of the definite prison 2388
terms prescribed in division (A)(2)(b) of section 2929.14 of the 2389
Revised Code for a felony of the second degree, except that if 2390
the violation is committed on or after the effective date of 2391
this amendment, the court shall impose as the minimum prison 2392
term for the offense a mandatory prison term that is one of the 2393
minimum terms prescribed in division (A)(2)(a) of that section 2394
for a felony of the second degree. 2395

(C) As used in this section: 2396

(1) "Cleric" has the same meaning as in section 2317.02 of 2397
the Revised Code. 2398

(2) "Detention facility" has the same meaning as in 2399
section 2921.01 of the Revised Code. 2400

(3) "Institution of higher education" means a state 2401
institution of higher education defined in section 3345.011 of 2402
the Revised Code, a private nonprofit college or university 2403
located in this state that possesses a certificate of 2404
authorization issued by the Ohio board of regents pursuant to 2405
Chapter 1713. of the Revised Code, or a school certified under 2406
Chapter 3332. of the Revised Code. 2407

(4) "Peace officer" has the same meaning as in section 2408
2935.01 of the Revised Code. 2409

Sec. 2907.05. (A) No person shall have sexual contact with 2410
another, not the spouse of the offender; cause another, not the 2411
spouse of the offender, to have sexual contact with the 2412
offender; or cause two or more other persons to have sexual 2413
contact when any of the following applies: 2414

(1) The offender purposely compels the other person, or 2415

one of the other persons, to submit by force or threat of force. 2416

(2) For the purpose of preventing resistance, the offender 2417
substantially impairs the judgment or control of the other 2418
person or of one of the other persons by administering any drug, 2419
intoxicant, or controlled substance to the other person 2420
surreptitiously or by force, threat of force, or deception. 2421

(3) The offender knows that the judgment or control of the 2422
other person or of one of the other persons is substantially 2423
impaired as a result of the influence of any drug or intoxicant 2424
administered to the other person with the other person's consent 2425
for the purpose of any kind of medical or dental examination, 2426
treatment, or surgery. 2427

(4) The other person, or one of the other persons, is less 2428
than thirteen years of age, whether or not the offender knows 2429
the age of that person. 2430

(5) The ability of the other person to resist or consent 2431
or the ability of one of the other persons to resist or consent 2432
is substantially impaired because of a mental or physical 2433
condition or because of advanced age, and the offender knows or 2434
has reasonable cause to believe that the ability to resist or 2435
consent of the other person or of one of the other persons is 2436
substantially impaired because of a mental or physical condition 2437
or because of advanced age. 2438

(B) No person shall knowingly touch the genitalia of 2439
another, when the touching is not through clothing, the other 2440
person is less than twelve years of age, whether or not the 2441
offender knows the age of that person, and the touching is done 2442
with an intent to abuse, humiliate, harass, degrade, or arouse 2443
or gratify the sexual desire of any person. 2444

(C) Whoever violates this section is guilty of gross sexual imposition. 2445
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(1) Except as otherwise provided in this section, gross sexual imposition committed in violation of division (A) (1), (2), (3), or (5) of this section is a felony of the fourth degree. If the offender under division (A) (2) of this section substantially impairs the judgment or control of the other person or one of the other persons by administering any controlled substance described in section 3719.41 of the Revised Code to the person surreptitiously or by force, threat of force, or deception, gross sexual imposition committed in violation of division (A) (2) of this section is a felony of the third degree. 2447
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(2) Gross sexual imposition committed in violation of division (A) (4) or (B) of this section is a felony of the third degree. Except as otherwise provided in this division, for gross sexual imposition committed in violation of division (A) (4) or (B) of this section there is a presumption that a prison term shall be imposed for the offense. The court shall impose on an offender convicted of gross sexual imposition in violation of division (A) (4) or (B) of this section a mandatory prison term ~~equal to one of the prison terms prescribed in section 2929.14 of the Revised Code, as described in division (C) (3) of this section,~~ for a felony of the third degree if either of the following applies: 2457
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(a) Evidence other than the testimony of the victim was admitted in the case corroborating the violation; 2469
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(b) The offender previously was convicted of or pleaded guilty to a violation of this section, rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of 2471
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age. 2475

(3) A mandatory prison term required under division (C) (2) 2476
of this section shall be a definite term from the range of 2477
prison terms provided in division (A) (3) (a) (ii) of section 2478
2929.14 of the Revised Code for a felony of the third degree, 2479
except that if the violation is a felony of the third degree 2480
committed on or after the effective date of this amendment, the 2481
court shall impose as the minimum prison term for the offense a 2482
mandatory prison term that is one of the minimum terms 2483
prescribed for a felony of the third degree in division (A) (3) 2484
(a) (i) of section 2929.14 of the Revised Code. 2485

(D) A victim need not prove physical resistance to the 2486
offender in prosecutions under this section. 2487

(E) Evidence of specific instances of the victim's sexual 2488
activity, opinion evidence of the victim's sexual activity, and 2489
reputation evidence of the victim's sexual activity shall not be 2490
admitted under this section unless it involves evidence of the 2491
origin of semen, pregnancy, or disease, or the victim's past 2492
sexual activity with the offender, and only to the extent that 2493
the court finds that the evidence is material to a fact at issue 2494
in the case and that its inflammatory or prejudicial nature does 2495
not outweigh its probative value. 2496

Evidence of specific instances of the defendant's sexual 2497
activity, opinion evidence of the defendant's sexual activity, 2498
and reputation evidence of the defendant's sexual activity shall 2499
not be admitted under this section unless it involves evidence 2500
of the origin of semen, pregnancy, or disease, the defendant's 2501
past sexual activity with the victim, or is admissible against 2502
the defendant under section 2945.59 of the Revised Code, and 2503
only to the extent that the court finds that the evidence is 2504

material to a fact at issue in the case and that its 2505
inflammatory or prejudicial nature does not outweigh its 2506
probative value. 2507

(F) Prior to taking testimony or receiving evidence of any 2508
sexual activity of the victim or the defendant in a proceeding 2509
under this section, the court shall resolve the admissibility of 2510
the proposed evidence in a hearing in chambers, which shall be 2511
held at or before preliminary hearing and not less than three 2512
days before trial, or for good cause shown during the trial. 2513

(G) Upon approval by the court, the victim may be 2514
represented by counsel in any hearing in chambers or other 2515
proceeding to resolve the admissibility of evidence. If the 2516
victim is indigent or otherwise is unable to obtain the services 2517
of counsel, the court, upon request, may appoint counsel to 2518
represent the victim without cost to the victim. 2519

Sec. 2907.07. (A) No person shall solicit a person who is 2520
less than thirteen years of age to engage in sexual activity 2521
with the offender, whether or not the offender knows the age of 2522
such person. 2523

(B) (1) No person shall solicit another, not the spouse of 2524
the offender, to engage in sexual conduct with the offender, 2525
when the offender is eighteen years of age or older and four or 2526
more years older than the other person, and the other person is 2527
thirteen years of age or older but less than sixteen years of 2528
age, whether or not the offender knows the age of the other 2529
person. 2530

(2) No person shall solicit another, not the spouse of the 2531
offender, to engage in sexual conduct with the offender, when 2532
the offender is eighteen years of age or older and four or more 2533

years older than the other person, the other person is sixteen 2534
or seventeen years of age and a victim of a violation of section 2535
2905.32 of the Revised Code, and the offender knows or has 2536
reckless disregard of the age of the other person. 2537

(C) No person shall solicit another by means of a 2538
telecommunications device, as defined in section 2913.01 of the 2539
Revised Code, to engage in sexual activity with the offender 2540
when the offender is eighteen years of age or older and either 2541
of the following applies: 2542

(1) The other person is less than thirteen years of age, 2543
and the offender knows that the other person is less than 2544
thirteen years of age or is reckless in that regard. 2545

(2) The other person is a law enforcement officer posing 2546
as a person who is less than thirteen years of age, and the 2547
offender believes that the other person is less than thirteen 2548
years of age or is reckless in that regard. 2549

(D) No person shall solicit another by means of a 2550
telecommunications device, as defined in section 2913.01 of the 2551
Revised Code, to engage in sexual activity with the offender 2552
when the offender is eighteen years of age or older and either 2553
of the following applies: 2554

(1) The other person is thirteen years of age or older but 2555
less than sixteen years of age, the offender knows that the 2556
other person is thirteen years of age or older but less than 2557
sixteen years of age or is reckless in that regard, and the 2558
offender is four or more years older than the other person. 2559

(2) The other person is a law enforcement officer posing 2560
as a person who is thirteen years of age or older but less than 2561
sixteen years of age, the offender believes that the other 2562

person is thirteen years of age or older but less than sixteen 2563
years of age or is reckless in that regard, and the offender is 2564
four or more years older than the age the law enforcement 2565
officer assumes in posing as the person who is thirteen years of 2566
age or older but less than sixteen years of age. 2567

(E) Divisions (C) and (D) of this section apply to any 2568
solicitation that is contained in a transmission via a 2569
telecommunications device that either originates in this state 2570
or is received in this state. 2571

(F) (1) Whoever violates this section is guilty of 2572
importuning. 2573

(2) Except as otherwise provided in this division, a 2574
violation of division (A) or (C) of this section is a felony of 2575
the third degree on a first offense, and, notwithstanding 2576
division (C) of section 2929.13 of the Revised Code, there is a 2577
presumption that a prison term shall be imposed as described in 2578
division (D) of section 2929.13 of the Revised Code. If the 2579
offender previously has been convicted of a sexually oriented 2580
offense or a child-victim oriented offense, a violation of 2581
division (A) or (C) of this section is a felony of the second 2582
degree, and the court shall impose upon the offender as a 2583
mandatory prison term one of the definite prison terms 2584
prescribed in division (A) (2) (b) of section 2929.14 of the 2585
Revised Code for a felony of the second degree, except that if 2586
the violation is committed on or after the effective date of 2587
this amendment, the court shall impose as the minimum prison 2588
term for the offense a mandatory prison term that is one of the 2589
minimum terms prescribed in division (A) (2) (a) of that section 2590
for a felony of the second degree. 2591

(3) A violation of division (B) or (D) of this section is 2592

a felony of the fifth degree on a first offense, and, 2593
notwithstanding division (B) of section 2929.13 of the Revised 2594
Code, there is a presumption that a prison term shall be imposed 2595
as described in division (D) of section 2929.13 of the Revised 2596
Code. If the offender previously has been convicted of a 2597
sexually oriented offense or a child-victim oriented offense, a 2598
violation of division (B) or (D) of this section is a felony of 2599
the fourth degree, and the court shall impose upon the offender 2600
as a mandatory prison term one of the prison terms prescribed in 2601
section 2929.14 of the Revised Code for a felony of the fourth 2602
degree that is not less than twelve months in duration. 2603

Sec. 2919.22. (A) No person, who is the parent, guardian, 2604
custodian, person having custody or control, or person in loco 2605
parentis of a child under eighteen years of age or a mentally or 2606
physically handicapped child under twenty-one years of age, 2607
shall create a substantial risk to the health or safety of the 2608
child, by violating a duty of care, protection, or support. It 2609
is not a violation of a duty of care, protection, or support 2610
under this division when the parent, guardian, custodian, or 2611
person having custody or control of a child treats the physical 2612
or mental illness or defect of the child by spiritual means 2613
through prayer alone, in accordance with the tenets of a 2614
recognized religious body. 2615

(B) No person shall do any of the following to a child 2616
under eighteen years of age or a mentally or physically 2617
handicapped child under twenty-one years of age: 2618

(1) Abuse the child; 2619

(2) Torture or cruelly abuse the child; 2620

(3) Administer corporal punishment or other physical 2621

disciplinary measure, or physically restrain the child in a 2622
cruel manner or for a prolonged period, which punishment, 2623
discipline, or restraint is excessive under the circumstances 2624
and creates a substantial risk of serious physical harm to the 2625
child; 2626

(4) Repeatedly administer unwarranted disciplinary 2627
measures to the child, when there is a substantial risk that 2628
such conduct, if continued, will seriously impair or retard the 2629
child's mental health or development; 2630

(5) Entice, coerce, permit, encourage, compel, hire, 2631
employ, use, or allow the child to act, model, or in any other 2632
way participate in, or be photographed for, the production, 2633
presentation, dissemination, or advertisement of any material or 2634
performance that the offender knows or reasonably should know is 2635
obscene, is sexually oriented matter, or is nudity-oriented 2636
matter; 2637

(6) Allow the child to be on the same parcel of real 2638
property and within one hundred feet of, or, in the case of more 2639
than one housing unit on the same parcel of real property, in 2640
the same housing unit and within one hundred feet of, any act in 2641
violation of section 2925.04 or 2925.041 of the Revised Code 2642
when the person knows that the act is occurring, whether or not 2643
any person is prosecuted for or convicted of the violation of 2644
section 2925.04 or 2925.041 of the Revised Code that is the 2645
basis of the violation of this division. 2646

(C) (1) No person shall operate a vehicle, streetcar, or 2647
trackless trolley within this state in violation of division (A) 2648
of section 4511.19 of the Revised Code when one or more children 2649
under eighteen years of age are in the vehicle, streetcar, or 2650
trackless trolley. Notwithstanding any other provision of law, a 2651

person may be convicted at the same trial or proceeding of a 2652
violation of this division and a violation of division (A) of 2653
section 4511.19 of the Revised Code that constitutes the basis 2654
of the charge of the violation of this division. For purposes of 2655
sections 4511.191 to 4511.197 of the Revised Code and all 2656
related provisions of law, a person arrested for a violation of 2657
this division shall be considered to be under arrest for 2658
operating a vehicle while under the influence of alcohol, a drug 2659
of abuse, or a combination of them or for operating a vehicle 2660
with a prohibited concentration of alcohol, a controlled 2661
substance, or a metabolite of a controlled substance in the 2662
whole blood, blood serum or plasma, breath, or urine. 2663

(2) As used in division (C) (1) of this section: 2664

(a) "Controlled substance" has the same meaning as in 2665
section 3719.01 of the Revised Code. 2666

(b) "Vehicle," "streetcar," and "trackless trolley" have 2667
the same meanings as in section 4511.01 of the Revised Code. 2668

(D) (1) Division (B) (5) of this section does not apply to 2669
any material or performance that is produced, presented, or 2670
disseminated for a bona fide medical, scientific, educational, 2671
religious, governmental, judicial, or other proper purpose, by 2672
or to a physician, psychologist, sociologist, scientist, 2673
teacher, person pursuing bona fide studies or research, 2674
librarian, member of the clergy, prosecutor, judge, or other 2675
person having a proper interest in the material or performance. 2676

(2) Mistake of age is not a defense to a charge under 2677
division (B) (5) of this section. 2678

(3) In a prosecution under division (B) (5) of this 2679
section, the trier of fact may infer that an actor, model, or 2680

participant in the material or performance involved is a 2681
juvenile if the material or performance, through its title, 2682
text, visual representation, or otherwise, represents or depicts 2683
the actor, model, or participant as a juvenile. 2684

(4) As used in this division and division (B) (5) of this 2685
section: 2686

(a) "Material," "performance," "obscene," and "sexual 2687
activity" have the same meanings as in section 2907.01 of the 2688
Revised Code. 2689

(b) "Nudity-oriented matter" means any material or 2690
performance that shows a minor in a state of nudity and that, 2691
taken as a whole by the average person applying contemporary 2692
community standards, appeals to prurient interest. 2693

(c) "Sexually oriented matter" means any material or 2694
performance that shows a minor participating or engaging in 2695
sexual activity, masturbation, or bestiality. 2696

(E) (1) Whoever violates this section is guilty of 2697
endangering children. 2698

(2) If the offender violates division (A) or (B) (1) of 2699
this section, endangering children is one of the following, and, 2700
in the circumstances described in division (E) (2) (e) of this 2701
section, that division applies: 2702

(a) Except as otherwise provided in division (E) (2) (b), 2703
(c), or (d) of this section, a misdemeanor of the first degree; 2704

(b) If the offender previously has been convicted of an 2705
offense under this section or of any offense involving neglect, 2706
abandonment, contributing to the delinquency of, or physical 2707
abuse of a child, except as otherwise provided in division (E) 2708

(2) (c) or (d) of this section, a felony of the fourth degree; 2709

(c) If the violation is a violation of division (A) of 2710
this section and results in serious physical harm to the child 2711
involved, a felony of the third degree; 2712

(d) If the violation is a violation of division (B) (1) of 2713
this section and results in serious physical harm to the child 2714
involved, a felony of the second degree. 2715

(e) If the violation is a felony violation of division (B) 2716
(1) of this section and the offender also is convicted of or 2717
pleads guilty to a specification as described in section 2718
2941.1422 of the Revised Code that was included in the 2719
indictment, count in the indictment, or information charging the 2720
offense, the court shall sentence the offender to a mandatory 2721
prison term as provided in division (B) (7) of section 2929.14 of 2722
the Revised Code and shall order the offender to make 2723
restitution as provided in division (B) (8) of section 2929.18 of 2724
the Revised Code. 2725

(3) If the offender violates division (B) (2), (3), (4), or 2726
(6) of this section, except as otherwise provided in this 2727
division, endangering children is a felony of the third degree. 2728
If the violation results in serious physical harm to the child 2729
involved, or if the offender previously has been convicted of an 2730
offense under this section or of any offense involving neglect, 2731
abandonment, contributing to the delinquency of, or physical 2732
abuse of a child, endangering children is a felony of the second 2733
degree. If the offender violates division (B) (2), (3), or (4) of 2734
this section and the offender also is convicted of or pleads 2735
guilty to a specification as described in section 2941.1422 of 2736
the Revised Code that was included in the indictment, count in 2737
the indictment, or information charging the offense, the court 2738

shall sentence the offender to a mandatory prison term as 2739
provided in division (B) (7) of section 2929.14 of the Revised 2740
Code and shall order the offender to make restitution as 2741
provided in division (B) (8) of section 2929.18 of the Revised 2742
Code. If the offender violates division (B) (6) of this section 2743
and the drug involved is methamphetamine, the court shall impose 2744
a mandatory prison term on the offender as follows: 2745

(a) If the violation is a violation of division (B) (6) of 2746
this section that is a felony of the third degree under division 2747
(E) (3) of this section and the drug involved is methamphetamine, 2748
except as otherwise provided in this division, the court shall 2749
impose as a mandatory prison term one of the prison terms 2750
prescribed for a felony of the third degree that is not less 2751
than two years. If the violation is a violation of division (B) 2752
(6) of this section that is a felony of the third degree under 2753
division (E) (3) of this section, if the drug involved is 2754
methamphetamine, and if the offender previously has been 2755
convicted of or pleaded guilty to a violation of division (B) (6) 2756
of this section, a violation of division (A) of section 2925.04 2757
of the Revised Code, or a violation of division (A) of section 2758
2925.041 of the Revised Code, the court shall impose as a 2759
mandatory prison term one of the prison terms prescribed for a 2760
felony of the third degree that is not less than five years. 2761

(b) If the violation is a violation of division (B) (6) of 2762
this section that is a felony of the second degree under 2763
division (E) (3) of this section and the drug involved is 2764
methamphetamine, except as otherwise provided in this division, 2765
the court shall impose as a mandatory prison term one of the 2766
definite prison terms prescribed for a felony of the second 2767
degree in division (A) (2) (b) of section 2929.14 of the Revised 2768
Code that is not less than three years, except that if the 2769

violation is committed on or after the effective date of this 2770
amendment, the court shall impose as the minimum prison term for 2771
the offense a mandatory prison term that is one of the minimum 2772
terms prescribed for a felony of the second degree in division 2773
(A)(2)(a) of that section that is not less than three years. 2774
If the violation is a violation of division (B)(6) of this section 2775
that is a felony of the second degree under division (E)(3) of 2776
this section, if the drug involved is methamphetamine, and if 2777
the offender previously has been convicted of or pleaded guilty 2778
to a violation of division (B)(6) of this section, a violation 2779
of division (A) of section 2925.04 of the Revised Code, or a 2780
violation of division (A) of section 2925.041 of the Revised 2781
Code, the court shall impose as a mandatory prison term one of 2782
the definite prison terms prescribed for a felony of the second 2783
degree in division (A)(2)(b) of section 2929.14 of the Revised 2784
Code that is not less than five years, except that if the 2785
violation is committed on or after the effective date of this 2786
amendment, the court shall impose as the minimum prison term for 2787
the offense a mandatory prison term that is one of the terms 2788
prescribed for a felony of the second degree in division (A)(2) 2789
(a) of that section that is not less than five years. 2790

(4) If the offender violates division (B)(5) of this 2791
section, endangering children is a felony of the second degree. 2792
If the offender also is convicted of or pleads guilty to a 2793
specification as described in section 2941.1422 of the Revised 2794
Code that was included in the indictment, count in the 2795
indictment, or information charging the offense, the court shall 2796
sentence the offender to a mandatory prison term as provided in 2797
division (B)(7) of section 2929.14 of the Revised Code and shall 2798
order the offender to make restitution as provided in division 2799
(B)(8) of section 2929.18 of the Revised Code. 2800

(5) If the offender violates division (C) of this section, 2801
the offender shall be punished as follows: 2802

(a) Except as otherwise provided in division (E) (5) (b) or 2803
(c) of this section, endangering children in violation of 2804
division (C) of this section is a misdemeanor of the first 2805
degree. 2806

(b) If the violation results in serious physical harm to 2807
the child involved or the offender previously has been convicted 2808
of an offense under this section or any offense involving 2809
neglect, abandonment, contributing to the delinquency of, or 2810
physical abuse of a child, except as otherwise provided in 2811
division (E) (5) (c) of this section, endangering children in 2812
violation of division (C) of this section is a felony of the 2813
fifth degree. 2814

(c) If the violation results in serious physical harm to 2815
the child involved and if the offender previously has been 2816
convicted of a violation of division (C) of this section, 2817
section 2903.06 or 2903.08 of the Revised Code, section 2903.07 2818
of the Revised Code as it existed prior to March 23, 2000, or 2819
section 2903.04 of the Revised Code in a case in which the 2820
offender was subject to the sanctions described in division (D) 2821
of that section, endangering children in violation of division 2822
(C) of this section is a felony of the fourth degree. 2823

(d) In addition to any term of imprisonment, fine, or 2824
other sentence, penalty, or sanction it imposes upon the 2825
offender pursuant to division (E) (5) (a), (b), or (c) of this 2826
section or pursuant to any other provision of law and in 2827
addition to any suspension of the offender's driver's or 2828
commercial driver's license or permit or nonresident operating 2829
privilege under Chapter 4506., 4509., 4510., or 4511. of the 2830

Revised Code or under any other provision of law, the court also 2831
may impose upon the offender a class seven suspension of the 2832
offender's driver's or commercial driver's license or permit or 2833
nonresident operating privilege from the range specified in 2834
division (A) (7) of section 4510.02 of the Revised Code. 2835

(e) In addition to any term of imprisonment, fine, or 2836
other sentence, penalty, or sanction imposed upon the offender 2837
pursuant to division (E) (5) (a), (b), (c), or (d) of this section 2838
or pursuant to any other provision of law for the violation of 2839
division (C) of this section, if as part of the same trial or 2840
proceeding the offender also is convicted of or pleads guilty to 2841
a separate charge charging the violation of division (A) of 2842
section 4511.19 of the Revised Code that was the basis of the 2843
charge of the violation of division (C) of this section, the 2844
offender also shall be sentenced in accordance with section 2845
4511.19 of the Revised Code for that violation of division (A) 2846
of section 4511.19 of the Revised Code. 2847

(F) (1) (a) A court may require an offender to perform not 2848
more than two hundred hours of supervised community service work 2849
under the authority of an agency, subdivision, or charitable 2850
organization. The requirement shall be part of the community 2851
control sanction or sentence of the offender, and the court 2852
shall impose the community service in accordance with and 2853
subject to divisions (F) (1) (a) and (b) of this section. The 2854
court may require an offender whom it requires to perform 2855
supervised community service work as part of the offender's 2856
community control sanction or sentence to pay the court a 2857
reasonable fee to cover the costs of the offender's 2858
participation in the work, including, but not limited to, the 2859
costs of procuring a policy or policies of liability insurance 2860
to cover the period during which the offender will perform the 2861

work. If the court requires the offender to perform supervised 2862
community service work as part of the offender's community 2863
control sanction or sentence, the court shall do so in 2864
accordance with the following limitations and criteria: 2865

(i) The court shall require that the community service 2866
work be performed after completion of the term of imprisonment 2867
or jail term imposed upon the offender for the violation of 2868
division (C) of this section, if applicable. 2869

(ii) The supervised community service work shall be 2870
subject to the limitations set forth in divisions (B) (1), (2), 2871
and (3) of section 2951.02 of the Revised Code. 2872

(iii) The community service work shall be supervised in 2873
the manner described in division (B) (4) of section 2951.02 of 2874
the Revised Code by an official or person with the 2875
qualifications described in that division. The official or 2876
person periodically shall report in writing to the court 2877
concerning the conduct of the offender in performing the work. 2878

(iv) The court shall inform the offender in writing that 2879
if the offender does not adequately perform, as determined by 2880
the court, all of the required community service work, the court 2881
may order that the offender be committed to a jail or workhouse 2882
for a period of time that does not exceed the term of 2883
imprisonment that the court could have imposed upon the offender 2884
for the violation of division (C) of this section, reduced by 2885
the total amount of time that the offender actually was 2886
imprisoned under the sentence or term that was imposed upon the 2887
offender for that violation and by the total amount of time that 2888
the offender was confined for any reason arising out of the 2889
offense for which the offender was convicted and sentenced as 2890
described in sections 2949.08 and 2967.191 of the Revised Code, 2891

and that, if the court orders that the offender be so committed, 2892
the court is authorized, but not required, to grant the offender 2893
credit upon the period of the commitment for the community 2894
service work that the offender adequately performed. 2895

(b) If a court, pursuant to division (F) (1) (a) of this 2896
section, orders an offender to perform community service work as 2897
part of the offender's community control sanction or sentence 2898
and if the offender does not adequately perform all of the 2899
required community service work, as determined by the court, the 2900
court may order that the offender be committed to a jail or 2901
workhouse for a period of time that does not exceed the term of 2902
imprisonment that the court could have imposed upon the offender 2903
for the violation of division (C) of this section, reduced by 2904
the total amount of time that the offender actually was 2905
imprisoned under the sentence or term that was imposed upon the 2906
offender for that violation and by the total amount of time that 2907
the offender was confined for any reason arising out of the 2908
offense for which the offender was convicted and sentenced as 2909
described in sections 2949.08 and 2967.191 of the Revised Code. 2910
The court may order that a person committed pursuant to this 2911
division shall receive hour-for-hour credit upon the period of 2912
the commitment for the community service work that the offender 2913
adequately performed. No commitment pursuant to this division 2914
shall exceed the period of the term of imprisonment that the 2915
sentencing court could have imposed upon the offender for the 2916
violation of division (C) of this section, reduced by the total 2917
amount of time that the offender actually was imprisoned under 2918
that sentence or term and by the total amount of time that the 2919
offender was confined for any reason arising out of the offense 2920
for which the offender was convicted and sentenced as described 2921
in sections 2949.08 and 2967.191 of the Revised Code. 2922

(2) Division (F) (1) of this section does not limit or 2923
affect the authority of the court to suspend the sentence 2924
imposed upon a misdemeanor offender and place the offender under 2925
a community control sanction pursuant to section 2929.25 of the 2926
Revised Code, to require a misdemeanor or felony offender to 2927
perform supervised community service work in accordance with 2928
division (B) of section 2951.02 of the Revised Code, or to place 2929
a felony offender under a community control sanction. 2930

(G) (1) If a court suspends an offender's driver's or 2931
commercial driver's license or permit or nonresident operating 2932
privilege under division (E) (5) (d) of this section, the period 2933
of the suspension shall be consecutive to, and commence after, 2934
the period of suspension of the offender's driver's or 2935
commercial driver's license or permit or nonresident operating 2936
privilege that is imposed under Chapter 4506., 4509., 4510., or 2937
4511. of the Revised Code or under any other provision of law in 2938
relation to the violation of division (C) of this section that 2939
is the basis of the suspension under division (E) (5) (d) of this 2940
section or in relation to the violation of division (A) of 2941
section 4511.19 of the Revised Code that is the basis for that 2942
violation of division (C) of this section. 2943

(2) An offender is not entitled to request, and the court 2944
shall not grant to the offender, limited driving privileges if 2945
the offender's license, permit, or privilege has been suspended 2946
under division (E) (5) (d) of this section and the offender, 2947
within the preceding six years, has been convicted of or pleaded 2948
guilty to three or more violations of one or more of the 2949
following: 2950

(a) Division (C) of this section; 2951

(b) Any equivalent offense, as defined in section 4511.181 2952

of the Revised Code. 2953

(H) (1) If a person violates division (C) of this section 2954
and if, at the time of the violation, there were two or more 2955
children under eighteen years of age in the motor vehicle 2956
involved in the violation, the offender may be convicted of a 2957
violation of division (C) of this section for each of the 2958
children, but the court may sentence the offender for only one 2959
of the violations. 2960

(2) (a) If a person is convicted of or pleads guilty to a 2961
violation of division (C) of this section but the person is not 2962
also convicted of and does not also plead guilty to a separate 2963
charge charging the violation of division (A) of section 4511.19 2964
of the Revised Code that was the basis of the charge of the 2965
violation of division (C) of this section, both of the following 2966
apply: 2967

(i) For purposes of the provisions of section 4511.19 of 2968
the Revised Code that set forth the penalties and sanctions for 2969
a violation of division (A) of section 4511.19 of the Revised 2970
Code, the conviction of or plea of guilty to the violation of 2971
division (C) of this section shall not constitute a violation of 2972
division (A) of section 4511.19 of the Revised Code; 2973

(ii) For purposes of any provision of law that refers to a 2974
conviction of or plea of guilty to a violation of division (A) 2975
of section 4511.19 of the Revised Code and that is not described 2976
in division (H) (2) (a) (i) of this section, the conviction of or 2977
plea of guilty to the violation of division (C) of this section 2978
shall constitute a conviction of or plea of guilty to a 2979
violation of division (A) of section 4511.19 of the Revised 2980
Code. 2981

(b) If a person is convicted of or pleads guilty to a violation of division (C) of this section and the person also is convicted of or pleads guilty to a separate charge charging the violation of division (A) of section 4511.19 of the Revised Code that was the basis of the charge of the violation of division (C) of this section, the conviction of or plea of guilty to the violation of division (C) of this section shall not constitute, for purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code, a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code.

(I) As used in this section:

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

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

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

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

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

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

(D) (1) Whoever violates this section is guilty of domestic violence, and the court shall sentence the offender as provided

in divisions (D) (2) to (6) of this section. 3010

(2) Except as otherwise provided in divisions (D) (3) to 3011
(5) of this section, a violation of division (C) of this section 3012
is a misdemeanor of the fourth degree, and a violation of 3013
division (A) or (B) of this section is a misdemeanor of the 3014
first degree. 3015

(3) Except as otherwise provided in division (D) (4) of 3016
this section, if the offender previously has pleaded guilty to 3017
or been convicted of domestic violence, a violation of an 3018
existing or former municipal ordinance or law of this or any 3019
other state or the United States that is substantially similar 3020
to domestic violence, a violation of section 2903.14, 2909.06, 3021
2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if 3022
the victim of the violation was a family or household member at 3023
the time of the violation, a violation of an existing or former 3024
municipal ordinance or law of this or any other state or the 3025
United States that is substantially similar to any of those 3026
sections if the victim of the violation was a family or 3027
household member at the time of the commission of the violation, 3028
or any offense of violence if the victim of the offense was a 3029
family or household member at the time of the commission of the 3030
offense, a violation of division (A) or (B) of this section is a 3031
felony of the fourth degree, and, if the offender knew that the 3032
victim of the violation was pregnant at the time of the 3033
violation, the court shall impose a mandatory prison term on the 3034
offender pursuant to division (D) (6) of this section, and a 3035
violation of division (C) of this section is a misdemeanor of 3036
the second degree. 3037

(4) If the offender previously has pleaded guilty to or 3038
been convicted of two or more offenses of domestic violence or 3039

two or more violations or offenses of the type described in 3040
division (D) (3) of this section involving a person who was a 3041
family or household member at the time of the violations or 3042
offenses, a violation of division (A) or (B) of this section is 3043
a felony of the third degree, and, if the offender knew that the 3044
victim of the violation was pregnant at the time of the 3045
violation, the court shall impose a mandatory prison term on the 3046
offender pursuant to division (D) (6) of this section, and a 3047
violation of division (C) of this section is a misdemeanor of 3048
the first degree. 3049

(5) Except as otherwise provided in division (D) (3) or (4) 3050
of this section, if the offender knew that the victim of the 3051
violation was pregnant at the time of the violation, a violation 3052
of division (A) or (B) of this section is a felony of the fifth 3053
degree, and the court shall impose a mandatory prison term on 3054
the offender pursuant to division (D) (6) of this section, and a 3055
violation of division (C) of this section is a misdemeanor of 3056
the third degree. 3057

(6) If division (D) (3), (4), or (5) of this section 3058
requires the court that sentences an offender for a violation of 3059
division (A) or (B) of this section to impose a mandatory prison 3060
term on the offender pursuant to this division, the court shall 3061
impose the mandatory prison term as follows: 3062

(a) If the violation of division (A) or (B) of this 3063
section is a felony of the fourth or fifth degree, except as 3064
otherwise provided in division (D) (6) (b) or (c) of this section, 3065
the court shall impose a mandatory prison term on the offender 3066
of at least six months. 3067

(b) If the violation of division (A) or (B) of this 3068
section is a felony of the fifth degree and the offender, in 3069

committing the violation, caused serious physical harm to the 3070
pregnant woman's unborn or caused the termination of the 3071
pregnant woman's pregnancy, the court shall impose a mandatory 3072
prison term on the offender of twelve months. 3073

(c) If the violation of division (A) or (B) of this 3074
section is a felony of the fourth degree and the offender, in 3075
committing the violation, caused serious physical harm to the 3076
pregnant woman's unborn or caused the termination of the 3077
pregnant woman's pregnancy, the court shall impose a mandatory 3078
prison term on the offender of at least twelve months. 3079

(d) If the violation of division (A) or (B) of this 3080
section is a felony of the third degree, except as otherwise 3081
provided in division (D)(6)(e) of this section and 3082
notwithstanding the range of definite prison terms prescribed in 3083
division (A)(3) of section 2929.14 of the Revised Code for a 3084
felony of the third degree, the court shall impose a mandatory 3085
prison term on the offender of either a definite term of six 3086
months or one of the prison terms prescribed in division (A)(3) 3087
(b) of section 2929.14 of the Revised Code for felonies of the 3088
third degree. 3089

(e) If the violation of division (A) or (B) of this 3090
section is a felony of the third degree and the offender, in 3091
committing the violation, caused serious physical harm to the 3092
pregnant woman's unborn or caused the termination of the 3093
pregnant woman's pregnancy, notwithstanding the range of 3094
definite prison terms prescribed in division (A)(3) of section 3095
2929.14 of the Revised Code for a felony of the third degree, 3096
the court shall impose a mandatory prison term on the offender 3097
of either a definite term of one year or one of the prison terms 3098
prescribed in division (A)(3)(b) of section 2929.14 of the 3099

Revised Code for felonies of the third degree. 3100

(E) Notwithstanding any provision of law to the contrary, 3101
no court or unit of state or local government shall charge any 3102
fee, cost, deposit, or money in connection with the filing of 3103
charges against a person alleging that the person violated this 3104
section or a municipal ordinance substantially similar to this 3105
section or in connection with the prosecution of any charges so 3106
filed. 3107

(F) As used in this section and sections 2919.251 and 3108
2919.26 of the Revised Code: 3109

(1) "Family or household member" means any of the 3110
following: 3111

(a) Any of the following who is residing or has resided 3112
with the offender: 3113

(i) A spouse, a person living as a spouse, or a former 3114
spouse of the offender; 3115

(ii) A parent, a foster parent, or a child of the 3116
offender, or another person related by consanguinity or affinity 3117
to the offender; 3118

(iii) A parent or a child of a spouse, person living as a 3119
spouse, or former spouse of the offender, or another person 3120
related by consanguinity or affinity to a spouse, person living 3121
as a spouse, or former spouse of the offender. 3122

(b) The natural parent of any child of whom the offender 3123
is the other natural parent or is the putative other natural 3124
parent. 3125

(2) "Person living as a spouse" means a person who is 3126
living or has lived with the offender in a common law marital 3127

relationship, who otherwise is cohabiting with the offender, or 3128
who otherwise has cohabited with the offender within five years 3129
prior to the date of the alleged commission of the act in 3130
question. 3131

(3) "Pregnant woman's unborn" has the same meaning as 3132
"such other person's unborn," as set forth in section 2903.09 of 3133
the Revised Code, as it relates to the pregnant woman. Division 3134
(C) of that section applies regarding the use of the term in 3135
this section, except that the second and third sentences of 3136
division (C) (1) of that section shall be construed for purposes 3137
of this section as if they included a reference to this section 3138
in the listing of Revised Code sections they contain. 3139

(4) "Termination of the pregnant woman's pregnancy" has 3140
the same meaning as "unlawful termination of another's 3141
pregnancy," as set forth in section 2903.09 of the Revised Code, 3142
as it relates to the pregnant woman. Division (C) of that 3143
section applies regarding the use of the term in this section, 3144
except that the second and third sentences of division (C) (1) of 3145
that section shall be construed for purposes of this section as 3146
if they included a reference to this section in the listing of 3147
Revised Code sections they contain. 3148

Sec. 2921.321. (A) No person shall knowingly cause, or 3149
attempt to cause, physical harm to a police dog or horse in 3150
either of the following circumstances: 3151

(1) The police dog or horse is assisting a law enforcement 3152
officer in the performance of the officer's official duties at 3153
the time the physical harm is caused or attempted. 3154

(2) The police dog or horse is not assisting a law 3155
enforcement officer in the performance of the officer's official 3156

duties at the time the physical harm is caused or attempted, but	3157
the offender has actual knowledge that the dog or horse is a	3158
police dog or horse.	3159
(B) No person shall recklessly do any of the following:	3160
(1) Taunt, torment, or strike a police dog or horse;	3161
(2) Throw an object or substance at a police dog or horse;	3162
(3) Interfere with or obstruct a police dog or horse, or	3163
interfere with or obstruct a law enforcement officer who is	3164
being assisted by a police dog or horse, in a manner that does	3165
any of the following:	3166
(a) Inhibits or restricts the law enforcement officer's	3167
control of the police dog or horse;	3168
(b) Deprives the law enforcement officer of control of the	3169
police dog or horse;	3170
(c) Releases the police dog or horse from its area of	3171
control;	3172
(d) Enters the area of control of the police dog or horse	3173
without the consent of the law enforcement officer, including	3174
placing food or any other object or substance into that area;	3175
(e) Inhibits or restricts the ability of the police dog or	3176
horse to assist a law enforcement officer.	3177
(4) Engage in any conduct that is likely to cause serious	3178
physical injury or death to a police dog or horse;	3179
(5) If the person is the owner, keeper, or harbinger of a	3180
dog, fail to reasonably restrain the dog from taunting,	3181
tormenting, chasing, approaching in a menacing fashion or	3182
apparent attitude of attack, or attempting to bite or otherwise	3183

endanger a police dog or horse that at the time of the conduct 3184
is assisting a law enforcement officer in the performance of the 3185
officer's duties or that the person knows is a police dog or 3186
horse. 3187

(C) No person shall knowingly cause, or attempt to cause, 3188
physical harm to an assistance dog in either of the following 3189
circumstances: 3190

(1) The dog is assisting or serving a blind, deaf or 3191
hearing impaired, or mobility impaired person at the time the 3192
physical harm is caused or attempted. 3193

(2) The dog is not assisting or serving a blind, deaf or 3194
hearing impaired, or mobility impaired person at the time the 3195
physical harm is caused or attempted, but the offender has 3196
actual knowledge that the dog is an assistance dog. 3197

(D) No person shall recklessly do any of the following: 3198

(1) Taunt, torment, or strike an assistance dog; 3199

(2) Throw an object or substance at an assistance dog; 3200

(3) Interfere with or obstruct an assistance dog, or 3201
interfere with or obstruct a blind, deaf or hearing impaired, or 3202
mobility impaired person who is being assisted or served by an 3203
assistance dog, in a manner that does any of the following: 3204

(a) Inhibits or restricts the assisted or served person's 3205
control of the dog; 3206

(b) Deprives the assisted or served person of control of 3207
the dog; 3208

(c) Releases the dog from its area of control; 3209

(d) Enters the area of control of the dog without the 3210

consent of the assisted or served person, including placing food 3211
or any other object or substance into that area; 3212

(e) Inhibits or restricts the ability of the dog to assist 3213
the assisted or served person. 3214

(4) Engage in any conduct that is likely to cause serious 3215
physical injury or death to an assistance dog; 3216

(5) If the person is the owner, keeper, or harbinger of a 3217
dog, fail to reasonably restrain the dog from taunting, 3218
tormenting, chasing, approaching in a menacing fashion or 3219
apparent attitude of attack, or attempting to bite or otherwise 3220
endanger an assistance dog that at the time of the conduct is 3221
assisting or serving a blind, deaf or hearing impaired, or 3222
mobility impaired person or that the person knows is an 3223
assistance dog. 3224

(E) (1) Whoever violates division (A) of this section is 3225
guilty of assaulting a police dog or horse, and shall be 3226
punished as provided in divisions (E) (1) (a) and (b) of this 3227
section. 3228

(a) Except as otherwise provided in this division, 3229
assaulting a police dog or horse is a misdemeanor of the second 3230
degree. If the violation results in the death of the police dog 3231
or horse, assaulting a police dog or horse is a felony of the 3232
third degree and the court shall impose as a mandatory prison 3233
term one of the definite prison terms prescribed in division (A) 3234
(3) (b) of section 2929.14 of the Revised Code for a felony of 3235
the third degree. If the violation results in serious physical 3236
harm to the police dog or horse other than its death, assaulting 3237
a police dog or horse is a felony of the fourth degree. If the 3238
violation results in physical harm to the police dog or horse 3239

other than death or serious physical harm, assaulting a police 3240
dog or horse is a misdemeanor of the first degree. 3241

(b) In addition to any other sanction imposed for 3242
assaulting a police dog or horse, if the violation of division 3243
(A) of this section results in the death of the police dog or 3244
horse, the sentencing court shall impose as a financial sanction 3245
a mandatory fine under division (B)(10) of section 2929.18 of 3246
the Revised Code. The fine shall be paid to the law enforcement 3247
agency that was served by the police dog or horse that was 3248
killed, and shall be used by that agency only for one or more of 3249
the following purposes: 3250

(i) If the dog or horse was not owned by the agency, the 3251
payment to the owner of the dog or horse of the cost of the dog 3252
or horse and the cost of the training of the dog or horse to 3253
qualify it as a police dog or horse, if that cost has not 3254
previously been paid by the agency; 3255

(ii) After payment of the costs described in division (E) 3256
(1)(b)(i) of this section, if applicable, payment of the cost of 3257
replacing the dog or horse that was killed; 3258

(iii) After payment of the costs described in division (E) 3259
(1)(b)(i) of this section, if applicable, payment of the cost of 3260
training the replacement dog or horse to qualify it as a police 3261
dog or horse; 3262

(iv) After payment of the costs described in division (E) 3263
(1)(b)(i) of this section, if applicable, payment of the cost of 3264
further training of the replacement dog or horse that is needed 3265
to train it to the level of training that had been achieved by 3266
the dog or horse that was killed. 3267

(2) Whoever violates division (B) of this section is 3268

guilty of harassing a police dog or horse. Except as otherwise 3269
provided in this division, harassing a police dog or horse is a 3270
misdemeanor of the second degree. If the violation results in 3271
the death of the police dog or horse, harassing a police dog or 3272
horse is a felony of the third degree. If the violation results 3273
in serious physical harm to the police dog or horse, but does 3274
not result in its death, harassing a police dog or horse, is a 3275
felony of the fourth degree. If the violation results in 3276
physical harm to the police dog or horse, but does not result in 3277
its death or in serious physical harm to it, harassing a police 3278
dog or horse is a misdemeanor of the first degree. 3279

(3) Whoever violates division (C) of this section is 3280
guilty of assaulting an assistance dog. Except as otherwise 3281
provided in this division, assaulting an assistance dog is a 3282
misdemeanor of the second degree. If the violation results in 3283
the death of the assistance dog, assaulting an assistance dog is 3284
a felony of the third degree. If the violation results in 3285
serious physical harm to the assistance dog other than its 3286
death, assaulting an assistance dog is a felony of the fourth 3287
degree. If the violation results in physical harm to the 3288
assistance dog other than death or serious physical harm, 3289
assaulting an assistance dog is a misdemeanor of the first 3290
degree. 3291

(4) Whoever violates division (D) of this section is 3292
guilty of harassing an assistance dog. Except as otherwise 3293
provided in this division, harassing an assistance dog is a 3294
misdemeanor of the second degree. If the violation results in 3295
the death of the assistance dog, harassing an assistance dog is 3296
a felony of the third degree. If the violation results in 3297
serious physical harm to the assistance dog, but does not result 3298
in its death, harassing an assistance dog is a felony of the 3299

fourth degree. If the violation results in physical harm to the 3300
assistance dog, but does not result in its death or in serious 3301
physical harm to it, harassing an assistance dog is a 3302
misdemeanor of the first degree. 3303

(5) In addition to any other sanction or penalty imposed 3304
for the offense under this section, Chapter 2929., or any other 3305
provision of the Revised Code, whoever violates division (A), 3306
(B), (C), or (D) of this section is responsible for the payment 3307
of all of the following: 3308

(a) Any veterinary bill or bill for medication incurred as 3309
a result of the violation by the police department regarding a 3310
violation of division (A) or (B) of this section or by the 3311
blind, deaf or hearing impaired, or mobility impaired person 3312
assisted or served by the assistance dog regarding a violation 3313
of division (C) or (D) of this section; 3314

(b) The cost of any damaged equipment that results from 3315
the violation; 3316

(c) If the violation did not result in the death of the 3317
police dog or horse or the assistance dog that was the subject 3318
of the violation and if, as a result of that dog or horse being 3319
the subject of the violation, the dog or horse needs further 3320
training or retraining to be able to continue in the capacity of 3321
a police dog or horse or an assistance dog, the cost of any 3322
further training or retraining of that dog or horse by a law 3323
enforcement officer or by the blind, deaf or hearing impaired, 3324
or mobility impaired person assisted or served by the assistance 3325
dog; 3326

(d) If the violation resulted in the death of the 3327
assistance dog that was the subject of the violation or resulted 3328

in serious physical harm to the police dog or horse or the 3329
assistance dog or horse that was the subject of the violation to 3330
the extent that the dog or horse needs to be replaced on either 3331
a temporary or a permanent basis, the cost of replacing that dog 3332
or horse and of any further training of a new police dog or 3333
horse or a new assistance dog by a law enforcement officer or by 3334
the blind, deaf or hearing impaired, or mobility impaired person 3335
assisted or served by the assistance dog, which replacement or 3336
training is required because of the death of or the serious 3337
physical harm to the dog or horse that was the subject of the 3338
violation. 3339

(F) This section does not apply to a licensed veterinarian 3340
whose conduct is in accordance with Chapter 4741. of the Revised 3341
Code. 3342

(G) This section only applies to an offender who knows or 3343
should know at the time of the violation that the police dog or 3344
horse or assistance dog that is the subject of a violation under 3345
this section is a police dog or horse or an assistance dog. 3346

(H) As used in this section: 3347

(1) "Physical harm" means any injury, illness, or other 3348
physiological impairment, regardless of its gravity or duration. 3349

(2) "Police dog or horse" means a dog or horse that has 3350
been trained, and may be used, to assist law enforcement 3351
officers in the performance of their official duties. 3352

(3) "Serious physical harm" means any of the following: 3353

(a) Any physical harm that carries a substantial risk of 3354
death; 3355

(b) Any physical harm that causes permanent maiming or 3356

that involves some temporary, substantial maiming; 3357

(c) Any physical harm that causes acute pain of a duration 3358
that results in substantial suffering. 3359

(4) "Assistance dog," "blind," and "mobility impaired 3360
person" have the same meanings as in section 955.011 of the 3361
Revised Code. 3362

Sec. 2921.36. (A) No person shall knowingly convey, or 3363
attempt to convey, onto the grounds of a detention facility or 3364
of an institution, office building, or other place that is under 3365
the control of the department of mental health and addiction 3366
services, the department of developmental disabilities, the 3367
department of youth services, or the department of 3368
rehabilitation and correction any of the following items: 3369

(1) Any deadly weapon or dangerous ordnance, as defined in 3370
section 2923.11 of the Revised Code, or any part of or 3371
ammunition for use in such a deadly weapon or dangerous 3372
ordnance; 3373

(2) Any drug of abuse, as defined in section 3719.011 of 3374
the Revised Code; 3375

(3) Any intoxicating liquor, as defined in section 4301.01 3376
of the Revised Code. 3377

(B) Division (A) of this section does not apply to any 3378
person who conveys or attempts to convey an item onto the 3379
grounds of a detention facility or of an institution, office 3380
building, or other place under the control of the department of 3381
mental health and addiction services, the department of 3382
developmental disabilities, the department of youth services, or 3383
the department of rehabilitation and correction pursuant to the 3384
written authorization of the person in charge of the detention 3385

facility or the institution, office building, or other place and 3386
in accordance with the written rules of the detention facility 3387
or the institution, office building, or other place. 3388

(C) No person shall knowingly deliver, or attempt to 3389
deliver, to any person who is confined in a detention facility, 3390
to a child confined in a youth services facility, to a prisoner 3391
who is temporarily released from confinement for a work 3392
assignment, or to any patient in an institution under the 3393
control of the department of mental health and addiction 3394
services or the department of developmental disabilities any 3395
item listed in division (A) (1), (2), or (3) of this section. 3396

(D) No person shall knowingly deliver, or attempt to 3397
deliver, cash to any person who is confined in a detention 3398
facility, to a child confined in a youth services facility, or 3399
to a prisoner who is temporarily released from confinement for a 3400
work assignment. 3401

(E) No person shall knowingly deliver, or attempt to 3402
deliver, to any person who is confined in a detention facility, 3403
to a child confined in a youth services facility, or to a 3404
prisoner who is temporarily released from confinement for a work 3405
assignment a cellular telephone, two-way radio, or other 3406
electronic communications device. 3407

(F) (1) It is an affirmative defense to a charge under 3408
division (A) (1) of this section that the weapon or dangerous 3409
ordnance in question was being transported in a motor vehicle 3410
for any lawful purpose, that it was not on the actor's person, 3411
and, if the weapon or dangerous ordnance in question was a 3412
firearm, that it was unloaded and was being carried in a closed 3413
package, box, or case or in a compartment that can be reached 3414
only by leaving the vehicle. 3415

(2) It is an affirmative defense to a charge under 3416
division (C) of this section that the actor was not otherwise 3417
prohibited by law from delivering the item to the confined 3418
person, the child, the prisoner, or the patient and that either 3419
of the following applies: 3420

(a) The actor was permitted by the written rules of the 3421
detention facility or the institution, office building, or other 3422
place to deliver the item to the confined person or the patient. 3423

(b) The actor was given written authorization by the 3424
person in charge of the detention facility or the institution, 3425
office building, or other place to deliver the item to the 3426
confined person or the patient. 3427

(G) (1) Whoever violates division (A) (1) of this section or 3428
commits a violation of division (C) of this section involving an 3429
item listed in division (A) (1) of this section is guilty of 3430
illegal conveyance of weapons onto the grounds of a specified 3431
governmental facility, a felony of the third degree. If the 3432
offender is an officer or employee of the department of 3433
rehabilitation and correction, the court shall impose a 3434
mandatory prison term from the range of definite prison terms 3435
prescribed in division (A) (3) (b) of section 2929.14 of the 3436
Revised Code for a felony of the third degree. 3437

(2) Whoever violates division (A) (2) of this section or 3438
commits a violation of division (C) of this section involving 3439
any drug of abuse is guilty of illegal conveyance of drugs of 3440
abuse onto the grounds of a specified governmental facility, a 3441
felony of the third degree. If the offender is an officer or 3442
employee of the department of rehabilitation and correction or 3443
of the department of youth services, the court shall impose a 3444
mandatory prison term from the range of definite prison terms 3445

prescribed in division (A) (3) (b) of section 2929.14 of the 3446
Revised Code for a felony of the third degree. 3447

(3) Whoever violates division (A) (3) of this section or 3448
commits a violation of division (C) of this section involving 3449
any intoxicating liquor is guilty of illegal conveyance of 3450
intoxicating liquor onto the grounds of a specified governmental 3451
facility, a misdemeanor of the second degree. 3452

(4) Whoever violates division (D) of this section is 3453
guilty of illegal conveyance of cash onto the grounds of a 3454
detention facility, a misdemeanor of the first degree. If the 3455
offender previously has been convicted of or pleaded guilty to a 3456
violation of division (D) of this section, illegal conveyance of 3457
cash onto the grounds of a detention facility is a felony of the 3458
fifth degree. 3459

(5) Whoever violates division (E) of this section is 3460
guilty of illegal conveyance of a communications device onto the 3461
grounds of a specified governmental facility, a misdemeanor of 3462
the first degree, or if the offender previously has been 3463
convicted of or pleaded guilty to a violation of division (E) of 3464
this section, a felony of the fifth degree. 3465

Sec. 2923.132. (A) As used in this section: 3466

(1) (a) "Violent career criminal" means a person who within 3467
the preceding eight years, subject to extension as provided in 3468
division (A) (1) (b) of this section, has been convicted of or 3469
pleaded guilty to two or more violent felony offenses that are 3470
separated by intervening sentences and are not so closely 3471
related to each other and connected in time and place that they 3472
constitute a course of criminal conduct. 3473

(b) Except as provided in division (A) (1) (c) of this 3474

section, the eight-year period described in division (A) (1) (a) 3475
of this section shall be extended by a period of time equal to 3476
any period of time during which the person, within that eight- 3477
year period, was confined as a result of having been accused of 3478
an offense, having been convicted of or pleaded guilty to an 3479
offense, or having been accused of violating or found to have 3480
violated any community control sanction, post-release control 3481
sanction, or term or condition of supervised release. 3482

(c) Division (A) (1) (b) of this section shall not apply to 3483
extend the eight-year period described in division (A) (1) (a) of 3484
this section by any period of time during which a person is 3485
confined if the person is acquitted of the charges or the 3486
charges are dismissed in final disposition of the case or during 3487
which a person is confined as a result of having been accused of 3488
violating any sanction, term, or condition described in division 3489
(A) (1) (b) of this section if the person subsequently is not 3490
found to have violated that sanction, term, or condition. 3491

(2) "Violent felony offense" means any of the following: 3492

(a) A violation of section 2903.01, 2903.02, 2903.03, 3493
2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2909.02, 2909.23, 3494
2911.01, 2911.02, or 2911.11 of the Revised Code; 3495

(b) A violation of division (A) (1) or (2) of section 3496
2911.12 of the Revised Code; 3497

(c) A felony violation of section 2907.02, 2907.03, 3498
2907.04, or 2907.05 of the Revised Code; 3499

(d) A felony violation of section 2909.24 of the Revised 3500
Code or a violation of section 2919.25 of the Revised Code that 3501
is a felony of the third degree; 3502

(e) A felony violation of any existing or former ordinance 3503

or law of this state, another state, or the United States that 3504
is or was substantially equivalent to any offense listed or 3505
described in divisions (A) (2) (a) to (e) of this section; 3506

(f) A conspiracy or attempt to commit, or complicity in 3507
committing, any of the offenses listed or described in divisions 3508
(A) (2) (a) to (e) of this section, if the conspiracy, attempt, or 3509
complicity is a felony of the first or second degree. 3510

(3) "Dangerous ordnance" and "firearm" have the same 3511
meanings as in section 2923.11 of the Revised Code. 3512

(4) "Community control sanction" has the same meaning as 3513
in section 2929.01 of the Revised Code. 3514

(5) "Post-release control sanction" has the same meaning 3515
as in section 2967.01 of the Revised Code. 3516

(6) "Supervised release" has the same meaning as in 3517
section 2950.01 of the Revised Code. 3518

(B) No violent career criminal shall knowingly use any 3519
firearm or dangerous ordnance. 3520

(C) Whoever violates this section is guilty of unlawful 3521
use of a weapon by a violent career criminal, a felony of the 3522
first degree, ~~and~~. For an offense committed prior to the 3523
effective date of this amendment, notwithstanding the range of 3524
definite prison terms set forth in division (A) (1) (b) of section 3525
2929.14 of the Revised Code, the court shall impose upon the 3526
offender a mandatory prison term that is a definite prison term 3527
of two, three, four, five, six, seven, eight, nine, ten, or 3528
eleven years. For an offense committed on or after the effective 3529
date of this amendment, notwithstanding the range of minimum 3530
prison terms set forth in division (A) (1) (a) of section 2929.14 3531
of the Revised Code, the court shall impose upon the offender an 3532

indefinite prison term pursuant to that division, with a minimum 3533
term under that sentence that is a mandatory prison term of two, 3534
three, four, five, six, seven, eight, nine, ten, or eleven 3535
years. 3536

Sec. 2925.01. As used in this chapter: 3537

(A) "Administer," "controlled substance," "controlled 3538
substance analog," "dispense," "distribute," "hypodermic," 3539
"manufacturer," "official written order," "person," 3540
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 3541
"schedule III," "schedule IV," "schedule V," and "wholesaler" 3542
have the same meanings as in section 3719.01 of the Revised 3543
Code. 3544

(B) "Drug dependent person" and "drug of abuse" have the 3545
same meanings as in section 3719.011 of the Revised Code. 3546

(C) "Drug," "dangerous drug," "licensed health 3547
professional authorized to prescribe drugs," and "prescription" 3548
have the same meanings as in section 4729.01 of the Revised 3549
Code. 3550

(D) "Bulk amount" of a controlled substance means any of 3551
the following: 3552

(1) For any compound, mixture, preparation, or substance 3553
included in schedule I, schedule II, or schedule III, with the 3554
exception of controlled substance analogs, marihuana, cocaine, 3555
L.S.D., heroin, and hashish and except as provided in division 3556
(D) (2) or (5) of this section, whichever of the following is 3557
applicable: 3558

(a) An amount equal to or exceeding ten grams or twenty- 3559
five unit doses of a compound, mixture, preparation, or 3560
substance that is or contains any amount of a schedule I opiate 3561

or opium derivative; 3562

(b) An amount equal to or exceeding ten grams of a 3563
compound, mixture, preparation, or substance that is or contains 3564
any amount of raw or gum opium; 3565

(c) An amount equal to or exceeding thirty grams or ten 3566
unit doses of a compound, mixture, preparation, or substance 3567
that is or contains any amount of a schedule I hallucinogen 3568
other than tetrahydrocannabinol or lysergic acid amide, or a 3569
schedule I stimulant or depressant; 3570

(d) An amount equal to or exceeding twentygrams or five 3571
times the maximum daily dose in the usual dose range specified 3572
in a standard pharmaceutical reference manual of a compound, 3573
mixture, preparation, or substance that is or contains any 3574
amount of a schedule II opiate or opium derivative; 3575

(e) An amount equal to or exceeding five grams or ten unit 3576
doses of a compound, mixture, preparation, or substance that is 3577
or contains any amount of phencyclidine; 3578

(f) An amount equal to or exceeding one hundred twenty 3579
grams or thirty times the maximum daily dose in the usual dose 3580
range specified in a standard pharmaceutical reference manual of 3581
a compound, mixture, preparation, or substance that is or 3582
contains any amount of a schedule II stimulant that is in a 3583
final dosage form manufactured by a person authorized by the 3584
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 3585
U.S.C.A. 301, as amended, and the federal drug abuse control 3586
laws, as defined in section 3719.01 of the Revised Code, that is 3587
or contains any amount of a schedule II depressant substance or 3588
a schedule II hallucinogenic substance; 3589

(g) An amount equal to or exceeding three grams of a 3590

compound, mixture, preparation, or substance that is or contains 3591
any amount of a schedule II stimulant, or any of its salts or 3592
isomers, that is not in a final dosage form manufactured by a 3593
person authorized by the Federal Food, Drug, and Cosmetic Act 3594
and the federal drug abuse control laws. 3595

(2) An amount equal to or exceeding one hundred twenty 3596
grams or thirty times the maximum daily dose in the usual dose 3597
range specified in a standard pharmaceutical reference manual of 3598
a compound, mixture, preparation, or substance that is or 3599
contains any amount of a schedule III or IV substance other than 3600
an anabolic steroid or a schedule III opiate or opium 3601
derivative; 3602

(3) An amount equal to or exceeding twenty grams or five 3603
times the maximum daily dose in the usual dose range specified 3604
in a standard pharmaceutical reference manual of a compound, 3605
mixture, preparation, or substance that is or contains any 3606
amount of a schedule III opiate or opium derivative; 3607

(4) An amount equal to or exceeding two hundred fifty 3608
milliliters or two hundred fifty grams of a compound, mixture, 3609
preparation, or substance that is or contains any amount of a 3610
schedule V substance; 3611

(5) An amount equal to or exceeding two hundred solid 3612
dosage units, sixteen grams, or sixteen milliliters of a 3613
compound, mixture, preparation, or substance that is or contains 3614
any amount of a schedule III anabolic steroid. 3615

(E) "Unit dose" means an amount or unit of a compound, 3616
mixture, or preparation containing a controlled substance that 3617
is separately identifiable and in a form that indicates that it 3618
is the amount or unit by which the controlled substance is 3619

separately administered to or taken by an individual. 3620

(F) "Cultivate" includes planting, watering, fertilizing, 3621
or tilling. 3622

(G) "Drug abuse offense" means any of the following: 3623

(1) A violation of division (A) of section 2913.02 that 3624
constitutes theft of drugs, or a violation of section 2925.02, 3625
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 3626
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 3627
or 2925.37 of the Revised Code; 3628

(2) A violation of an existing or former law of this or 3629
any other state or of the United States that is substantially 3630
equivalent to any section listed in division (G)(1) of this 3631
section; 3632

(3) An offense under an existing or former law of this or 3633
any other state, or of the United States, of which planting, 3634
cultivating, harvesting, processing, making, manufacturing, 3635
producing, shipping, transporting, delivering, acquiring, 3636
possessing, storing, distributing, dispensing, selling, inducing 3637
another to use, administering to another, using, or otherwise 3638
dealing with a controlled substance is an element; 3639

(4) A conspiracy to commit, attempt to commit, or 3640
complicity in committing or attempting to commit any offense 3641
under division (G)(1), (2), or (3) of this section. 3642

(H) "Felony drug abuse offense" means any drug abuse 3643
offense that would constitute a felony under the laws of this 3644
state, any other state, or the United States. 3645

(I) "Harmful intoxicant" does not include beer or 3646
intoxicating liquor but means any of the following: 3647

(1) Any compound, mixture, preparation, or substance the 3648
gas, fumes, or vapor of which when inhaled can induce 3649
intoxication, excitement, giddiness, irrational behavior, 3650
depression, stupefaction, paralysis, unconsciousness, 3651
asphyxiation, or other harmful physiological effects, and 3652
includes, but is not limited to, any of the following: 3653

(a) Any volatile organic solvent, plastic cement, model 3654
cement, fingernail polish remover, lacquer thinner, cleaning 3655
fluid, gasoline, or other preparation containing a volatile 3656
organic solvent; 3657

(b) Any aerosol propellant; 3658

(c) Any fluorocarbon refrigerant; 3659

(d) Any anesthetic gas. 3660

(2) Gamma Butyrolactone; 3661

(3) 1,4 Butanediol. 3662

(J) "Manufacture" means to plant, cultivate, harvest, 3663
process, make, prepare, or otherwise engage in any part of the 3664
production of a drug, by propagation, extraction, chemical 3665
synthesis, or compounding, or any combination of the same, and 3666
includes packaging, repackaging, labeling, and other activities 3667
incident to production. 3668

(K) "Possess" or "possession" means having control over a 3669
thing or substance, but may not be inferred solely from mere 3670
access to the thing or substance through ownership or occupation 3671
of the premises upon which the thing or substance is found. 3672

(L) "Sample drug" means a drug or pharmaceutical 3673
preparation that would be hazardous to health or safety if used 3674
without the supervision of a licensed health professional 3675

authorized to prescribe drugs, or a drug of abuse, and that, at 3676
one time, had been placed in a container plainly marked as a 3677
sample by a manufacturer. 3678

(M) "Standard pharmaceutical reference manual" means the 3679
current edition, with cumulative changes if any, of references 3680
that are approved by the state board of pharmacy. 3681

(N) "Juvenile" means a person under eighteen years of age. 3682

(O) "Counterfeit controlled substance" means any of the 3683
following: 3684

(1) Any drug that bears, or whose container or label 3685
bears, a trademark, trade name, or other identifying mark used 3686
without authorization of the owner of rights to that trademark, 3687
trade name, or identifying mark; 3688

(2) Any unmarked or unlabeled substance that is 3689
represented to be a controlled substance manufactured, 3690
processed, packed, or distributed by a person other than the 3691
person that manufactured, processed, packed, or distributed it; 3692

(3) Any substance that is represented to be a controlled 3693
substance but is not a controlled substance or is a different 3694
controlled substance; 3695

(4) Any substance other than a controlled substance that a 3696
reasonable person would believe to be a controlled substance 3697
because of its similarity in shape, size, and color, or its 3698
markings, labeling, packaging, distribution, or the price for 3699
which it is sold or offered for sale. 3700

(P) An offense is "committed in the vicinity of a school" 3701
if the offender commits the offense on school premises, in a 3702
school building, or within one thousand feet of the boundaries 3703

of any school premises, regardless of whether the offender knows 3704
the offense is being committed on school premises, in a school 3705
building, or within one thousand feet of the boundaries of any 3706
school premises. 3707

(Q) "School" means any school operated by a board of 3708
education, any community school established under Chapter 3314. 3709
of the Revised Code, or any nonpublic school for which the state 3710
board of education prescribes minimum standards under section 3711
3301.07 of the Revised Code, whether or not any instruction, 3712
extracurricular activities, or training provided by the school 3713
is being conducted at the time a criminal offense is committed. 3714

(R) "School premises" means either of the following: 3715

(1) The parcel of real property on which any school is 3716
situated, whether or not any instruction, extracurricular 3717
activities, or training provided by the school is being 3718
conducted on the premises at the time a criminal offense is 3719
committed; 3720

(2) Any other parcel of real property that is owned or 3721
leased by a board of education of a school, the governing 3722
authority of a community school established under Chapter 3314. 3723
of the Revised Code, or the governing body of a nonpublic school 3724
for which the state board of education prescribes minimum 3725
standards under section 3301.07 of the Revised Code and on which 3726
some of the instruction, extracurricular activities, or training 3727
of the school is conducted, whether or not any instruction, 3728
extracurricular activities, or training provided by the school 3729
is being conducted on the parcel of real property at the time a 3730
criminal offense is committed. 3731

(S) "School building" means any building in which any of 3732

the instruction, extracurricular activities, or training 3733
provided by a school is conducted, whether or not any 3734
instruction, extracurricular activities, or training provided by 3735
the school is being conducted in the school building at the time 3736
a criminal offense is committed. 3737

(T) "Disciplinary counsel" means the disciplinary counsel 3738
appointed by the board of commissioners on grievances and 3739
discipline of the supreme court under the Rules for the 3740
Government of the Bar of Ohio. 3741

(U) "Certified grievance committee" means a duly 3742
constituted and organized committee of the Ohio state bar 3743
association or of one or more local bar associations of the 3744
state of Ohio that complies with the criteria set forth in Rule 3745
V, section 6 of the Rules for the Government of the Bar of Ohio. 3746

(V) "Professional license" means any license, permit, 3747
certificate, registration, qualification, admission, temporary 3748
license, temporary permit, temporary certificate, or temporary 3749
registration that is described in divisions (W) (1) to (36) of 3750
this section and that qualifies a person as a professionally 3751
licensed person. 3752

(W) "Professionally licensed person" means any of the 3753
following: 3754

(1) A person who has obtained a license as a manufacturer 3755
of controlled substances or a wholesaler of controlled 3756
substances under Chapter 3719. of the Revised Code; 3757

(2) A person who has received a certificate or temporary 3758
certificate as a certified public accountant or who has 3759
registered as a public accountant under Chapter 4701. of the 3760
Revised Code and who holds an Ohio permit issued under that 3761

chapter;	3762
(3) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	3763 3764 3765
(4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	3766 3767 3768
(5) A person licensed under Chapter 4707. of the Revised Code;	3769 3770
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	3771 3772 3773
(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;	3774 3775 3776
(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;	3777 3778 3779 3780 3781 3782 3783 3784 3785 3786 3787
(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	3788 3789 3790

teaching license, a dental hygienist's license, or a dental
hygienist's teacher's certificate under Chapter 4715. of the
Revised Code;

(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
Revised Code;

(11) A person who has been licensed as a registered nurse
or practical nurse, or who has been issued a certificate for the
practice of nurse-midwifery under Chapter 4723. of the Revised
Code;

(12) A person who has been licensed to practice optometry
or to engage in optical dispensing under Chapter 4725. of the
Revised Code;

(13) A person licensed to act as a pawnbroker under
Chapter 4727. of the Revised Code;

(14) A person licensed to act as a precious metals dealer
under Chapter 4728. of the Revised Code;

(15) A person licensed as a pharmacist, a pharmacy intern,
a wholesale distributor of dangerous drugs, or a terminal
distributor of dangerous drugs under Chapter 4729. of the
Revised Code;

(16) A person who is authorized to practice as a physician
assistant under Chapter 4730. of the Revised Code;

(17) A person who has been issued a license to practice
medicine and surgery, osteopathic medicine and surgery, or
podiatric medicine and surgery under Chapter 4731. of the

Revised Code or has been issued a certificate to practice a	3819
limited branch of medicine under that chapter;	3820
(18) A person licensed as a psychologist or school	3821
psychologist under Chapter 4732. of the Revised Code;	3822
(19) A person registered to practice the profession of	3823
engineering or surveying under Chapter 4733. of the Revised	3824
Code;	3825
(20) A person who has been issued a license to practice	3826
chiropractic under Chapter 4734. of the Revised Code;	3827
(21) A person licensed to act as a real estate broker or	3828
real estate salesperson under Chapter 4735. of the Revised Code;	3829
(22) A person registered as a registered sanitarian under	3830
Chapter 4736. of the Revised Code;	3831
(23) A person licensed to operate or maintain a junkyard	3832
under Chapter 4737. of the Revised Code;	3833
(24) A person who has been issued a motor vehicle salvage	3834
dealer's license under Chapter 4738. of the Revised Code;	3835
(25) A person who has been licensed to act as a steam	3836
engineer under Chapter 4739. of the Revised Code;	3837
(26) A person who has been issued a license or temporary	3838
permit to practice veterinary medicine or any of its branches,	3839
or who is registered as a graduate animal technician under	3840
Chapter 4741. of the Revised Code;	3841
(27) A person who has been issued a hearing aid dealer's	3842
or fitter's license or trainee permit under Chapter 4747. of the	3843
Revised Code;	3844
(28) A person who has been issued a class A, class B, or	3845

class C license or who has been registered as an investigator or	3846
security guard employee under Chapter 4749. of the Revised Code;	3847
(29) A person licensed and registered to practice as a	3848
nursing home administrator under Chapter 4751. of the Revised	3849
Code;	3850
(30) A person licensed to practice as a speech-language	3851
pathologist or audiologist under Chapter 4753. of the Revised	3852
Code;	3853
(31) A person issued a license as an occupational	3854
therapist or physical therapist under Chapter 4755. of the	3855
Revised Code;	3856
(32) A person who is licensed as a licensed professional	3857
clinical counselor, licensed professional counselor, social	3858
worker, independent social worker, independent marriage and	3859
family therapist, or marriage and family therapist, or	3860
registered as a social work assistant under Chapter 4757. of the	3861
Revised Code;	3862
(33) A person issued a license to practice dietetics under	3863
Chapter 4759. of the Revised Code;	3864
(34) A person who has been issued a license or limited	3865
permit to practice respiratory therapy under Chapter 4761. of	3866
the Revised Code;	3867
(35) A person who has been issued a real estate appraiser	3868
certificate under Chapter 4763. of the Revised Code;	3869
(36) A person who has been admitted to the bar by order of	3870
the supreme court in compliance with its prescribed and	3871
published rules.	3872
(X) "Cocaine" means any of the following:	3873

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine; 3874
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(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; 3876
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(3) A salt, compound, derivative, or preparation of a substance identified in division (X) (1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine. 3880
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(Y) "L.S.D." means lysergic acid diethylamide. 3886

(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form. 3887
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(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish. 3890
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(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense. 3893
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(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised 3900
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3902

Code, that a prison term is a necessary sanction for a felony in 3903
order to comply with the purposes and principles of sentencing 3904
under section 2929.11 of the Revised Code. 3905

(DD) "Major drug offender" has the same meaning as in 3906
section 2929.01 of the Revised Code. 3907

(EE) "Minor drug possession offense" means either of the 3908
following: 3909

(1) A violation of section 2925.11 of the Revised Code as 3910
it existed prior to July 1, 1996; 3911

(2) A violation of section 2925.11 of the Revised Code as 3912
it exists on and after July 1, 1996, that is a misdemeanor or a 3913
felony of the fifth degree. 3914

(FF) "Mandatory prison term" has the same meaning as in 3915
section 2929.01 of the Revised Code. 3916

(GG) "Adulterate" means to cause a drug to be adulterated 3917
as described in section 3715.63 of the Revised Code. 3918

(HH) "Public premises" means any hotel, restaurant, 3919
tavern, store, arena, hall, or other place of public 3920
accommodation, business, amusement, or resort. 3921

(II) "Methamphetamine" means methamphetamine, any salt, 3922
isomer, or salt of an isomer of methamphetamine, or any 3923
compound, mixture, preparation, or substance containing 3924
methamphetamine or any salt, isomer, or salt of an isomer of 3925
methamphetamine. 3926

(JJ) "Lawful prescription" means a prescription that is 3927
issued for a legitimate medical purpose by a licensed health 3928
professional authorized to prescribe drugs, that is not altered 3929
or forged, and that was not obtained by means of deception or by 3930

the commission of any theft offense. 3931

(KK) "Deception" and "theft offense" have the same 3932
meanings as in section 2913.01 of the Revised Code. 3933

(LL) "First degree felony mandatory prison term" means one 3934
of the definite prison terms prescribed in division (A) (1) (b) of 3935
section 2929.14 of the Revised Code for a felony of the first 3936
degree, except that if the violation for which sentence is being 3937
imposed is committed on or after the effective date of this 3938
amendment, it means one of the minimum prison terms prescribed 3939
in division (A) (1) (a) of that section for a felony of the first 3940
degree. 3941

(MM) "Second degree felony mandatory prison term" means 3942
one of the definite prison terms prescribed in division (A) (2) 3943
(b) of section 2929.14 of the Revised Code for a felony of the 3944
second degree, except that if the violation for which sentence 3945
is being imposed is committed on or after the effective date of 3946
this amendment, it means one of the minimum prison terms 3947
prescribed in division (A) (2) (a) of that section for a felony of 3948
the second degree. 3949

(NN) "Maximum first degree felony mandatory prison term" 3950
means the maximum definite prison term prescribed in division 3951
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 3952
the first degree, except that if the violation for which 3953
sentence is being imposed is committed on or after the effective 3954
date of this amendment, it means the longest minimum prison term 3955
prescribed in division (A) (1) (a) of that section for a felony of 3956
the first degree. 3957

(OO) "Maximum second degree felony mandatory prison term" 3958
means the maximum definite prison term prescribed in division 3959

(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 3960
the second degree, except that if the violation for which 3961
sentence is being imposed is committed on or after the effective 3962
date of this amendment, it means the longest minimum prison term 3963
prescribed in division (A) (2) (a) of that section for a felony of 3964
the second degree. 3965

Sec. 2925.02. (A) No person shall knowingly do any of the 3966
following: 3967

(1) By force, threat, or deception, administer to another 3968
or induce or cause another to use a controlled substance; 3969

(2) By any means, administer or furnish to another or 3970
induce or cause another to use a controlled substance with 3971
purpose to cause serious physical harm to the other person, or 3972
with purpose to cause the other person to become drug dependent; 3973

(3) By any means, administer or furnish to another or 3974
induce or cause another to use a controlled substance, and 3975
thereby cause serious physical harm to the other person, or 3976
cause the other person to become drug dependent; 3977

(4) By any means, do any of the following: 3978

(a) Furnish or administer a controlled substance to a 3979
juvenile who is at least two years the offender's junior, when 3980
the offender knows the age of the juvenile or is reckless in 3981
that regard; 3982

(b) Induce or cause a juvenile who is at least two years 3983
the offender's junior to use a controlled substance, when the 3984
offender knows the age of the juvenile or is reckless in that 3985
regard; 3986

(c) Induce or cause a juvenile who is at least two years 3987

the offender's junior to commit a felony drug abuse offense, 3988
when the offender knows the age of the juvenile or is reckless 3989
in that regard; 3990

(d) Use a juvenile, whether or not the offender knows the 3991
age of the juvenile, to perform any surveillance activity that 3992
is intended to prevent the detection of the offender or any 3993
other person in the commission of a felony drug abuse offense or 3994
to prevent the arrest of the offender or any other person for 3995
the commission of a felony drug abuse offense. 3996

(5) By any means, furnish or administer a controlled 3997
substance to a pregnant woman or induce or cause a pregnant 3998
woman to use a controlled substance, when the offender knows 3999
that the woman is pregnant or is reckless in that regard. 4000

(B) Division (A) (1), (3), (4), or (5) of this section does 4001
not apply to manufacturers, wholesalers, licensed health 4002
professionals authorized to prescribe drugs, pharmacists, owners 4003
of pharmacies, and other persons whose conduct is in accordance 4004
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4005
4741. of the Revised Code. 4006

(C) Whoever violates this section is guilty of corrupting 4007
another with drugs. The penalty for the offense shall be 4008
determined as follows: 4009

(1) If the offense is a violation of division (A) (1), (2), 4010
(3), or (4) of this section and the drug involved is any 4011
compound, mixture, preparation, or substance included in 4012
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 4013
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 4014
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4015
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 4016

(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 4017
offender shall be punished as follows: 4018

(a) Except as otherwise provided in division (C) (1) (b) of 4019
this section, corrupting another with drugs committed in those 4020
circumstances is a felony of the second degree and, subject to 4021
division (E) of this section, the court shall impose as a 4022
mandatory prison term ~~one of the prison terms prescribed for a~~ 4023
~~felony of the second degree~~ a second degree felony mandatory 4024
prison term. 4025

(b) If the offense was committed in the vicinity of a 4026
school, corrupting another with drugs committed in those 4027
circumstances is a felony of the first degree, and, subject to 4028
division (E) of this section, the court shall impose as a 4029
mandatory prison term ~~one of the prison terms prescribed for a~~ 4030
~~felony of the first degree~~ a first degree felony mandatory 4031
prison term. 4032

(2) If the offense is a violation of division (A) (1), (2), 4033
(3), or (4) of this section and the drug involved is any 4034
compound, mixture, preparation, or substance included in 4035
schedule III, IV, or V, the offender shall be punished as 4036
follows: 4037

(a) Except as otherwise provided in division (C) (2) (b) of 4038
this section, corrupting another with drugs committed in those 4039
circumstances is a felony of the second degree and there is a 4040
presumption for a prison term for the offense. 4041

(b) If the offense was committed in the vicinity of a 4042
school, corrupting another with drugs committed in those 4043
circumstances is a felony of the second degree and the court 4044
shall impose as a mandatory prison term ~~one of the prison terms~~ 4045

~~prescribed for a felony of the second degree~~ a second degree 4046
felony mandatory prison term. 4047

(3) If the offense is a violation of division (A) (1), (2), 4048
(3), or (4) of this section and the drug involved is marihuana, 4049
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 4050
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4051
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 4052
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 4053
offender shall be punished as follows: 4054

(a) Except as otherwise provided in division (C) (3) (b) of 4055
this section, corrupting another with drugs committed in those 4056
circumstances is a felony of the fourth degree and division (C) 4057
of section 2929.13 of the Revised Code applies in determining 4058
whether to impose a prison term on the offender. 4059

(b) If the offense was committed in the vicinity of a 4060
school, corrupting another with drugs committed in those 4061
circumstances is a felony of the third degree and division (C) 4062
of section 2929.13 of the Revised Code applies in determining 4063
whether to impose a prison term on the offender. 4064

(4) If the offense is a violation of division (A) (5) of 4065
this section and the drug involved is any compound, mixture, 4066
preparation, or substance included in schedule I or II, with the 4067
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 4068
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 4069
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 4070
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 4071
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 4072
felony of the first degree and, subject to division (E) of this 4073
section, the court shall impose as a mandatory prison term ~~one~~ 4074
~~of the prison terms prescribed for a felony of the first degree~~ 4075

a first degree felony mandatory prison term. 4076

(5) If the offense is a violation of division (A) (5) of 4077
this section and the drug involved is any compound, mixture, 4078
preparation, or substance included in schedule III, IV, or V, 4079
corrupting another with drugs is a felony of the second degree 4080
and the court shall impose as a mandatory prison term ~~one of the~~ 4081
~~prison terms prescribed for a felony of the second degree~~ a 4082
second degree felony mandatory prison term. 4083

(6) If the offense is a violation of division (A) (5) of 4084
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 4085
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 4086
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4087
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 4088
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 4089
corrupting another with drugs is a felony of the third degree 4090
and division (C) of section 2929.13 of the Revised Code applies 4091
in determining whether to impose a prison term on the offender. 4092

(D) In addition to any prison term authorized or required 4093
by division (C) or (E) of this section and sections 2929.13 and 4094
2929.14 of the Revised Code and in addition to any other 4095
sanction imposed for the offense under this section or sections 4096
2929.11 to 2929.18 of the Revised Code, the court that sentences 4097
an offender who is convicted of or pleads guilty to a violation 4098
of division (A) of this section may suspend for not more than 4099
five years the offender's driver's or commercial driver's 4100
license or permit. However, if the offender pleaded guilty to or 4101
was convicted of a violation of section 4511.19 of the Revised 4102
Code or a substantially similar municipal ordinance or the law 4103
of another state or the United States arising out of the same 4104
set of circumstances as the violation, the court shall suspend 4105

the offender's driver's or commercial driver's license or permit 4106
for not more than five years. The court also shall do all of the 4107
following that are applicable regarding the offender: 4108

(1) (a) If the violation is a felony of the first, second, 4109
or third degree, the court shall impose upon the offender the 4110
mandatory fine specified for the offense under division (B) (1) 4111
of section 2929.18 of the Revised Code unless, as specified in 4112
that division, the court determines that the offender is 4113
indigent. 4114

(b) Notwithstanding any contrary provision of section 4115
3719.21 of the Revised Code, any mandatory fine imposed pursuant 4116
to division (D) (1) (a) of this section and any fine imposed for a 4117
violation of this section pursuant to division (A) of section 4118
2929.18 of the Revised Code shall be paid by the clerk of the 4119
court in accordance with and subject to the requirements of, and 4120
shall be used as specified in, division (F) of section 2925.03 4121
of the Revised Code. 4122

(c) If a person is charged with any violation of this 4123
section that is a felony of the first, second, or third degree, 4124
posts bail, and forfeits the bail, the forfeited bail shall be 4125
paid by the clerk of the court pursuant to division (D) (1) (b) of 4126
this section as if it were a fine imposed for a violation of 4127
this section. 4128

(2) If the offender is a professionally licensed person, 4129
in addition to any other sanction imposed for a violation of 4130
this section, the court immediately shall comply with section 4131
2925.38 of the Revised Code. 4132

(E) Notwithstanding the prison term otherwise authorized 4133
or required for the offense under division (C) of this section 4134

and sections 2929.13 and 2929.14 of the Revised Code, if the 4135
violation of division (A) of this section involves the sale, 4136
offer to sell, or possession of a schedule I or II controlled 4137
substance, with the exception of marihuana, 1-Pentyl-3-(1- 4138
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 4139
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4140
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 4141
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 4142
if the court imposing sentence upon the offender finds that the 4143
offender as a result of the violation is a major drug offender 4144
and is guilty of a specification of the type described in 4145
section 2941.1410 of the Revised Code, the court, in lieu of the 4146
prison term that otherwise is authorized or required, shall 4147
impose upon the offender the mandatory prison term specified in 4148
division (B) (3) (a) of section 2929.14 of the Revised Code. 4149

(F) (1) If the sentencing court suspends the offender's 4150
driver's or commercial driver's license or permit under division 4151
(D) of this section, the offender, at any time after the 4152
expiration of two years from the day on which the offender's 4153
sentence was imposed or from the day on which the offender 4154
finally was released from a prison term under the sentence, 4155
whichever is later, may file a motion with the sentencing court 4156
requesting termination of the suspension. Upon the filing of the 4157
motion and the court's finding of good cause for the 4158
determination, the court may terminate the suspension. 4159

(2) Any offender who received a mandatory suspension of 4160
the offender's driver's or commercial driver's license or permit 4161
under this section prior to ~~the effective date of this amendment~~ 4162
September 13, 2016, may file a motion with the sentencing court 4163
requesting the termination of the suspension. However, an 4164
offender who pleaded guilty to or was convicted of a violation 4165

of section 4511.19 of the Revised Code or a substantially 4166
similar municipal ordinance or law of another state or the 4167
United States that arose out of the same set of circumstances as 4168
the violation for which the offender's license or permit was 4169
suspended under this section shall not file such a motion. 4170

Upon the filing of a motion under division (F)(2) of this 4171
section, the sentencing court, in its discretion, may terminate 4172
the suspension. 4173

Sec. 2925.03. (A) No person shall knowingly do any of the 4174
following: 4175

(1) Sell or offer to sell a controlled substance or a 4176
controlled substance analog; 4177

(2) Prepare for shipment, ship, transport, deliver, 4178
prepare for distribution, or distribute a controlled substance 4179
or a controlled substance analog, when the offender knows or has 4180
reasonable cause to believe that the controlled substance or a 4181
controlled substance analog is intended for sale or resale by 4182
the offender or another person. 4183

(B) This section does not apply to any of the following: 4184

(1) Manufacturers, licensed health professionals 4185
authorized to prescribe drugs, pharmacists, owners of 4186
pharmacies, and other persons whose conduct is in accordance 4187
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4188
4741. of the Revised Code; 4189

(2) If the offense involves an anabolic steroid, any 4190
person who is conducting or participating in a research project 4191
involving the use of an anabolic steroid if the project has been 4192
approved by the United States food and drug administration; 4193

(3) Any person who sells, offers for sale, prescribes, 4194
dispenses, or administers for livestock or other nonhuman 4195
species an anabolic steroid that is expressly intended for 4196
administration through implants to livestock or other nonhuman 4197
species and approved for that purpose under the "Federal Food, 4198
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 4199
as amended, and is sold, offered for sale, prescribed, 4200
dispensed, or administered for that purpose in accordance with 4201
that act. 4202

(C) Whoever violates division (A) of this section is 4203
guilty of one of the following: 4204

(1) If the drug involved in the violation is any compound, 4205
mixture, preparation, or substance included in schedule I or 4206
schedule II, with the exception of marihuana, cocaine, L.S.D., 4207
heroin, hashish, and controlled substance analogs, whoever 4208
violates division (A) of this section is guilty of aggravated 4209
trafficking in drugs. The penalty for the offense shall be 4210
determined as follows: 4211

(a) Except as otherwise provided in division (C) (1) (b), 4212
(c), (d), (e), or (f) of this section, aggravated trafficking in 4213
drugs is a felony of the fourth degree, and division (C) of 4214
section 2929.13 of the Revised Code applies in determining 4215
whether to impose a prison term on the offender. 4216

(b) Except as otherwise provided in division (C) (1) (c), 4217
(d), (e), or (f) of this section, if the offense was committed 4218
in the vicinity of a school or in the vicinity of a juvenile, 4219
aggravated trafficking in drugs is a felony of the third degree, 4220
and division (C) of section 2929.13 of the Revised Code applies 4221
in determining whether to impose a prison term on the offender. 4222

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, aggravated trafficking in drugs is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If aggravated trafficking in drugs is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. 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, aggravated trafficking in drugs 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.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, aggravated trafficking in drugs 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. 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, aggravated trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term ~~one of the prison terms prescribed for a felony of the first degree~~ a first degree felony mandatory

prison term. 4254

(e) If the amount of the drug involved equals or exceeds 4255
fifty times the bulk amount but is less than one hundred times 4256
the bulk amount and regardless of whether the offense was 4257
committed in the vicinity of a school or in the vicinity of a 4258
juvenile, aggravated trafficking in drugs is a felony of the 4259
first degree, and the court shall impose as a mandatory prison 4260
~~term one of the prison terms prescribed for a felony of the~~ 4261
~~first degree~~ a first degree felony mandatory prison term. 4262

(f) If the amount of the drug involved equals or exceeds 4263
one hundred times the bulk amount and regardless of whether the 4264
offense was committed in the vicinity of a school or in the 4265
vicinity of a juvenile, aggravated trafficking in drugs is a 4266
felony of the first degree, the offender is a major drug 4267
offender, and the court shall impose as a mandatory prison term 4268
~~the maximum prison term prescribed for a felony of the first~~ 4269
~~degree~~ a maximum first degree felony mandatory prison term. 4270

(2) If the drug involved in the violation is any compound, 4271
mixture, preparation, or substance included in schedule III, IV, 4272
or V, whoever violates division (A) of this section is guilty of 4273
trafficking in drugs. The penalty for the offense shall be 4274
determined as follows: 4275

(a) Except as otherwise provided in division (C) (2) (b), 4276
(c), (d), or (e) of this section, trafficking in drugs is a 4277
felony of the fifth degree, and division (B) of section 2929.13 4278
of the Revised Code applies in determining whether to impose a 4279
prison term on the offender. 4280

(b) Except as otherwise provided in division (C) (2) (c), 4281
(d), or (e) of this section, if the offense was committed in the 4282

vicinity of a school or in the vicinity of a juvenile, 4283
trafficking in drugs is a felony of the fourth degree, and 4284
division (C) of section 2929.13 of the Revised Code applies in 4285
determining whether to impose a prison term on the offender. 4286

(c) Except as otherwise provided in this division, if the 4287
amount of the drug involved equals or exceeds the bulk amount 4288
but is less than five times the bulk amount, trafficking in 4289
drugs is a felony of the fourth degree, and division (B) of 4290
section 2929.13 of the Revised Code applies in determining 4291
whether to impose a prison term for the offense. If the amount 4292
of the drug involved is within that range and if the offense was 4293
committed in the vicinity of a school or in the vicinity of a 4294
juvenile, trafficking in drugs is a felony of the third degree, 4295
and there is a presumption for a prison term for the offense. 4296

(d) Except as otherwise provided in this division, if the 4297
amount of the drug involved equals or exceeds five times the 4298
bulk amount but is less than fifty times the bulk amount, 4299
trafficking in drugs is a felony of the third degree, and there 4300
is a presumption for a prison term for the offense. If the 4301
amount of the drug involved is within that range and if the 4302
offense was committed in the vicinity of a school or in the 4303
vicinity of a juvenile, trafficking in drugs is a felony of the 4304
second degree, and there is a presumption for a prison term for 4305
the offense. 4306

(e) Except as otherwise provided in this division, if the 4307
amount of the drug involved equals or exceeds fifty times the 4308
bulk amount, trafficking in drugs is a felony of the second 4309
degree, and the court shall impose as a mandatory prison term 4310
~~one of the prison terms prescribed for a felony of the second-~~ 4311
~~degree~~ a second degree felony mandatory prison term. If the 4312

amount of the drug involved equals or exceeds fifty times the 4313
bulk amount and if the offense was committed in the vicinity of 4314
a school or in the vicinity of a juvenile, trafficking in drugs 4315
is a felony of the first degree, and the court shall impose as a 4316
mandatory prison term ~~one of the prison terms prescribed for a~~ 4317
~~felony of the first degree~~ a first degree felony mandatory 4318
prison term. 4319

(3) If the drug involved in the violation is marihuana or 4320
a compound, mixture, preparation, or substance containing 4321
marihuana other than hashish, whoever violates division (A) of 4322
this section is guilty of trafficking in marihuana. The penalty 4323
for the offense shall be determined as follows: 4324

(a) Except as otherwise provided in division (C) (3) (b), 4325
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 4326
marihuana is a felony of the fifth degree, and division (B) of 4327
section 2929.13 of the Revised Code applies in determining 4328
whether to impose a prison term on the offender. 4329

(b) Except as otherwise provided in division (C) (3) (c), 4330
(d), (e), (f), (g), or (h) of this section, if the offense was 4331
committed in the vicinity of a school or in the vicinity of a 4332
juvenile, trafficking in marihuana is a felony of the fourth 4333
degree, and division (B) of section 2929.13 of the Revised Code 4334
applies in determining whether to impose a prison term on the 4335
offender. 4336

(c) Except as otherwise provided in this division, if the 4337
amount of the drug involved equals or exceeds two hundred grams 4338
but is less than one thousand grams, trafficking in marihuana is 4339
a felony of the fourth degree, and division (B) of section 4340
2929.13 of the Revised Code applies in determining whether to 4341
impose a prison term on the offender. If the amount of the drug 4342

involved is within that range and if the offense was committed 4343
in the vicinity of a school or in the vicinity of a juvenile, 4344
trafficking in marihuana is a felony of the third degree, and 4345
division (C) of section 2929.13 of the Revised Code applies in 4346
determining whether to impose a prison term on the offender. 4347

(d) Except as otherwise provided in this division, if the 4348
amount of the drug involved equals or exceeds one thousand grams 4349
but is less than five thousand grams, trafficking in marihuana 4350
is a felony of the third degree, and division (C) of section 4351
2929.13 of the Revised Code applies in determining whether to 4352
impose a prison term on the offender. If the amount of the drug 4353
involved is within that range and if the offense was committed 4354
in the vicinity of a school or in the vicinity of a juvenile, 4355
trafficking in marihuana is a felony of the second degree, and 4356
there is a presumption that a prison term shall be imposed for 4357
the offense. 4358

(e) Except as otherwise provided in this division, if the 4359
amount of the drug involved equals or exceeds five thousand 4360
grams but is less than twenty thousand grams, trafficking in 4361
marihuana is a felony of the third degree, and there is a 4362
presumption that a prison term shall be imposed for the offense. 4363
If the amount of the drug involved is within that range and if 4364
the offense was committed in the vicinity of a school or in the 4365
vicinity of a juvenile, trafficking in marihuana is a felony of 4366
the second degree, and there is a presumption that a prison term 4367
shall be imposed for the offense. 4368

(f) Except as otherwise provided in this division, if the 4369
amount of the drug involved equals or exceeds twenty thousand 4370
grams but is less than forty thousand grams, trafficking in 4371
marihuana is a felony of the second degree, and the court shall 4372

impose as a mandatory prison term a second degree felony 4373
mandatory prison term of five, six, seven, or eight years. If 4374
the amount of the drug involved is within that range and if the 4375
offense was committed in the vicinity of a school or in the 4376
vicinity of a juvenile, trafficking in marihuana is a felony of 4377
the first degree, and the court shall impose as a mandatory 4378
prison term ~~the maximum prison term prescribed for a felony of~~ 4379
~~the first degree~~ a maximum first degree felony mandatory prison 4380
term. 4381

(g) Except as otherwise provided in this division, if the 4382
amount of the drug involved equals or exceeds forty thousand 4383
grams, trafficking in marihuana is a felony of the second 4384
degree, and the court shall impose as a mandatory prison term 4385
~~the maximum prison term prescribed for a felony of the second~~ 4386
~~degree~~ a maximum second degree felony mandatory prison term. If 4387
the amount of the drug involved equals or exceeds forty thousand 4388
grams and if the offense was committed in the vicinity of a 4389
school or in the vicinity of a juvenile, trafficking in 4390
marihuana is a felony of the first degree, and the court shall 4391
impose as a mandatory prison term ~~the maximum prison term~~ 4392
~~prescribed for a felony of the first degree~~ a maximum first 4393
degree felony mandatory prison term. 4394

(h) Except as otherwise provided in this division, if the 4395
offense involves a gift of twenty grams or less of marihuana, 4396
trafficking in marihuana is a minor misdemeanor upon a first 4397
offense and a misdemeanor of the third degree upon a subsequent 4398
offense. If the offense involves a gift of twenty grams or less 4399
of marihuana and if the offense was committed in the vicinity of 4400
a school or in the vicinity of a juvenile, trafficking in 4401
marihuana is a misdemeanor of the third degree. 4402

(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.

(b) Except as otherwise provided in division (C) (4) (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 cocaine 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 five grams but is less than ten grams of cocaine, trafficking in cocaine 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 cocaine 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 ten grams but is less than twenty grams of cocaine, trafficking in cocaine is a

felony of the third degree, and, except as otherwise provided in 4433
this division, there is a presumption for a prison term for the 4434
offense. If trafficking in cocaine is a felony of the third 4435
degree under this division and if the offender two or more times 4436
previously has been convicted of or pleaded guilty to a felony 4437
drug abuse offense, the court shall impose as a mandatory prison 4438
term one of the prison terms prescribed for a felony of the 4439
third degree. If the amount of the drug involved is within that 4440
range and if the offense was committed in the vicinity of a 4441
school or in the vicinity of a juvenile, trafficking in cocaine 4442
is a felony of the second degree, and the court shall impose as 4443
a mandatory prison term ~~one of the prison terms prescribed for a~~ 4444
~~felony of the second degree~~ a second degree felony mandatory 4445
prison term. 4446

(e) Except as otherwise provided in this division, if the 4447
amount of the drug involved equals or exceeds twenty grams but 4448
is less than twenty-seven grams of cocaine, trafficking in 4449
cocaine is a felony of the second degree, and the court shall 4450
impose as a mandatory prison term ~~one of the prison terms~~ 4451
~~prescribed for a felony of the second degree~~ a second degree 4452
felony mandatory prison term. If the amount of the drug involved 4453
is within that range and if the offense was committed in the 4454
vicinity of a school or in the vicinity of a juvenile, 4455
trafficking in cocaine is a felony of the first degree, and the 4456
court shall impose as a mandatory prison term ~~one of the prison~~ 4457
~~terms prescribed for a felony of the first degree~~ a first degree 4458
felony mandatory prison term. 4459

(f) If the amount of the drug involved equals or exceeds 4460
twenty-seven grams but is less than one hundred grams of cocaine 4461
and regardless of whether the offense was committed in the 4462
vicinity of a school or in the vicinity of a juvenile, 4463

trafficking in cocaine is a felony of the first degree, and the 4464
court shall impose as a mandatory prison term ~~one of the prison~~ 4465
~~terms prescribed for a felony of the first degree~~ a first degree 4466
felony mandatory prison term. 4467

(g) If the amount of the drug involved equals or exceeds 4468
one hundred grams of cocaine and regardless of whether the 4469
offense was committed in the vicinity of a school or in the 4470
vicinity of a juvenile, trafficking in cocaine is a felony of 4471
the first degree, the offender is a major drug offender, and the 4472
court shall impose as a mandatory prison term ~~the maximum prison~~ 4473
~~term prescribed for a felony of the first degree~~ a maximum first 4474
degree felony mandatory prison term. 4475

(5) If the drug involved in the violation is L.S.D. or a 4476
compound, mixture, preparation, or substance containing L.S.D., 4477
whoever violates division (A) of this section is guilty of 4478
trafficking in L.S.D. The penalty for the offense shall be 4479
determined as follows: 4480

(a) Except as otherwise provided in division (C) (5) (b), 4481
(c), (d), (e), (f), or (g) of this section, trafficking in 4482
L.S.D. is a felony of the fifth degree, and division (B) of 4483
section 2929.13 of the Revised Code applies in determining 4484
whether to impose a prison term on the offender. 4485

(b) Except as otherwise provided in division (C) (5) (c), 4486
(d), (e), (f), or (g) of this section, if the offense was 4487
committed in the vicinity of a school or in the vicinity of a 4488
juvenile, trafficking in L.S.D. is a felony of the fourth 4489
degree, and division (C) of section 2929.13 of the Revised Code 4490
applies in determining whether to impose a prison term on the 4491
offender. 4492

(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 of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. 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 L.S.D. 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 two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If trafficking in L.S.D. is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. 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 L.S.D. 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 4524
prison term. 4525

(e) Except as otherwise provided in this division, if the 4526
amount of the drug involved equals or exceeds two hundred fifty 4527
unit doses but is less than one thousand unit doses of L.S.D. in 4528
a solid form or equals or exceeds twenty-five grams but is less 4529
than one hundred grams of L.S.D. in a liquid concentrate, liquid 4530
extract, or liquid distillate form, trafficking in L.S.D. is a 4531
felony of the second degree, and the court shall impose as a 4532
mandatory prison term ~~one of the prison terms prescribed for a~~ 4533
~~felony of the second degree~~ a second degree felony mandatory 4534
prison term. If the amount of the drug involved is within that 4535
range and if the offense was committed in the vicinity of a 4536
school or in the vicinity of a juvenile, trafficking in L.S.D. 4537
is a felony of the first degree, and the court shall impose as a 4538
mandatory prison term ~~one of the prison terms prescribed for a~~ 4539
~~felony of the first degree~~ a first degree felony mandatory 4540
prison term. 4541

(f) If the amount of the drug involved equals or exceeds 4542
one thousand unit doses but is less than five thousand unit 4543
doses of L.S.D. in a solid form or equals or exceeds one hundred 4544
grams but is less than five hundred grams of L.S.D. in a liquid 4545
concentrate, liquid extract, or liquid distillate form and 4546
regardless of whether the offense was committed in the vicinity 4547
of a school or in the vicinity of a juvenile, trafficking in 4548
L.S.D. is a felony of the first degree, and the court shall 4549
impose as a mandatory prison term ~~one of the prison terms~~ 4550
~~prescribed for a felony of the first degree~~ a first degree 4551
felony mandatory prison term. 4552

(g) If the amount of the drug involved equals or exceeds 4553

five thousand unit doses of L.S.D. in a solid form or equals or 4554
exceeds five hundred grams of L.S.D. in a liquid concentrate, 4555
liquid extract, or liquid distillate form and regardless of 4556
whether the offense was committed in the vicinity of a school or 4557
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 4558
of the first degree, the offender is a major drug offender, and 4559
the court shall impose as a mandatory prison term ~~the maximum~~ 4560
~~prison term prescribed for a felony of the first degree~~ a 4561
maximum first degree felony mandatory prison term. 4562

(6) If the drug involved in the violation is heroin or a 4563
compound, mixture, preparation, or substance containing heroin, 4564
whoever violates division (A) of this section is guilty of 4565
trafficking in heroin. The penalty for the offense shall be 4566
determined as follows: 4567

(a) Except as otherwise provided in division (C) (6) (b), 4568
(c), (d), (e), (f), or (g) of this section, trafficking in 4569
heroin is a felony of the fifth degree, and division (B) of 4570
section 2929.13 of the Revised Code applies in determining 4571
whether to impose a prison term on the offender. 4572

(b) Except as otherwise provided in division (C) (6) (c), 4573
(d), (e), (f), or (g) of this section, if the offense was 4574
committed in the vicinity of a school or in the vicinity of a 4575
juvenile, trafficking in heroin is a felony of the fourth 4576
degree, and division (C) of section 2929.13 of the Revised Code 4577
applies in determining whether to impose a prison term on the 4578
offender. 4579

(c) Except as otherwise provided in this division, if the 4580
amount of the drug involved equals or exceeds ten unit doses but 4581
is less than fifty unit doses or equals or exceeds one gram but 4582
is less than five grams, trafficking in heroin is a felony of 4583

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 five grams but is less than ten grams, trafficking in heroin is a felony of the third degree, and there is a presumption for 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 second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in heroin 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. 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 first degree, and the court shall impose as a mandatory prison term ~~one of the prison terms prescribed for a felony of the first degree~~ a first degree felony mandatory prison term.

(f) If the amount of the drug involved equals or exceeds 4615
five hundred unit doses but is less than one thousand unit doses 4616
or equals or exceeds fifty grams but is less than one hundred 4617
grams and regardless of whether the offense was committed in the 4618
vicinity of a school or in the vicinity of a juvenile, 4619
trafficking in heroin is a felony of the first degree, and the 4620
court shall impose as a mandatory prison term ~~one of the prison-~~ 4621
~~terms prescribed for a felony of the first degree~~ a first degree 4622
felony mandatory prison term. 4623

(g) If the amount of the drug involved equals or exceeds 4624
one thousand unit doses or equals or exceeds one hundred grams 4625
and regardless of whether the offense was committed in the 4626
vicinity of a school or in the vicinity of a juvenile, 4627
trafficking in heroin is a felony of the first degree, the 4628
offender is a major drug offender, and the court shall impose as 4629
a mandatory prison term ~~the maximum prison term prescribed for a~~ 4630
~~felony of the first degree~~ a maximum first degree felony 4631
mandatory prison term. 4632

(7) If the drug involved in the violation is hashish or a 4633
compound, mixture, preparation, or substance containing hashish, 4634
whoever violates division (A) of this section is guilty of 4635
trafficking in hashish. The penalty for the offense shall be 4636
determined as follows: 4637

(a) Except as otherwise provided in division (C) (7) (b), 4638
(c), (d), (e), (f), or (g) of this section, trafficking in 4639
hashish is a felony of the fifth degree, and division (B) of 4640
section 2929.13 of the Revised Code applies in determining 4641
whether to impose a prison term on the offender. 4642

(b) Except as otherwise provided in division (C) (7) (c), 4643
(d), (e), (f), or (g) of this section, if the offense was 4644

committed in the vicinity of a school or in the vicinity of a 4645
juvenile, trafficking in hashish is a felony of the fourth 4646
degree, and division (B) of section 2929.13 of the Revised Code 4647
applies in determining whether to impose a prison term on the 4648
offender. 4649

(c) Except as otherwise provided in this division, if the 4650
amount of the drug involved equals or exceeds ten grams but is 4651
less than fifty grams of hashish in a solid form or equals or 4652
exceeds two grams but is less than ten grams of hashish in a 4653
liquid concentrate, liquid extract, or liquid distillate form, 4654
trafficking in hashish is a felony of the fourth degree, and 4655
division (B) of section 2929.13 of the Revised Code applies in 4656
determining whether to impose a prison term on the offender. If 4657
the amount of the drug involved is within that range and if the 4658
offense was committed in the vicinity of a school or in the 4659
vicinity of a juvenile, trafficking in hashish is a felony of 4660
the third degree, and division (C) of section 2929.13 of the 4661
Revised Code applies in determining whether to impose a prison 4662
term on the offender. 4663

(d) Except as otherwise provided in this division, if the 4664
amount of the drug involved equals or exceeds fifty grams but is 4665
less than two hundred fifty grams of hashish in a solid form or 4666
equals or exceeds ten grams but is less than fifty grams of 4667
hashish in a liquid concentrate, liquid extract, or liquid 4668
distillate form, trafficking in hashish is a felony of the third 4669
degree, and division (C) of section 2929.13 of the Revised Code 4670
applies in determining whether to impose a prison term on the 4671
offender. If the amount of the drug involved is within that 4672
range and if the offense was committed in the vicinity of a 4673
school or in the vicinity of a juvenile, trafficking in hashish 4674
is a felony of the second degree, and there is a presumption 4675

that a prison term shall be imposed for the offense. 4676

(e) Except as otherwise provided in this division, if the 4677
amount of the drug involved equals or exceeds two hundred fifty 4678
grams but is less than one thousand grams of hashish in a solid 4679
form or equals or exceeds fifty grams but is less than two 4680
hundred grams of hashish in a liquid concentrate, liquid 4681
extract, or liquid distillate form, trafficking in hashish is a 4682
felony of the third degree, and there is a presumption that a 4683
prison term shall be imposed for the offense. If the amount of 4684
the drug involved is within that range and if the offense was 4685
committed in the vicinity of a school or in the vicinity of a 4686
juvenile, trafficking in hashish is a felony of the second 4687
degree, and there is a presumption that a prison term shall be 4688
imposed for the offense. 4689

(f) Except as otherwise provided in this division, if the 4690
amount of the drug involved equals or exceeds one thousand grams 4691
but is less than two thousand grams of hashish in a solid form 4692
or equals or exceeds two hundred grams but is less than four 4693
hundred grams of hashish in a liquid concentrate, liquid 4694
extract, or liquid distillate form, trafficking in hashish is a 4695
felony of the second degree, and the court shall impose as a 4696
mandatory prison term a second degree felony mandatory prison 4697
term of five, six, seven, or eight years. If the amount of the 4698
drug involved is within that range and if the offense was 4699
committed in the vicinity of a school or in the vicinity of a 4700
juvenile, trafficking in hashish is a felony of the first 4701
degree, and the court shall impose as a mandatory prison term 4702
~~the maximum prison term prescribed for a felony of the first-~~ 4703
~~degree a maximum first degree felony mandatory prison term.~~ 4704

(g) Except as otherwise provided in this division, if the 4705

amount of the drug involved equals or exceeds two thousand grams 4706
of hashish in a solid form or equals or exceeds four hundred 4707
grams of hashish in a liquid concentrate, liquid extract, or 4708
liquid distillate form, trafficking in hashish is a felony of 4709
the second degree, and the court shall impose as a mandatory 4710
prison term ~~the maximum prison term prescribed for a felony of~~ 4711
~~the second degree~~ a maximum second degree felony mandatory 4712
prison term. If the amount of the drug involved equals or 4713
exceeds two thousand grams of hashish in a solid form or equals 4714
or exceeds four hundred grams of hashish in a liquid 4715
concentrate, liquid extract, or liquid distillate form and if 4716
the offense was committed in the vicinity of a school or in the 4717
vicinity of a juvenile, trafficking in hashish is a felony of 4718
the first degree, and the court shall impose as a mandatory 4719
prison term ~~the maximum prison term prescribed for a felony of~~ 4720
~~the first degree~~ a maximum first degree felony mandatory prison 4721
term. 4722

(8) If the drug involved in the violation is a controlled 4723
substance analog or compound, mixture, preparation, or substance 4724
that contains a controlled substance analog, whoever violates 4725
division (A) of this section is guilty of trafficking in a 4726
controlled substance analog. The penalty for the offense shall 4727
be determined as follows: 4728

(a) Except as otherwise provided in division (C) (8) (b), 4729
(c), (d), (e), (f), or (g) of this section, trafficking in a 4730
controlled substance analog is a felony of the fifth degree, and 4731
division (C) of section 2929.13 of the Revised Code applies in 4732
determining whether to impose a prison term on the offender. 4733

(b) Except as otherwise provided in division (C) (8) (c), 4734
(d), (e), (f), or (g) of this section, if the offense was 4735

committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog 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 grams but is less than twenty grams, trafficking in a controlled substance analog 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 a controlled substance analog 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 twenty grams but is less than thirty grams, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for 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 a controlled substance analog is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, trafficking in 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~~ 4766
~~prescribed for a felony of the second degree~~ a second degree 4767
felony mandatory prison term. If the amount of the drug involved 4768
is within that range and if the offense was committed in the 4769
vicinity of a school or in the vicinity of a juvenile, 4770
trafficking in a controlled substance analog is a felony of the 4771
first degree, and the court shall impose as a mandatory prison 4772
term ~~one of the prison terms prescribed for a felony of the~~ 4773
~~first degree~~ a first degree felony mandatory prison term. 4774

(f) If the amount of the drug involved equals or exceeds 4775
forty grams but is less than fifty grams and regardless of 4776
whether the offense was committed in the vicinity of a school or 4777
in the vicinity of a juvenile, trafficking in a controlled 4778
substance analog is a felony of the first degree, and the court 4779
shall impose as a mandatory prison term ~~one of the prison terms~~ 4780
~~prescribed for a felony of the first degree~~ a first degree 4781
felony mandatory prison term. 4782

(g) If the amount of the drug involved equals or exceeds 4783
fifty grams and regardless of whether the offense was committed 4784
in the vicinity of a school or in the vicinity of a juvenile, 4785
trafficking in a controlled substance analog is a felony of the 4786
first degree, the offender is a major drug offender, and the 4787
court shall impose as a mandatory prison term ~~the maximum prison~~ 4788
~~term prescribed for a felony of the first degree~~ a maximum first 4789
degree felony mandatory prison term. 4790

(D) In addition to any prison term authorized or required 4791
by division (C) of this section and sections 2929.13 and 2929.14 4792
of the Revised Code, and in addition to any other sanction 4793
imposed for the offense under this section or sections 2929.11 4794
to 2929.18 of the Revised Code, the court that sentences an 4795

offender who is convicted of or pleads guilty to a violation of 4796
division (A) of this section may suspend the driver's or 4797
commercial driver's license or permit of the offender in 4798
accordance with division (G) of this section. However, if the 4799
offender pleaded guilty to or was convicted of a violation of 4800
section 4511.19 of the Revised Code or a substantially similar 4801
municipal ordinance or the law of another state or the United 4802
States arising out of the same set of circumstances as the 4803
violation, the court shall suspend the offender's driver's or 4804
commercial driver's license or permit in accordance with 4805
division (G) of this section. If applicable, the court also 4806
shall do the following: 4807

(1) If the violation of division (A) of this section is a 4808
felony of the first, second, or third degree, the court shall 4809
impose upon the offender the mandatory fine specified for the 4810
offense under division (B) (1) of section 2929.18 of the Revised 4811
Code unless, as specified in that division, the court determines 4812
that the offender is indigent. Except as otherwise provided in 4813
division (H) (1) of this section, a mandatory fine or any other 4814
fine imposed for a violation of this section is subject to 4815
division (F) of this section. If a person is charged with a 4816
violation of this section that is a felony of the first, second, 4817
or third degree, posts bail, and forfeits the bail, the clerk of 4818
the court shall pay the forfeited bail pursuant to divisions (D) 4819
(1) and (F) of this section, as if the forfeited bail was a fine 4820
imposed for a violation of this section. If any amount of the 4821
forfeited bail remains after that payment and if a fine is 4822
imposed under division (H) (1) of this section, the clerk of the 4823
court shall pay the remaining amount of the forfeited bail 4824
pursuant to divisions (H) (2) and (3) of this section, as if that 4825
remaining amount was a fine imposed under division (H) (1) of 4826

this section. 4827

(2) If the offender is a professionally licensed person, 4828
the court immediately shall comply with section 2925.38 of the 4829
Revised Code. 4830

(E) When a person is charged with the sale of or offer to 4831
sell a bulk amount or a multiple of a bulk amount of a 4832
controlled substance, the jury, or the court trying the accused, 4833
shall determine the amount of the controlled substance involved 4834
at the time of the offense and, if a guilty verdict is returned, 4835
shall return the findings as part of the verdict. In any such 4836
case, it is unnecessary to find and return the exact amount of 4837
the controlled substance involved, and it is sufficient if the 4838
finding and return is to the effect that the amount of the 4839
controlled substance involved is the requisite amount, or that 4840
the amount of the controlled substance involved is less than the 4841
requisite amount. 4842

(F) (1) Notwithstanding any contrary provision of section 4843
3719.21 of the Revised Code and except as provided in division 4844
(H) of this section, the clerk of the court shall pay any 4845
mandatory fine imposed pursuant to division (D) (1) of this 4846
section and any fine other than a mandatory fine that is imposed 4847
for a violation of this section pursuant to division (A) or (B) 4848
(5) of section 2929.18 of the Revised Code to the county, 4849
township, municipal corporation, park district, as created 4850
pursuant to section 511.18 or 1545.04 of the Revised Code, or 4851
state law enforcement agencies in this state that primarily were 4852
responsible for or involved in making the arrest of, and in 4853
prosecuting, the offender. However, the clerk shall not pay a 4854
mandatory fine so imposed to a law enforcement agency unless the 4855
agency has adopted a written internal control policy under 4856

division (F) (2) of this section that addresses the use of the 4857
fine moneys that it receives. Each agency shall use the 4858
mandatory fines so paid to subsidize the agency's law 4859
enforcement efforts that pertain to drug offenses, in accordance 4860
with the written internal control policy adopted by the 4861
recipient agency under division (F) (2) of this section. 4862

(2) Prior to receiving any fine moneys under division (F) 4863
(1) of this section or division (B) of section 2925.42 of the 4864
Revised Code, a law enforcement agency shall adopt a written 4865
internal control policy that addresses the agency's use and 4866
disposition of all fine moneys so received and that provides for 4867
the keeping of detailed financial records of the receipts of 4868
those fine moneys, the general types of expenditures made out of 4869
those fine moneys, and the specific amount of each general type 4870
of expenditure. The policy shall not provide for or permit the 4871
identification of any specific expenditure that is made in an 4872
ongoing investigation. All financial records of the receipts of 4873
those fine moneys, the general types of expenditures made out of 4874
those fine moneys, and the specific amount of each general type 4875
of expenditure by an agency are public records open for 4876
inspection under section 149.43 of the Revised Code. 4877
Additionally, a written internal control policy adopted under 4878
this division is such a public record, and the agency that 4879
adopted it shall comply with it. 4880

(3) As used in division (F) of this section: 4881

(a) "Law enforcement agencies" includes, but is not 4882
limited to, the state board of pharmacy and the office of a 4883
prosecutor. 4884

(b) "Prosecutor" has the same meaning as in section 4885
2935.01 of the Revised Code. 4886

(G) (1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under division (D) of this section or any other provision of this chapter, the court shall suspend the license, by order, for not more than five years. If an offender's driver's or commercial driver's license or permit is suspended pursuant to this division, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed or from the day on which the offender finally was released from a prison term under the sentence, whichever is later, may file a motion with the sentencing court requesting termination of the suspension; upon the filing of such a motion and the court's finding of good cause for the termination, the court may terminate the suspension.

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

Upon the filing of a motion under division (G) (2) of this section, the sentencing court, in its discretion, may terminate the suspension.

(H) (1) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13

and 2929.14 of the Revised Code, in addition to any other 4917
penalty or sanction imposed for the offense under this section 4918
or sections 2929.11 to 2929.18 of the Revised Code, and in 4919
addition to the forfeiture of property in connection with the 4920
offense as prescribed in Chapter 2981. of the Revised Code, the 4921
court that sentences an offender who is convicted of or pleads 4922
guilty to a violation of division (A) of this section may impose 4923
upon the offender an additional fine specified for the offense 4924
in division (B)(4) of section 2929.18 of the Revised Code. A 4925
fine imposed under division (H)(1) of this section is not 4926
subject to division (F) of this section and shall be used solely 4927
for the support of one or more eligible community addiction 4928
services providers in accordance with divisions (H)(2) and (3) 4929
of this section. 4930

(2) The court that imposes a fine under division (H)(1) of 4931
this section shall specify in the judgment that imposes the fine 4932
one or more eligible community addiction services providers for 4933
the support of which the fine money is to be used. No community 4934
addiction services provider shall receive or use money paid or 4935
collected in satisfaction of a fine imposed under division (H) 4936
(1) of this section unless the services provider is specified in 4937
the judgment that imposes the fine. No community addiction 4938
services provider shall be specified in the judgment unless the 4939
services provider is an eligible community addiction services 4940
provider and, except as otherwise provided in division (H)(2) of 4941
this section, unless the services provider is located in the 4942
county in which the court that imposes the fine is located or in 4943
a county that is immediately contiguous to the county in which 4944
that court is located. If no eligible community addiction 4945
services provider is located in any of those counties, the 4946
judgment may specify an eligible community addiction services 4947

provider that is located anywhere within this state. 4948

(3) Notwithstanding any contrary provision of section 4949
3719.21 of the Revised Code, the clerk of the court shall pay 4950
any fine imposed under division (H)(1) of this section to the 4951
eligible community addiction services provider specified 4952
pursuant to division (H)(2) of this section in the judgment. The 4953
eligible community addiction services provider that receives the 4954
fine moneys shall use the moneys only for the alcohol and drug 4955
addiction services identified in the application for 4956
certification of services under section 5119.36 of the Revised 4957
Code or in the application for a license under section 5119.391 4958
of the Revised Code filed with the department of mental health 4959
and addiction services by the community addiction services 4960
provider specified in the judgment. 4961

(4) Each community addiction services provider that 4962
receives in a calendar year any fine moneys under division (H) 4963
(3) of this section shall file an annual report covering that 4964
calendar year with the court of common pleas and the board of 4965
county commissioners of the county in which the services 4966
provider is located, with the court of common pleas and the 4967
board of county commissioners of each county from which the 4968
services provider received the moneys if that county is 4969
different from the county in which the services provider is 4970
located, and with the attorney general. The community addiction 4971
services provider shall file the report no later than the first 4972
day of March in the calendar year following the calendar year in 4973
which the services provider received the fine moneys. The report 4974
shall include statistics on the number of persons served by the 4975
community addiction services provider, identify the types of 4976
alcohol and drug addiction services provided to those persons, 4977
and include a specific accounting of the purposes for which the 4978

fine moneys received were used. No information contained in the 4979
report shall identify, or enable a person to determine the 4980
identity of, any person served by the community addiction 4981
services provider. Each report received by a court of common 4982
pleas, a board of county commissioners, or the attorney general 4983
is a public record open for inspection under section 149.43 of 4984
the Revised Code. 4985

(5) As used in divisions (H) (1) to (5) of this section: 4986

(a) "Community addiction services provider" and "alcohol 4987
and drug addiction services" have the same meanings as in 4988
section 5119.01 of the Revised Code. 4989

(b) "Eligible community addiction services provider" means 4990
a community addiction services provider, as defined in section 4991
5119.01 of the Revised Code, or a community addiction services 4992
provider that maintains a methadone treatment program licensed 4993
under section 5119.391 of the Revised Code. 4994

(I) As used in this section, "drug" includes any substance 4995
that is represented to be a drug. 4996

(J) It is an affirmative defense to a charge of 4997
trafficking in a controlled substance analog under division (C) 4998
(8) of this section that the person charged with violating that 4999
offense sold or offered to sell, or prepared for shipment, 5000
shipped, transported, delivered, prepared for distribution, or 5001
distributed an item described in division (HH) (2) (a), (b), or 5002
(c) of section 3719.01 of the Revised Code. 5003

Sec. 2925.04. (A) No person shall knowingly cultivate 5004
marihuana or knowingly manufacture or otherwise engage in any 5005
part of the production of a controlled substance. 5006

(B) This section does not apply to any person listed in 5007

division (B) (1), (2), or (3) of section 2925.03 of the Revised 5008
Code to the extent and under the circumstances described in 5009
those divisions. 5010

(C) (1) Whoever commits a violation of division (A) of this 5011
section that involves any drug other than marihuana is guilty of 5012
illegal manufacture of drugs, and whoever commits a violation of 5013
division (A) of this section that involves marihuana is guilty 5014
of illegal cultivation of marihuana. 5015

(2) Except as otherwise provided in this division, if the 5016
drug involved in the violation of division (A) of this section 5017
is any compound, mixture, preparation, or substance included in 5018
schedule I or II, with the exception of methamphetamine or 5019
marihuana, illegal manufacture of drugs is a felony of the 5020
second degree, and, subject to division (E) of this section, the 5021
court shall impose as a mandatory prison term ~~one of the prison~~ 5022
~~terms prescribed for a felony of the second degree~~ a second 5023
degree felony mandatory prison term. 5024

If the drug involved in the violation is any compound, 5025
mixture, preparation, or substance included in schedule I or II, 5026
with the exception of methamphetamine or marihuana, and if the 5027
offense was committed in the vicinity of a juvenile or in the 5028
vicinity of a school, illegal manufacture of drugs is a felony 5029
of the first degree, and, subject to division (E) of this 5030
section, the court shall impose as a mandatory prison term ~~one~~ 5031
~~of the prison terms prescribed for a felony of the first degree~~ 5032
a first degree felony mandatory prison term. 5033

(3) If the drug involved in the violation of division (A) 5034
of this section is methamphetamine, the penalty for the 5035
violation shall be determined as follows: 5036

(a) Except as otherwise provided in division (C) (3) (b) of 5037
this section, if the drug involved in the violation is 5038
methamphetamine, illegal manufacture of drugs is a felony of the 5039
second degree, and, subject to division (E) of this section, the 5040
court shall impose a mandatory prison term on the offender 5041
determined in accordance with this division. Except as otherwise 5042
provided in this division, the court shall impose as a mandatory 5043
prison term ~~one of the prison terms prescribed for a felony of~~ 5044
~~the second degree~~ a second degree felony mandatory prison term 5045
that is not less than three years. If the offender previously 5046
has been convicted of or pleaded guilty to a violation of 5047
division (A) of this section, a violation of division (B) (6) of 5048
section 2919.22 of the Revised Code, or a violation of division 5049
(A) of section 2925.041 of the Revised Code, the court shall 5050
impose as a mandatory prison term ~~one of the prison terms~~ 5051
~~prescribed for a felony of the second degree~~ a second degree 5052
felony mandatory prison term that is not less than five years. 5053

(b) If the drug involved in the violation is 5054
methamphetamine and if the offense was committed in the vicinity 5055
of a juvenile, in the vicinity of a school, or on public 5056
premises, illegal manufacture of drugs is a felony of the first 5057
degree, and, subject to division (E) of this section, the court 5058
shall impose a mandatory prison term on the offender determined 5059
in accordance with this division. Except as otherwise provided 5060
in this division, 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 that is 5063
not less than four years. If the offender previously has been 5064
convicted of or pleaded guilty to a violation of division (A) of 5065
this section, a violation of division (B) (6) of section 2919.22 5066
of the Revised Code, or a violation of division (A) of section 5067

2925.041 of the Revised Code, the court shall impose as a 5068
mandatory prison term ~~one of the prison terms prescribed for a~~ 5069
~~felony of the first degree~~ a first degree felony mandatory 5070
prison term that is not less than five years. 5071

(4) If the drug involved in the violation of division (A) 5072
of this section is any compound, mixture, preparation, or 5073
substance included in schedule III, IV, or V, illegal 5074
manufacture of drugs is a felony of the third degree or, if the 5075
offense was committed in the vicinity of a school or in the 5076
vicinity of a juvenile, a felony of the second degree, and there 5077
is a presumption for a prison term for the offense. 5078

(5) If the drug involved in the violation is marihuana, 5079
the penalty for the offense shall be determined as follows: 5080

(a) Except as otherwise provided in division (C) (5) (b), 5081
(c), (d), (e), or (f) of this section, illegal cultivation of 5082
marihuana is a minor misdemeanor or, if the offense was 5083
committed in the vicinity of a school or in the vicinity of a 5084
juvenile, a misdemeanor of the fourth degree. 5085

(b) If the amount of marihuana involved equals or exceeds 5086
one hundred grams but is less than two hundred grams, illegal 5087
cultivation of marihuana is a misdemeanor of the fourth degree 5088
or, if the offense was committed in the vicinity of a school or 5089
in the vicinity of a juvenile, a misdemeanor of the third 5090
degree. 5091

(c) If the amount of marihuana involved equals or exceeds 5092
two hundred grams but is less than one thousand grams, illegal 5093
cultivation of marihuana is a felony of the fifth degree or, if 5094
the offense was committed in the vicinity of a school or in the 5095
vicinity of a juvenile, a felony of the fourth degree, and 5096

division (B) of section 2929.13 of the Revised Code applies in 5097
determining whether to impose a prison term on the offender. 5098

(d) If the amount of marihuana involved equals or exceeds 5099
one thousand grams but is less than five thousand grams, illegal 5100
cultivation of marihuana is a felony of the third degree or, if 5101
the offense was committed in the vicinity of a school or in the 5102
vicinity of a juvenile, a felony of the second degree, and 5103
division (C) of section 2929.13 of the Revised Code applies in 5104
determining whether to impose a prison term on the offender. 5105

(e) If the amount of marihuana involved equals or exceeds 5106
five thousand grams but is less than twenty thousand grams, 5107
illegal cultivation of marihuana is a felony of the third degree 5108
or, if the offense was committed in the vicinity of a school or 5109
in the vicinity of a juvenile, a felony of the second degree, 5110
and there is a presumption for a prison term for the offense. 5111

(f) Except as otherwise provided in this division, if the 5112
amount of marihuana involved equals or exceeds twenty thousand 5113
grams, illegal cultivation of marihuana is a felony of the 5114
second degree, and the court shall impose as a mandatory prison 5115
~~term the maximum prison term prescribed for a felony of the~~ 5116
~~second degree a maximum second degree felony mandatory prison~~ 5117
term. If the amount of the drug involved equals or exceeds 5118
twenty thousand grams and if the offense was committed in the 5119
vicinity of a school or in the vicinity of a juvenile, illegal 5120
cultivation of marihuana is a felony of the first degree, and 5121
the court shall impose as a mandatory prison term ~~the maximum~~ 5122
~~prison term prescribed for a felony of the first degree a~~ 5123
maximum first degree felony mandatory prison term. 5124

(D) In addition to any prison term authorized or required 5125
by division (C) or (E) of this section and sections 2929.13 and 5126

2929.14 of the Revised Code and in addition to any other 5127
sanction imposed for the offense under this section or sections 5128
2929.11 to 2929.18 of the Revised Code, the court that sentences 5129
an offender who is convicted of or pleads guilty to a violation 5130
of division (A) of this section may suspend the offender's 5131
driver's or commercial driver's license or permit in accordance 5132
with division (G) of section 2925.03 of the Revised Code. 5133
However, if the offender pleaded guilty to or was convicted of a 5134
violation of section 4511.19 of the Revised Code or a 5135
substantially similar municipal ordinance or the law of another 5136
state or the United States arising out of the same set of 5137
circumstances as the violation, the court shall suspend the 5138
offender's driver's or commercial driver's license or permit in 5139
accordance with division (G) of section 2925.03 of the Revised 5140
Code. If applicable, the court also shall do the following: 5141

(1) If the violation of division (A) of this section is a 5142
felony of the first, second, or third degree, the court shall 5143
impose upon the offender the mandatory fine specified for the 5144
offense under division (B)(1) of section 2929.18 of the Revised 5145
Code unless, as specified in that division, the court determines 5146
that the offender is indigent. The clerk of the court shall pay 5147
a mandatory fine or other fine imposed for a violation of this 5148
section pursuant to division (A) of section 2929.18 of the 5149
Revised Code in accordance with and subject to the requirements 5150
of division (F) of section 2925.03 of the Revised Code. The 5151
agency that receives the fine shall use the fine as specified in 5152
division (F) of section 2925.03 of the Revised Code. If a person 5153
is charged with a violation of this section that is a felony of 5154
the first, second, or third degree, posts bail, and forfeits the 5155
bail, the clerk shall pay the forfeited bail as if the forfeited 5156
bail were a fine imposed for a violation of this section. 5157

(2) If the offender is a professionally licensed person, 5158
the court immediately shall comply with section 2925.38 of the 5159
Revised Code. 5160

(E) Notwithstanding the prison term otherwise authorized 5161
or required for the offense under division (C) of this section 5162
and sections 2929.13 and 2929.14 of the Revised Code, if the 5163
violation of division (A) of this section involves the sale, 5164
offer to sell, or possession of a schedule I or II controlled 5165
substance, with the exception of marihuana, and if the court 5166
imposing sentence upon the offender finds that the offender as a 5167
result of the violation is a major drug offender and is guilty 5168
of a specification of the type described in section 2941.1410 of 5169
the Revised Code, the court, in lieu of the prison term 5170
otherwise authorized or required, shall impose upon the offender 5171
the mandatory prison term specified in division (B) (3) of 5172
section 2929.14 of the Revised Code. 5173

(F) It is an affirmative defense, as provided in section 5174
2901.05 of the Revised Code, to a charge under this section for 5175
a fifth degree felony violation of illegal cultivation of 5176
marihuana that the marihuana that gave rise to the charge is in 5177
an amount, is in a form, is prepared, compounded, or mixed with 5178
substances that are not controlled substances in a manner, or is 5179
possessed or cultivated under any other circumstances that 5180
indicate that the marihuana was solely for personal use. 5181

Notwithstanding any contrary provision of division (F) of 5182
this section, if, in accordance with section 2901.05 of the 5183
Revised Code, a person who is charged with a violation of 5184
illegal cultivation of marihuana that is a felony of the fifth 5185
degree sustains the burden of going forward with evidence of and 5186
establishes by a preponderance of the evidence the affirmative 5187

defense described in this division, the person may be prosecuted 5188
for and may be convicted of or plead guilty to a misdemeanor 5189
violation of illegal cultivation of marihuana. 5190

(G) Arrest or conviction for a minor misdemeanor violation 5191
of this section does not constitute a criminal record and need 5192
not be reported by the person so arrested or convicted in 5193
response to any inquiries about the person's criminal record, 5194
including any inquiries contained in an application for 5195
employment, a license, or any other right or privilege or made 5196
in connection with the person's appearance as a witness. 5197

(H) (1) If the sentencing court suspends the offender's 5198
driver's or commercial driver's license or permit under this 5199
section in accordance with division (G) of section 2925.03 of 5200
the Revised Code, the offender may request termination of, and 5201
the court may terminate, the suspension of the offender in 5202
accordance with that division. 5203

(2) Any offender who received a mandatory suspension of 5204
the offender's driver's or commercial driver's license or permit 5205
under this section prior to ~~the effective date of this amendment~~ 5206
September 13, 2016, may file a motion with the sentencing court 5207
requesting the termination of the suspension. However, an 5208
offender who pleaded guilty to or was convicted of a violation 5209
of section 4511.19 of the Revised Code or a substantially 5210
similar municipal ordinance or law of another state or the 5211
United States that arose out of the same set of circumstances as 5212
the violation for which the offender's license or permit was 5213
suspended under this section shall not file such a motion. 5214

Upon the filing of a motion under division (H) (2) of this 5215
section, the sentencing court, in its discretion, may terminate 5216
the suspension. 5217

Sec. 2925.041. (A) No person shall knowingly assemble or 5218
possess one or more chemicals that may be used to manufacture a 5219
controlled substance in schedule I or II with the intent to 5220
manufacture a controlled substance in schedule I or II in 5221
violation of section 2925.04 of the Revised Code. 5222

(B) In a prosecution under this section, it is not 5223
necessary to allege or prove that the offender assembled or 5224
possessed all chemicals necessary to manufacture a controlled 5225
substance in schedule I or II. The assembly or possession of a 5226
single chemical that may be used in the manufacture of a 5227
controlled substance in schedule I or II, with the intent to 5228
manufacture a controlled substance in either schedule, is 5229
sufficient to violate this section. 5230

(C) Whoever violates this section is guilty of illegal 5231
assembly or possession of chemicals for the manufacture of 5232
drugs. Except as otherwise provided in this division, illegal 5233
assembly or possession of chemicals for the manufacture of drugs 5234
is a felony of the third degree, and, except as otherwise 5235
provided in division (C)(1) or (2) of this section, division (C) 5236
of section 2929.13 of the Revised Code applies in determining 5237
whether to impose a prison term on the offender. If the offense 5238
was committed in the vicinity of a juvenile or in the vicinity 5239
of a school, illegal assembly or possession of chemicals for the 5240
manufacture of drugs is a felony of the second degree, and, 5241
except as otherwise provided in division (C)(1) or (2) of this 5242
section, division (C) of section 2929.13 of the Revised Code 5243
applies in determining whether to impose a prison term on the 5244
offender. If the violation of division (A) of this section is a 5245
felony of the third degree under this division and if the 5246
chemical or chemicals assembled or possessed in violation of 5247
division (A) of this section may be used to manufacture 5248

methamphetamine, there either is a presumption for a prison term 5249
for the offense or the court shall impose a mandatory prison 5250
term on the offender, determined as follows: 5251

(1) Except as otherwise provided in this division, there 5252
is a presumption for a prison term for the offense. If the 5253
offender two or more times previously has been convicted of or 5254
pleaded guilty to a felony drug abuse offense, except as 5255
otherwise provided in this division, the court shall impose as a 5256
mandatory prison term one of the prison terms prescribed for a 5257
felony of the third degree that is not less than two years. If 5258
the offender two or more times previously has been convicted of 5259
or pleaded guilty to a felony drug abuse offense and if at least 5260
one of those previous convictions or guilty pleas was to a 5261
violation of division (A) of this section, a violation of 5262
division (B) (6) of section 2919.22 of the Revised Code, or a 5263
violation of division (A) of section 2925.04 of the Revised 5264
Code, the court shall impose as a mandatory prison term one of 5265
the prison terms prescribed for a felony of the third degree 5266
that is not less than five years. 5267

(2) If the violation of division (A) of this section is a 5268
felony of the second degree under division (C) of this section 5269
and the chemical or chemicals assembled or possessed in 5270
committing the violation may be used to manufacture 5271
methamphetamine, the court shall impose as a mandatory prison 5272
term ~~one of the prison terms prescribed for a felony of the~~ 5273
~~second degree~~ a second degree felony mandatory prison term that 5274
is not less than three years. If the violation of division (A) 5275
of this section is a felony of the second degree under division 5276
(C) of this section, if the chemical or chemicals assembled or 5277
possessed in committing the violation may be used to manufacture 5278
methamphetamine, and if the offender previously has been 5279

convicted of or pleaded guilty to a violation of division (A) of 5280
this section, a violation of division (B) (6) of section 2919.22 5281
of the Revised Code, or a violation of division (A) of section 5282
2925.04 of the Revised Code, the court shall impose as a 5283
mandatory prison term ~~one of the prison terms prescribed for a~~ 5284
~~felony of the second degree~~ a second degree felony mandatory 5285
prison term that is not less than five years. 5286

(D) In addition to any prison term authorized by division 5287
(C) of this section and sections 2929.13 and 2929.14 of the 5288
Revised Code and in addition to any other sanction imposed for 5289
the offense under this section or sections 2929.11 to 2929.18 of 5290
the Revised Code, the court that sentences an offender who is 5291
convicted of or pleads guilty to a violation of this section may 5292
suspend the offender's driver's or commercial driver's license 5293
or permit in accordance with division (G) of section 2925.03 of 5294
the Revised Code. However, if the offender pleaded guilty to or 5295
was convicted of a violation of section 4511.19 of the Revised 5296
Code or a substantially similar municipal ordinance or the law 5297
of another state or the United States arising out of the same 5298
set of circumstances as the violation, the court shall suspend 5299
the offender's driver's or commercial driver's license or permit 5300
in accordance with division (G) of section 2925.03 of the 5301
Revised Code. If applicable, the court also shall do the 5302
following: 5303

(1) The court shall impose upon the offender the mandatory 5304
fine specified for the offense under division (B) (1) of section 5305
2929.18 of the Revised Code unless, as specified in that 5306
division, the court determines that the offender is indigent. 5307
The clerk of the court shall pay a mandatory fine or other fine 5308
imposed for a violation of this section under division (A) of 5309
section 2929.18 of the Revised Code in accordance with and 5310

subject to the requirements of division (F) of section 2925.03 5311
of the Revised Code. The agency that receives the fine shall use 5312
the fine as specified in division (F) of section 2925.03 of the 5313
Revised Code. If a person charged with a violation of this 5314
section posts bail and forfeits the bail, the clerk shall pay 5315
the forfeited bail as if the forfeited bail were a fine imposed 5316
for a violation of this section. 5317

(2) If the offender is a professionally licensed person or 5318
a person who has been admitted to the bar by order of the 5319
supreme court in compliance with its prescribed and published 5320
rules, the court shall comply with section 2925.38 of the 5321
Revised Code. 5322

(E) (1) If the sentencing court suspends the offender's 5323
driver's or commercial driver's license or permit under this 5324
section in accordance with division (G) of section 2925.03 of 5325
the Revised Code, the offender may request termination of, and 5326
the court may terminate, the suspension of the offender in 5327
accordance with that division. 5328

(2) Any offender who received a mandatory suspension of 5329
the offender's driver's or commercial driver's license or permit 5330
under this section prior to ~~the effective date of this amendment~~ 5331
September 13, 2016, may file a motion with the sentencing court 5332
requesting the termination of the suspension. However, an 5333
offender who pleaded guilty to or was convicted of a violation 5334
of section 4511.19 of the Revised Code or a substantially 5335
similar municipal ordinance or law of another state or the 5336
United States that arose out of the same set of circumstances as 5337
the violation for which the offender's license or permit was 5338
suspended under this section shall not file such a motion. 5339

Upon the filing of a motion under division (E) (2) of this 5340

section, the sentencing court, in its discretion, may terminate 5341
the suspension. 5342

Sec. 2925.05. (A) No person shall knowingly provide money 5343
or other items of value to another person with the purpose that 5344
the recipient of the money or items of value use them to obtain 5345
any controlled substance for the purpose of violating section 5346
2925.04 of the Revised Code or for the purpose of selling or 5347
offering to sell the controlled substance in the following 5348
amount: 5349

(1) If the drug to be sold or offered for sale is any 5350
compound, mixture, preparation, or substance included in 5351
schedule I or II, with the exception of marihuana, cocaine, 5352
L.S.D., heroin, and hashish, or schedule III, IV, or V, an 5353
amount of the drug that equals or exceeds the bulk amount of the 5354
drug; 5355

(2) If the drug to be sold or offered for sale is 5356
marihuana or a compound, mixture, preparation, or substance 5357
other than hashish containing marihuana, an amount of the 5358
marihuana that equals or exceeds two hundred grams; 5359

(3) If the drug to be sold or offered for sale is cocaine 5360
or a compound, mixture, preparation, or substance containing 5361
cocaine, an amount of the cocaine that equals or exceeds five 5362
grams; 5363

(4) If the drug to be sold or offered for sale is L.S.D. 5364
or a compound, mixture, preparation, or substance containing 5365
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 5366
doses if the L.S.D. is in a solid form or equals or exceeds one 5367
gram if the L.S.D. is in a liquid concentrate, liquid extract, 5368
or liquid distillate form; 5369

(5) If the drug to be sold or offered for sale is heroin 5370
or a compound, mixture, preparation, or substance containing 5371
heroin, an amount of the heroin that equals or exceeds ten unit 5372
doses or equals or exceeds one gram; 5373

(6) If the drug to be sold or offered for sale is hashish 5374
or a compound, mixture, preparation, or substance containing 5375
hashish, an amount of the hashish that equals or exceeds ten 5376
grams if the hashish is in a solid form or equals or exceeds two 5377
grams if the hashish is in a liquid concentrate, liquid extract, 5378
or liquid distillate form. 5379

(B) This section does not apply to any person listed in 5380
division (B) (1), (2), or (3) of section 2925.03 of the Revised 5381
Code to the extent and under the circumstances described in 5382
those divisions. 5383

(C) (1) If the drug involved in the violation is any 5384
compound, mixture, preparation, or substance included in 5385
schedule I or II, with the exception of marihuana, whoever 5386
violates division (A) of this section is guilty of aggravated 5387
funding of drug trafficking, a felony of the first degree, and, 5388
subject to division (E) of this section, the court shall impose 5389
as a mandatory prison term ~~one of the prison terms prescribed~~ 5390
~~for a felony of the first degree~~ a first degree felony mandatory 5391
prison term. 5392

(2) If the drug involved in the violation is any compound, 5393
mixture, preparation, or substance included in schedule III, IV, 5394
or V, whoever violates division (A) of this section is guilty of 5395
funding of drug trafficking, a felony of the second degree, and 5396
the court shall impose as a mandatory prison term ~~one of the~~ 5397
~~prison terms prescribed for a felony of the second degree~~ a 5398
second degree felony mandatory prison term. 5399

(3) If the drug involved in the violation is marihuana, 5400
whoever violates division (A) of this section is guilty of 5401
funding of marihuana trafficking, a felony of the third degree, 5402
and, except as otherwise provided in this division, there is a 5403
presumption for a prison term for the offense. If funding of 5404
marihuana trafficking is a felony of the third degree under this 5405
division and if the offender two or more times previously has 5406
been convicted of or pleaded guilty to a felony drug abuse 5407
offense, the court shall impose as a mandatory prison term one 5408
of the prison terms prescribed for a felony of the third degree. 5409

(D) In addition to any prison term authorized or required 5410
by division (C) or (E) of this section and sections 2929.13 and 5411
2929.14 of the Revised Code and in addition to any other 5412
sanction imposed for the offense under this section or sections 5413
2929.11 to 2929.18 of the Revised Code, the court that sentences 5414
an offender who is convicted of or pleads guilty to a violation 5415
of division (A) of this section may suspend the offender's 5416
driver's or commercial driver's license or permit in accordance 5417
with division (G) of section 2925.03 of the Revised Code. 5418
However, if the offender pleaded guilty to or was convicted of a 5419
violation of section 4511.19 of the Revised Code or a 5420
substantially similar municipal ordinance or the law of another 5421
state or the United States arising out of the same set of 5422
circumstances as the violation, the court shall suspend the 5423
offender's driver's or commercial driver's license or permit in 5424
accordance with division (G) of section 2925.03 of the Revised 5425
Code. If applicable, the court also shall do the following: 5426

(1) The court shall impose the mandatory fine specified 5427
for the offense under division (B)(1) of section 2929.18 of the 5428
Revised Code unless, as specified in that division, the court 5429
determines that the offender is indigent. The clerk of the court 5430

shall pay a mandatory fine or other fine imposed for a violation 5431
of this section pursuant to division (A) of section 2929.18 of 5432
the Revised Code in accordance with and subject to the 5433
requirements of division (F) of section 2925.03 of the Revised 5434
Code. The agency that receives the fine shall use the fine in 5435
accordance with division (F) of section 2925.03 of the Revised 5436
Code. If a person is charged with a violation of this section, 5437
posts bail, and forfeits the bail, the forfeited bail shall be 5438
paid as if the forfeited bail were a fine imposed for a 5439
violation of this section. 5440

(2) If the offender is a professionally licensed person, 5441
the court immediately shall comply with section 2925.38 of the 5442
Revised Code. 5443

(E) Notwithstanding the prison term otherwise authorized 5444
or required for the offense under division (C) of this section 5445
and sections 2929.13 and 2929.14 of the Revised Code, if the 5446
violation of division (A) of this section involves the sale, 5447
offer to sell, or possession of a schedule I or II controlled 5448
substance, with the exception of marihuana, and if the court 5449
imposing sentence upon the offender finds that the offender as a 5450
result of the violation is a major drug offender and is guilty 5451
of a specification of the type described in section 2941.1410 of 5452
the Revised Code, the court, in lieu of the prison term 5453
otherwise authorized or required, shall impose upon the offender 5454
the mandatory prison term specified in division (B) (3) of 5455
section 2929.14 of the Revised Code. 5456

(F) (1) If the sentencing court suspends the offender's 5457
driver's or commercial driver's license or permit under this 5458
section in accordance with division (G) of section 2925.03 of 5459
the Revised Code, the offender may request termination of, and 5460

the court may terminate, the suspension in accordance with that 5461
division. 5462

(2) Any offender who received a mandatory suspension of 5463
the offender's driver's or commercial driver's license or permit 5464
under this section prior to ~~the effective date of this amendment~~ 5465
September 13, 2016, may file a motion with the sentencing court 5466
requesting the termination of the suspension. However, an 5467
offender who pleaded guilty to or was convicted of a violation 5468
of section 4511.19 of the Revised Code or a substantially 5469
similar municipal ordinance or law of another state or the 5470
United States that arose out of the same set of circumstances as 5471
the violation for which the offender's license or permit was 5472
suspended under this section shall not file such a motion. 5473

Upon the filing of a motion under division (F) (2) of this 5474
section, the sentencing court, in its discretion, may terminate 5475
the suspension. 5476

Sec. 2925.11. (A) No person shall knowingly obtain, 5477
possess, or use a controlled substance or a controlled substance 5478
analog. 5479

(B) (1) This section does not apply to any of the 5480
following: 5481

(a) Manufacturers, licensed health professionals 5482
authorized to prescribe drugs, pharmacists, owners of 5483
pharmacies, and other persons whose conduct was in accordance 5484
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 5485
4741. of the Revised Code; 5486

(b) If the offense involves an anabolic steroid, any 5487
person who is conducting or participating in a research project 5488
involving the use of an anabolic steroid if the project has been 5489

approved by the United States food and drug administration;	5490
(c) Any person who sells, offers for sale, prescribes,	5491
dispenses, or administers for livestock or other nonhuman	5492
species an anabolic steroid that is expressly intended for	5493
administration through implants to livestock or other nonhuman	5494
species and approved for that purpose under the "Federal Food,	5495
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,	5496
as amended, and is sold, offered for sale, prescribed,	5497
dispensed, or administered for that purpose in accordance with	5498
that act;	5499
(d) Any person who obtained the controlled substance	5500
pursuant to a lawful prescription issued by a licensed health	5501
professional authorized to prescribe drugs.	5502
(2) (a) As used in division (B) (2) of this section:	5503
(i) "Community addiction services provider" has the same	5504
meaning as in section 5119.01 of the Revised Code.	5505
(ii) "Community control sanction" and "drug treatment	5506
program" have the same meanings as in section 2929.01 of the	5507
Revised Code.	5508
(iii) "Health care facility" has the same meaning as in	5509
section 2919.16 of the Revised Code.	5510
(iv) "Minor drug possession offense" means a violation of	5511
this section that is a misdemeanor or a felony of the fifth	5512
degree.	5513
(v) "Post-release control sanction" has the same meaning	5514
as in section 2967.28 of the Revised Code.	5515
(vi) "Peace officer" has the same meaning as in section	5516
2935.01 of the Revised Code.	5517

(vii) "Public agency" has the same meaning as in section 5518
2930.01 of the Revised Code. 5519

(viii) "Qualified individual" means a person who is not on 5520
community control or post-release control and is a person acting 5521
in good faith who seeks or obtains medical assistance for 5522
another person who is experiencing a drug overdose, a person who 5523
experiences a drug overdose and who seeks medical assistance for 5524
that overdose, or a person who is the subject of another person 5525
seeking or obtaining medical assistance for that overdose as 5526
described in division (B) (2) (b) of this section. 5527

(ix) "Seek or obtain medical assistance" includes, but is 5528
not limited to making a 9-1-1 call, contacting in person or by 5529
telephone call an on-duty peace officer, or transporting or 5530
presenting a person to a health care facility. 5531

(b) Subject to division (B) (2) (f) of this section, a 5532
qualified individual shall not be arrested, charged, prosecuted, 5533
convicted, or penalized pursuant to this chapter for a minor 5534
drug possession offense if all of the following apply: 5535

(i) The evidence of the obtaining, possession, or use of 5536
the controlled substance or controlled substance analog that 5537
would be the basis of the offense was obtained as a result of 5538
the qualified individual seeking the medical assistance or 5539
experiencing an overdose and needing medical assistance. 5540

(ii) Subject to division (B) (2) (g) of this section, within 5541
thirty days after seeking or obtaining the medical assistance, 5542
the qualified individual seeks and obtains a screening and 5543
receives a referral for treatment from a community addiction 5544
services provider or a properly credentialed addiction treatment 5545
professional. 5546

(iii) Subject to division (B) (2) (g) of this section, the 5547
qualified individual who obtains a screening and receives a 5548
referral for treatment under division (B) (2) (b) (ii) of this 5549
section, upon the request of any prosecuting attorney, submits 5550
documentation to the prosecuting attorney that verifies that the 5551
qualified individual satisfied the requirements of that 5552
division. The documentation shall be limited to the date and 5553
time of the screening obtained and referral received. 5554

(c) If a person is found to be in violation of any 5555
community control sanction and if the violation is a result of 5556
either of the following, the court shall first consider ordering 5557
the person's participation or continued participation in a drug 5558
treatment program or mitigating the penalty specified in section 5559
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 5560
applicable, after which the court has the discretion either to 5561
order the person's participation or continued participation in a 5562
drug treatment program or to impose the penalty with the 5563
mitigating factor specified in any of those applicable sections: 5564

(i) Seeking or obtaining medical assistance in good faith 5565
for another person who is experiencing a drug overdose; 5566

(ii) Experiencing a drug overdose and seeking medical 5567
assistance for that overdose or being the subject of another 5568
person seeking or obtaining medical assistance for that overdose 5569
as described in division (B) (2) (b) of this section. 5570

(d) If a person is found to be in violation of any post- 5571
release control sanction and if the violation is a result of 5572
either of the following, the court or the parole board shall 5573
first consider ordering the person's participation or continued 5574
participation in a drug treatment program or mitigating the 5575
penalty specified in section 2929.141 or 2967.28 of the Revised 5576

Code, whichever is applicable, after which the court or the 5577
parole board has the discretion either to order the person's 5578
participation or continued participation in a drug treatment 5579
program or to impose the penalty with the mitigating factor 5580
specified in either of those applicable sections: 5581

(i) Seeking or obtaining medical assistance in good faith 5582
for another person who is experiencing a drug overdose; 5583

(ii) Experiencing a drug overdose and seeking medical 5584
assistance for that emergency or being the subject of another 5585
person seeking or obtaining medical assistance for that overdose 5586
as described in division (B) (2) (b) of this section. 5587

(e) Nothing in division (B) (2) (b) of this section shall be 5588
construed to do any of the following: 5589

(i) Limit the admissibility of any evidence in connection 5590
with the investigation or prosecution of a crime with regards to 5591
a defendant who does not qualify for the protections of division 5592
(B) (2) (b) of this section or with regards to any crime other 5593
than a minor drug possession offense committed by a person who 5594
qualifies for protection pursuant to division (B) (2) (b) of this 5595
section for a minor drug possession offense; 5596

(ii) Limit any seizure of evidence or contraband otherwise 5597
permitted by law; 5598

(iii) Limit or abridge the authority of a peace officer to 5599
detain or take into custody a person in the course of an 5600
investigation or to effectuate an arrest for any offense except 5601
as provided in that division; 5602

(iv) Limit, modify, or remove any immunity from liability 5603
available pursuant to law in effect prior to ~~the effective date~~ 5604
~~of this amendment~~ September 13, 2016, to any public agency or to 5605

an employee of any public agency. 5606

(f) Division (B)(2)(b) of this section does not apply to 5607
any person who twice previously has been granted an immunity 5608
under division (B)(2)(b) of this section. No person shall be 5609
granted an immunity under division (B)(2)(b) of this section 5610
more than two times. 5611

(g) Nothing in this section shall compel any qualified 5612
individual to disclose protected health information in a way 5613
that conflicts with the requirements of the "Health Insurance 5614
Portability and Accountability Act of 1996," 104 Pub. L. No. 5615
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 5616
regulations promulgated by the United States department of 5617
health and human services to implement the act or the 5618
requirements of 42 C.F.R. Part 2. 5619

(C) Whoever violates division (A) of this section is 5620
guilty of one of the following: 5621

(1) If the drug involved in the violation is a compound, 5622
mixture, preparation, or substance included in schedule I or II, 5623
with the exception of marihuana, cocaine, L.S.D., heroin, 5624
hashish, and controlled substance analogs, whoever violates 5625
division (A) of this section is guilty of aggravated possession 5626
of drugs. The penalty for the offense shall be determined as 5627
follows: 5628

(a) Except as otherwise provided in division (C)(1)(b), 5629
(c), (d), or (e) of this section, aggravated possession of drugs 5630
is a felony of the fifth degree, and division (B) of section 5631
2929.13 of the Revised Code applies in determining whether to 5632
impose a prison term on the offender. 5633

(b) If the amount of the drug involved equals or exceeds 5634

the bulk amount but is less than five times the bulk amount, 5635
aggravated possession of drugs is a felony of the third degree, 5636
and there is a presumption for a prison term for the offense. 5637

(c) If the amount of the drug involved equals or exceeds 5638
five times the bulk amount but is less than fifty times the bulk 5639
amount, aggravated possession of drugs is a felony of the second 5640
degree, and the court shall impose as a mandatory prison term 5641
~~one of the prison terms prescribed for a felony of the second-~~ 5642
~~degree~~ a second degree felony mandatory prison term. 5643

(d) If the amount of the drug involved equals or exceeds 5644
fifty times the bulk amount but is less than one hundred times 5645
the bulk amount, aggravated possession of drugs is a felony of 5646
the first degree, and the court shall impose as a mandatory 5647
prison term ~~one of the prison terms prescribed for a felony of~~ 5648
~~the first degree~~ a first degree felony mandatory prison term. 5649

(e) If the amount of the drug involved equals or exceeds 5650
one hundred times the bulk amount, aggravated possession of 5651
drugs is a felony of the first degree, the offender is a major 5652
drug offender, and the court shall impose as a mandatory prison 5653
term ~~the maximum prison term prescribed for a felony of the~~ 5654
~~first degree~~ a maximum first degree felony mandatory prison 5655
term. 5656

(2) If the drug involved in the violation is a compound, 5657
mixture, preparation, or substance included in schedule III, IV, 5658
or V, whoever violates division (A) of this section is guilty of 5659
possession of drugs. The penalty for the offense shall be 5660
determined as follows: 5661

(a) Except as otherwise provided in division (C) (2) (b), 5662
(c), or (d) of this section, possession of drugs is a 5663

misdemeanor of the first degree or, if the offender previously 5664
has been convicted of a drug abuse offense, a felony of the 5665
fifth degree. 5666

(b) If the amount of the drug involved equals or exceeds 5667
the bulk amount but is less than five times the bulk amount, 5668
possession of drugs is a felony of the fourth degree, and 5669
division (C) of section 2929.13 of the Revised Code applies in 5670
determining whether to impose a prison term on the offender. 5671

(c) If the amount of the drug involved equals or exceeds 5672
five times the bulk amount but is less than fifty times the bulk 5673
amount, possession of drugs is a felony of the third degree, and 5674
there is a presumption for a prison term for the offense. 5675

(d) If the amount of the drug involved equals or exceeds 5676
fifty times the bulk amount, possession of drugs is a felony of 5677
the second degree, and the court shall impose upon the offender 5678
as a mandatory prison term ~~one of the prison terms prescribed~~ 5679
~~for a felony of the second degree~~ a second degree felony 5680
mandatory prison term. 5681

(3) If the drug involved in the violation is marihuana or 5682
a compound, mixture, preparation, or substance containing 5683
marihuana other than hashish, whoever violates division (A) of 5684
this section is guilty of possession of marihuana. The penalty 5685
for the offense shall be determined as follows: 5686

(a) Except as otherwise provided in division (C) (3) (b), 5687
(c), (d), (e), (f), or (g) of this section, possession of 5688
marihuana is a minor misdemeanor. 5689

(b) If the amount of the drug involved equals or exceeds 5690
one hundred grams but is less than two hundred grams, possession 5691
of marihuana is a misdemeanor of the fourth degree. 5692

(c) If the amount of the drug involved equals or exceeds 5693
two hundred grams but is less than one thousand grams, 5694
possession of marihuana is a felony of the fifth degree, and 5695
division (B) of section 2929.13 of the Revised Code applies in 5696
determining whether to impose a prison term on the offender. 5697

(d) If the amount of the drug involved equals or exceeds 5698
one thousand grams but is less than five thousand grams, 5699
possession of marihuana is a felony of the third degree, and 5700
division (C) of section 2929.13 of the Revised Code applies in 5701
determining whether to impose a prison term on the offender. 5702

(e) If the amount of the drug involved equals or exceeds 5703
five thousand grams but is less than twenty thousand grams, 5704
possession of marihuana is a felony of the third degree, and 5705
there is a presumption that a prison term shall be imposed for 5706
the offense. 5707

(f) If the amount of the drug involved equals or exceeds 5708
twenty thousand grams but is less than forty thousand grams, 5709
possession of marihuana is a felony of the second degree, and 5710
the court shall impose as a mandatory prison term a second 5711
degree felony mandatory prison term of five, six, seven, or 5712
eight years. 5713

(g) If the amount of the drug involved equals or exceeds 5714
forty thousand grams, possession of marihuana is a felony of the 5715
second degree, and the court shall impose as a mandatory prison 5716
term ~~the maximum prison term prescribed for a felony of the~~ 5717
~~second degree~~ a maximum second degree felony mandatory prison 5718
term. 5719

(4) If the drug involved in the violation is cocaine or a 5720
compound, mixture, preparation, or substance containing cocaine, 5721

whoever violates division (A) of this section is guilty of 5722
possession of cocaine. The penalty for the offense shall be 5723
determined as follows: 5724

(a) Except as otherwise provided in division (C) (4) (b), 5725
(c), (d), (e), or (f) of this section, possession of cocaine is 5726
a felony of the fifth degree, and division (B) of section 5727
2929.13 of the Revised Code applies in determining whether to 5728
impose a prison term on the offender. 5729

(b) If the amount of the drug involved equals or exceeds 5730
five grams but is less than ten grams of cocaine, possession of 5731
cocaine is a felony of the fourth degree, and division (B) of 5732
section 2929.13 of the Revised Code applies in determining 5733
whether to impose a prison term on the offender. 5734

(c) If the amount of the drug involved equals or exceeds 5735
ten grams but is less than twenty grams of cocaine, possession 5736
of cocaine is a felony of the third degree, and, except as 5737
otherwise provided in this division, there is a presumption for 5738
a prison term for the offense. If possession of cocaine is a 5739
felony of the third degree under this division and if the 5740
offender two or more times previously has been convicted of or 5741
pleaded guilty to a felony drug abuse offense, the court shall 5742
impose as a mandatory prison term one of the prison terms 5743
prescribed for a felony of the third degree. 5744

(d) If the amount of the drug involved equals or exceeds 5745
twenty grams but is less than twenty-seven grams of cocaine, 5746
possession of cocaine is a felony of the second degree, and the 5747
court shall impose as a mandatory prison term ~~one of the prison~~ 5748
~~terms prescribed for a felony of the second degree~~ a second 5749
degree felony mandatory prison term. 5750

(e) If the amount of the drug involved equals or exceeds 5751
twenty-seven grams but is less than one hundred grams of 5752
cocaine, possession of cocaine is a felony of the first degree, 5753
and the court shall impose as a mandatory prison term ~~one of the~~ 5754
~~prison terms prescribed for a felony of the first degree~~ a first 5755
degree felony mandatory prison term. 5756

(f) If the amount of the drug involved equals or exceeds 5757
one hundred grams of cocaine, possession of cocaine is a felony 5758
of the first degree, the offender is a major drug offender, and 5759
the court shall impose as a mandatory prison term ~~the maximum~~ 5760
~~prison term prescribed for a felony of the first degree~~ a 5761
maximum first degree felony mandatory prison term. 5762

(5) If the drug involved in the violation is L.S.D., 5763
whoever violates division (A) of this section is guilty of 5764
possession of L.S.D. The penalty for the offense shall be 5765
determined as follows: 5766

(a) Except as otherwise provided in division (C) (5) (b), 5767
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 5768
felony of the fifth degree, and division (B) of section 2929.13 5769
of the Revised Code applies in determining whether to impose a 5770
prison term on the offender. 5771

(b) If the amount of L.S.D. involved equals or exceeds ten 5772
unit doses but is less than fifty unit doses of L.S.D. in a 5773
solid form or equals or exceeds one gram but is less than five 5774
grams of L.S.D. in a liquid concentrate, liquid extract, or 5775
liquid distillate form, possession of L.S.D. is a felony of the 5776
fourth degree, and division (C) of section 2929.13 of the 5777
Revised Code applies in determining whether to impose a prison 5778
term on the offender. 5779

(c) If the amount of L.S.D. involved equals or exceeds 5780
fifty unit doses, but is less than two hundred fifty unit doses 5781
of L.S.D. in a solid form or equals or exceeds five grams but is 5782
less than twenty-five grams of L.S.D. in a liquid concentrate, 5783
liquid extract, or liquid distillate form, possession of L.S.D. 5784
is a felony of the third degree, and there is a presumption for 5785
a prison term for the offense. 5786

(d) If the amount of L.S.D. involved equals or exceeds two 5787
hundred fifty unit doses but is less than one thousand unit 5788
doses of L.S.D. in a solid form or equals or exceeds twenty-five 5789
grams but is less than one hundred grams of L.S.D. in a liquid 5790
concentrate, liquid extract, or liquid distillate form, 5791
possession of L.S.D. is a felony of the second degree, and the 5792
court shall impose as a mandatory prison term ~~one of the prison~~ 5793
~~terms prescribed for a felony of the second degree~~ a second 5794
degree felony mandatory prison term. 5795

(e) If the amount of L.S.D. involved equals or exceeds one 5796
thousand unit doses but is less than five thousand unit doses of 5797
L.S.D. in a solid form or equals or exceeds one hundred grams 5798
but is less than five hundred grams of L.S.D. in a liquid 5799
concentrate, liquid extract, or liquid distillate form, 5800
possession of L.S.D. is a felony of the first degree, and the 5801
court shall impose as a mandatory prison term ~~one of the prison~~ 5802
~~terms prescribed for a felony of the first degree~~ a first degree 5803
felony mandatory prison term. 5804

(f) If the amount of L.S.D. involved equals or exceeds 5805
five thousand unit doses of L.S.D. in a solid form or equals or 5806
exceeds five hundred grams of L.S.D. in a liquid concentrate, 5807
liquid extract, or liquid distillate form, possession of L.S.D. 5808
is a felony of the first degree, the offender is a major drug 5809

offender, and the court shall impose as a mandatory prison term 5810
~~the maximum prison term prescribed for a felony of the first-~~ 5811
~~degree~~ a maximum first degree felony mandatory prison term. 5812

(6) If the drug involved in the violation is heroin or a 5813
compound, mixture, preparation, or substance containing heroin, 5814
whoever violates division (A) of this section is guilty of 5815
possession of heroin. The penalty for the offense shall be 5816
determined as follows: 5817

(a) Except as otherwise provided in division (C) (6) (b), 5818
(c), (d), (e), or (f) of this section, possession of heroin is a 5819
felony of the fifth degree, and division (B) of section 2929.13 5820
of the Revised Code applies in determining whether to impose a 5821
prison term on the offender. 5822

(b) If the amount of the drug involved equals or exceeds 5823
ten unit doses but is less than fifty unit doses or equals or 5824
exceeds one gram but is less than five grams, possession of 5825
heroin is a felony of the fourth degree, and division (C) of 5826
section 2929.13 of the Revised Code applies in determining 5827
whether to impose a prison term on the offender. 5828

(c) If the amount of the drug involved equals or exceeds 5829
fifty unit doses but is less than one hundred unit doses or 5830
equals or exceeds five grams but is less than ten grams, 5831
possession of heroin is a felony of the third degree, and there 5832
is a presumption for a prison term for the offense. 5833

(d) If the amount of the drug involved equals or exceeds 5834
one hundred unit doses but is less than five hundred unit doses 5835
or equals or exceeds ten grams but is less than fifty grams, 5836
possession of heroin is a felony of the second degree, and the 5837
court shall impose as a mandatory prison term ~~one of the prison-~~ 5838

~~terms prescribed for a felony of the second degree~~ a second 5839
degree felony mandatory prison term. 5840

(e) If the amount of the drug involved equals or exceeds 5841
five hundred unit doses but is less than one thousand unit doses 5842
or equals or exceeds fifty grams but is less than one hundred 5843
grams, possession of heroin is a felony of the first degree, and 5844
the court shall impose as a mandatory prison term ~~one of the~~ 5845
~~prison terms prescribed for a felony of the first degree~~ a first 5846
degree felony mandatory prison term. 5847

(f) If the amount of the drug involved equals or exceeds 5848
one thousand unit doses or equals or exceeds one hundred grams, 5849
possession of heroin is a felony of the first degree, the 5850
offender is a major drug offender, and the court shall impose as 5851
a mandatory prison term ~~the maximum prison term prescribed for a~~ 5852
~~felony of the first degree~~ a maximum first degree felony 5853
mandatory prison term. 5854

(7) If the drug involved in the violation is hashish or a 5855
compound, mixture, preparation, or substance containing hashish, 5856
whoever violates division (A) of this section is guilty of 5857
possession of hashish. The penalty for the offense shall be 5858
determined as follows: 5859

(a) Except as otherwise provided in division (C) (7) (b), 5860
(c), (d), (e), (f), or (g) of this section, possession of 5861
hashish is a minor misdemeanor. 5862

(b) If the amount of the drug involved equals or exceeds 5863
five grams but is less than ten grams of hashish in a solid form 5864
or equals or exceeds one gram but is less than two grams of 5865
hashish in a liquid concentrate, liquid extract, or liquid 5866
distillate form, possession of hashish is a misdemeanor of the 5867

fourth degree. 5868

(c) If the amount of the drug involved equals or exceeds 5869
ten grams but is less than fifty grams of hashish in a solid 5870
form or equals or exceeds two grams but is less than ten grams 5871
of hashish in a liquid concentrate, liquid extract, or liquid 5872
distillate form, possession of hashish is a felony of the fifth 5873
degree, and division (B) of section 2929.13 of the Revised Code 5874
applies in determining whether to impose a prison term on the 5875
offender. 5876

(d) If the amount of the drug involved equals or exceeds 5877
fifty grams but is less than two hundred fifty grams of hashish 5878
in a solid form or equals or exceeds ten grams but is less than 5879
fifty grams of hashish in a liquid concentrate, liquid extract, 5880
or liquid distillate form, possession of hashish is a felony of 5881
the third degree, and division (C) of section 2929.13 of the 5882
Revised Code applies in determining whether to impose a prison 5883
term on the offender. 5884

(e) If the amount of the drug involved equals or exceeds 5885
two hundred fifty grams but is less than one thousand grams of 5886
hashish in a solid form or equals or exceeds fifty grams but is 5887
less than two hundred grams of hashish in a liquid concentrate, 5888
liquid extract, or liquid distillate form, possession of hashish 5889
is a felony of the third degree, and there is a presumption that 5890
a prison term shall be imposed for the offense. 5891

(f) If the amount of the drug involved equals or exceeds 5892
one thousand grams but is less than two thousand grams of 5893
hashish in a solid form or equals or exceeds two hundred grams 5894
but is less than four hundred grams of hashish in a liquid 5895
concentrate, liquid extract, or liquid distillate form, 5896
possession of hashish is a felony of the second degree, and the 5897

court shall impose as a mandatory prison term a second degree 5898
felony mandatory prison term of five, six, seven, or eight 5899
years. 5900

(g) If the amount of the drug involved equals or exceeds 5901
two thousand grams of hashish in a solid form or equals or 5902
exceeds four hundred grams of hashish in a liquid concentrate, 5903
liquid extract, or liquid distillate form, possession of hashish 5904
is a felony of the second degree, and the court shall impose as 5905
a mandatory prison term ~~the maximum prison term prescribed for a~~ 5906
~~felony of the second degree~~ a maximum second degree felony 5907
mandatory prison term. 5908

(8) If the drug involved is a controlled substance analog 5909
or compound, mixture, preparation, or substance that contains a 5910
controlled substance analog, whoever violates division (A) of 5911
this section is guilty of possession of a controlled substance 5912
analog. The penalty for the offense shall be determined as 5913
follows: 5914

(a) Except as otherwise provided in division (C) (8) (b), 5915
(c), (d), (e), or (f) of this section, possession of a 5916
controlled substance analog is a felony of the fifth degree, and 5917
division (B) of section 2929.13 of the Revised Code applies in 5918
determining whether to impose a prison term on the offender. 5919

(b) If the amount of the drug involved equals or exceeds 5920
ten grams but is less than twenty grams, possession of a 5921
controlled substance analog is a felony of the fourth degree, 5922
and there is a presumption for a prison term for the offense. 5923

(c) If the amount of the drug involved equals or exceeds 5924
twenty grams but is less than thirty grams, possession of a 5925
controlled substance analog is a felony of the third degree, and 5926

there is a presumption for a prison term for the offense. 5927

(d) If the amount of the drug involved equals or exceeds 5928
thirty grams but is less than forty grams, possession of a 5929
controlled substance analog is a felony of the second degree, 5930
and the court shall impose as a mandatory prison term ~~one of the~~ 5931
~~prison terms prescribed for a felony of the second degree~~ a 5932
second degree felony mandatory prison term. 5933

(e) If the amount of the drug involved equals or exceeds 5934
forty grams but is less than fifty grams, possession of a 5935
controlled substance analog is a felony of the first degree, and 5936
the court shall impose as a mandatory prison term ~~one of the~~ 5937
~~prison terms prescribed for a felony of the first degree~~ a first 5938
degree felony mandatory prison term. 5939

(f) If the amount of the drug involved equals or exceeds 5940
fifty grams, possession of a controlled substance analog is a 5941
felony of the first degree, the offender is a major drug 5942
offender, and the court shall impose as a mandatory prison term 5943
~~the maximum prison term prescribed for a felony of the first~~ 5944
~~degree~~ a maximum first degree felony mandatory prison term. 5945

(D) Arrest or conviction for a minor misdemeanor violation 5946
of this section does not constitute a criminal record and need 5947
not be reported by the person so arrested or convicted in 5948
response to any inquiries about the person's criminal record, 5949
including any inquiries contained in any application for 5950
employment, license, or other right or privilege, or made in 5951
connection with the person's appearance as a witness. 5952

(E) In addition to any prison term or jail term authorized 5953
or required by division (C) of this section and sections 5954
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 5955

Code and in addition to any other sanction that is imposed for 5956
the offense under this section, sections 2929.11 to 2929.18, or 5957
sections 2929.21 to 2929.28 of the Revised Code, the court that 5958
sentences an offender who is convicted of or pleads guilty to a 5959
violation of division (A) of this section may suspend the 5960
offender's driver's or commercial driver's license or permit for 5961
not more than five years. However, if the offender pleaded 5962
guilty to or was convicted of a violation of section 4511.19 of 5963
the Revised Code or a substantially similar municipal ordinance 5964
or the law of another state or the United States arising out of 5965
the same set of circumstances as the violation, the court shall 5966
suspend the offender's driver's or commercial driver's license 5967
or permit for not more than five years. If applicable, the court 5968
also shall do the following: 5969

(1) (a) If the violation is a felony of the first, second, 5970
or third degree, the court shall impose upon the offender the 5971
mandatory fine specified for the offense under division (B) (1) 5972
of section 2929.18 of the Revised Code unless, as specified in 5973
that division, the court determines that the offender is 5974
indigent. 5975

(b) Notwithstanding any contrary provision of section 5976
3719.21 of the Revised Code, the clerk of the court shall pay a 5977
mandatory fine or other fine imposed for a violation of this 5978
section pursuant to division (A) of section 2929.18 of the 5979
Revised Code in accordance with and subject to the requirements 5980
of division (F) of section 2925.03 of the Revised Code. The 5981
agency that receives the fine shall use the fine as specified in 5982
division (F) of section 2925.03 of the Revised Code. 5983

(c) If a person is charged with a violation of this 5984
section that is a felony of the first, second, or third degree, 5985

posts bail, and forfeits the bail, the clerk shall pay the 5986
forfeited bail pursuant to division (E) (1) (b) of this section as 5987
if it were a mandatory fine imposed under division (E) (1) (a) of 5988
this section. 5989

(2) If the offender is a professionally licensed person, 5990
in addition to any other sanction imposed for a violation of 5991
this section, the court immediately shall comply with section 5992
2925.38 of the Revised Code. 5993

(F) It is an affirmative defense, as provided in section 5994
2901.05 of the Revised Code, to a charge of a fourth degree 5995
felony violation under this section that the controlled 5996
substance that gave rise to the charge is in an amount, is in a 5997
form, is prepared, compounded, or mixed with substances that are 5998
not controlled substances in a manner, or is possessed under any 5999
other circumstances, that indicate that the substance was 6000
possessed solely for personal use. Notwithstanding any contrary 6001
provision of this section, if, in accordance with section 6002
2901.05 of the Revised Code, an accused who is charged with a 6003
fourth degree felony violation of division (C) (2), (4), (5), or 6004
(6) of this section sustains the burden of going forward with 6005
evidence of and establishes by a preponderance of the evidence 6006
the affirmative defense described in this division, the accused 6007
may be prosecuted for and may plead guilty to or be convicted of 6008
a misdemeanor violation of division (C) (2) of this section or a 6009
fifth degree felony violation of division (C) (4), (5), or (6) of 6010
this section respectively. 6011

(G) When a person is charged with possessing a bulk amount 6012
or multiple of a bulk amount, division (E) of section 2925.03 of 6013
the Revised Code applies regarding the determination of the 6014
amount of the controlled substance involved at the time of the 6015

offense. 6016

(H) It is an affirmative defense to a charge of possession 6017
of a controlled substance analog under division (C) (8) of this 6018
section that the person charged with violating that offense 6019
obtained, possessed, or used an item described in division (HH) 6020
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 6021

(I) Any offender who received a mandatory suspension of 6022
the offender's driver's or commercial driver's license or permit 6023
under this section prior to ~~the effective date of this amendment~~ 6024
September 13, 2016, may file a motion with the sentencing court 6025
requesting the termination of the suspension. However, an 6026
offender who pleaded guilty to or was convicted of a violation 6027
of section 4511.19 of the Revised Code or a substantially 6028
similar municipal ordinance or law of another state or the 6029
United States that arose out of the same set of circumstances as 6030
the violation for which the offender's license or permit was 6031
suspended under this section shall not file such a motion. 6032

Upon the filing of a motion under division (I) of this 6033
section, the sentencing court, in its discretion, may terminate 6034
the suspension. 6035

Sec. 2929.01. As used in this chapter: 6036

(A) (1) "Alternative residential facility" means, subject 6037
to division (A) (2) of this section, any facility other than an 6038
offender's home or residence in which an offender is assigned to 6039
live and that satisfies all of the following criteria: 6040

(a) It provides programs through which the offender may 6041
seek or maintain employment or may receive education, training, 6042
treatment, or habilitation. 6043

(b) It has received the appropriate license or certificate 6044

for any specialized education, training, treatment, 6045
habilitation, or other service that it provides from the 6046
government agency that is responsible for licensing or 6047
certifying that type of education, training, treatment, 6048
habilitation, or service. 6049

(2) "Alternative residential facility" does not include a 6050
community-based correctional facility, jail, halfway house, or 6051
prison. 6052

(B) "Basic probation supervision" means a requirement that 6053
the offender maintain contact with a person appointed to 6054
supervise the offender in accordance with sanctions imposed by 6055
the court or imposed by the parole board pursuant to section 6056
2967.28 of the Revised Code. "Basic probation supervision" 6057
includes basic parole supervision and basic post-release control 6058
supervision. 6059

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have 6060
the same meanings as in section 2925.01 of the Revised Code. 6061

(D) "Community-based correctional facility" means a 6062
community-based correctional facility and program or district 6063
community-based correctional facility and program developed 6064
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 6065

(E) "Community control sanction" means a sanction that is 6066
not a prison term and that is described in section 2929.15, 6067
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 6068
that is not a jail term and that is described in section 6069
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 6070
control sanction" includes probation if the sentence involved 6071
was imposed for a felony that was committed prior to July 1, 6072
1996, or if the sentence involved was imposed for a misdemeanor 6073

that was committed prior to January 1, 2004. 6074

(F) "Controlled substance," "marihuana," "schedule I," and 6075
"schedule II" have the same meanings as in section 3719.01 of 6076
the Revised Code. 6077

(G) "Curfew" means a requirement that an offender during a 6078
specified period of time be at a designated place. 6079

(H) "Day reporting" means a sanction pursuant to which an 6080
offender is required each day to report to and leave a center or 6081
other approved reporting location at specified times in order to 6082
participate in work, education or training, treatment, and other 6083
approved programs at the center or outside the center. 6084

(I) "Deadly weapon" has the same meaning as in section 6085
2923.11 of the Revised Code. 6086

(J) "Drug and alcohol use monitoring" means a program 6087
under which an offender agrees to submit to random chemical 6088
analysis of the offender's blood, breath, or urine to determine 6089
whether the offender has ingested any alcohol or other drugs. 6090

(K) "Drug treatment program" means any program under which 6091
a person undergoes assessment and treatment designed to reduce 6092
or completely eliminate the person's physical or emotional 6093
reliance upon alcohol, another drug, or alcohol and another drug 6094
and under which the person may be required to receive assessment 6095
and treatment on an outpatient basis or may be required to 6096
reside at a facility other than the person's home or residence 6097
while undergoing assessment and treatment. 6098

(L) "Economic loss" means any economic detriment suffered 6099
by a victim as a direct and proximate result of the commission 6100
of an offense and includes any loss of income due to lost time 6101
at work because of any injury caused to the victim, and any 6102

property loss, medical cost, or funeral expense incurred as a 6103
result of the commission of the offense. "Economic loss" does 6104
not include non-economic loss or any punitive or exemplary 6105
damages. 6106

(M) "Education or training" includes study at, or in 6107
conjunction with a program offered by, a university, college, or 6108
technical college or vocational study and also includes the 6109
completion of primary school, secondary school, and literacy 6110
curricula or their equivalent. 6111

(N) "Firearm" has the same meaning as in section 2923.11 6112
of the Revised Code. 6113

(O) "Halfway house" means a facility licensed by the 6114
division of parole and community services of the department of 6115
rehabilitation and correction pursuant to section 2967.14 of the 6116
Revised Code as a suitable facility for the care and treatment 6117
of adult offenders. 6118

(P) "House arrest" means a period of confinement of an 6119
offender that is in the offender's home or in other premises 6120
specified by the sentencing court or by the parole board 6121
pursuant to section 2967.28 of the Revised Code and during which 6122
all of the following apply: 6123

(1) The offender is required to remain in the offender's 6124
home or other specified premises for the specified period of 6125
confinement, except for periods of time during which the 6126
offender is at the offender's place of employment or at other 6127
premises as authorized by the sentencing court or by the parole 6128
board. 6129

(2) The offender is required to report periodically to a 6130
person designated by the court or parole board. 6131

(3) The offender is subject to any other restrictions and 6132
requirements that may be imposed by the sentencing court or by 6133
the parole board. 6134

(Q) "Intensive probation supervision" means a requirement 6135
that an offender maintain frequent contact with a person 6136
appointed by the court, or by the parole board pursuant to 6137
section 2967.28 of the Revised Code, to supervise the offender 6138
while the offender is seeking or maintaining necessary 6139
employment and participating in training, education, and 6140
treatment programs as required in the court's or parole board's 6141
order. "Intensive probation supervision" includes intensive 6142
parole supervision and intensive post-release control 6143
supervision. 6144

(R) "Jail" means a jail, workhouse, minimum security jail, 6145
or other residential facility used for the confinement of 6146
alleged or convicted offenders that is operated by a political 6147
subdivision or a combination of political subdivisions of this 6148
state. 6149

(S) "Jail term" means the term in a jail that a sentencing 6150
court imposes or is authorized to impose pursuant to section 6151
2929.24 or 2929.25 of the Revised Code or pursuant to any other 6152
provision of the Revised Code that authorizes a term in a jail 6153
for a misdemeanor conviction. 6154

(T) "Mandatory jail term" means the term in a jail that a 6155
sentencing court is required to impose pursuant to division (G) 6156
of section 1547.99 of the Revised Code, division (E) of section 6157
2903.06 or division (D) of section 2903.08 of the Revised Code, 6158
division (E) or (G) of section 2929.24 of the Revised Code, 6159
division (B) of section 4510.14 of the Revised Code, or division 6160
(G) of section 4511.19 of the Revised Code or pursuant to any 6161

other provision of the Revised Code that requires a term in a 6162
jail for a misdemeanor conviction. 6163

(U) "Delinquent child" has the same meaning as in section 6164
2152.02 of the Revised Code. 6165

(V) "License violation report" means a report that is made 6166
by a sentencing court, or by the parole board pursuant to 6167
section 2967.28 of the Revised Code, to the regulatory or 6168
licensing board or agency that issued an offender a professional 6169
license or a license or permit to do business in this state and 6170
that specifies that the offender has been convicted of or 6171
pleaded guilty to an offense that may violate the conditions 6172
under which the offender's professional license or license or 6173
permit to do business in this state was granted or an offense 6174
for which the offender's professional license or license or 6175
permit to do business in this state may be revoked or suspended. 6176

(W) "Major drug offender" means an offender who is 6177
convicted of or pleads guilty to the possession of, sale of, or 6178
offer to sell any drug, compound, mixture, preparation, or 6179
substance that consists of or contains at least one thousand 6180
grams of hashish; at least one hundred grams of cocaine; at 6181
least one thousand unit doses or one hundred grams of heroin; at 6182
least five thousand unit doses of L.S.D. or five hundred grams 6183
of L.S.D. in a liquid concentrate, liquid extract, or liquid 6184
distillate form; at least fifty grams of a controlled substance 6185
analog; or at least one hundred times the amount of any other 6186
schedule I or II controlled substance other than marihuana that 6187
is necessary to commit a felony of the third degree pursuant to 6188
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 6189
Code that is based on the possession of, sale of, or offer to 6190
sell the controlled substance. 6191

(X) "Mandatory prison term" means any of the following: 6192

(1) Subject to division (X) (2) of this section, the term 6193
in prison that must be imposed for the offenses or circumstances 6194
set forth in divisions (F) (1) to (8) or (F) (12) to (18) of 6195
section 2929.13 and division (B) of section 2929.14 of the 6196
Revised Code. Except as provided in sections 2925.02, 2925.03, 6197
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 6198
maximum or another specific term is required under section 6199
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 6200
described in this division may be any prison term authorized for 6201
the level of offense except that if the offense is a felony of 6202
the first or second degree committed on or after the effective 6203
date of this amendment or is a felony of the third degree that 6204
is described in division (A) (3) (a) of section 2929.14 of the 6205
Revised Code and committed on or after that effective date, a 6206
mandatory prison term described in this division may be one of 6207
the terms prescribed in division (A) (1) (a), (2) (a), or (3) (a) (i) 6208
of section 2929.14 of the Revised Code, whichever is applicable, 6209
that is authorized as the minimum term for the offense. 6210

(2) The term of sixty or one hundred twenty days in prison 6211
that a sentencing court is required to impose for a third or 6212
fourth degree felony OVI offense pursuant to division (G) (2) of 6213
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 6214
of the Revised Code or the term of one, two, three, four, or 6215
five years in prison that a sentencing court is required to 6216
impose pursuant to division (G) (2) of section 2929.13 of the 6217
Revised Code. 6218

(3) The term in prison imposed pursuant to division (A) of 6219
section 2971.03 of the Revised Code for the offenses and in the 6220
circumstances described in division (F) (11) of section 2929.13 6221

of the Revised Code or pursuant to division (B) (1) (a), (b), or 6222
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 6223
section 2971.03 of the Revised Code and that term as modified or 6224
terminated pursuant to section 2971.05 of the Revised Code. 6225

(Y) "Monitored time" means a period of time during which 6226
an offender continues to be under the control of the sentencing 6227
court or parole board, subject to no conditions other than 6228
leading a law-abiding life. 6229

(Z) "Offender" means a person who, in this state, is 6230
convicted of or pleads guilty to a felony or a misdemeanor. 6231

(AA) "Prison" means a residential facility used for the 6232
confinement of convicted felony offenders that is under the 6233
control of the department of rehabilitation and correction but 6234
does not include a violation sanction center operated under 6235
authority of section 2967.141 of the Revised Code. 6236

(BB) (1) "Prison term" includes either of the following 6237
sanctions for an offender: 6238

~~(1)~~ (a) A stated prison term; 6239

~~(2)~~ (b) A term in a prison shortened by, or with the 6240
approval of, the sentencing court pursuant to section 2929.143, 6241
2929.20, 2967.26, 5120.031, 5120.032, or 5120.073 of the Revised 6242
Code. 6243

(2) With respect to a non-life felony indefinite prison 6244
term, references in any provision of law to a reduction of, or 6245
deduction from, the prison term mean a reduction in, or 6246
deduction from, the minimum term imposed as part of the 6247
indefinite term. 6248

(CC) "Repeat violent offender" means a person about whom 6249

both of the following apply: 6250

(1) The person is being sentenced for committing or for 6251
complicity in committing any of the following: 6252

(a) Aggravated murder, murder, any felony of the first or 6253
second degree that is an offense of violence, or an attempt to 6254
commit any of these offenses if the attempt is a felony of the 6255
first or second degree; 6256

(b) An offense under an existing or former law of this 6257
state, another state, or the United States that is or was 6258
substantially equivalent to an offense described in division 6259
(CC) (1) (a) of this section. 6260

(2) The person previously was convicted of or pleaded 6261
guilty to an offense described in division (CC) (1) (a) or (b) of 6262
this section. 6263

(DD) "Sanction" means any penalty imposed upon an offender 6264
who is convicted of or pleads guilty to an offense, as 6265
punishment for the offense. "Sanction" includes any sanction 6266
imposed pursuant to any provision of sections 2929.14 to 2929.18 6267
or 2929.24 to 2929.28 of the Revised Code. 6268

(EE) "Sentence" means the sanction or combination of 6269
sanctions imposed by the sentencing court on an offender who is 6270
convicted of or pleads guilty to an offense. 6271

(FF) (1) "Stated prison term" means the prison term, 6272
mandatory prison term, or combination of all prison terms and 6273
mandatory prison terms imposed by the sentencing court pursuant 6274
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 6275
under section 2919.25 of the Revised Code. "Stated prison term" 6276
includes any credit received by the offender for time spent in 6277
jail awaiting trial, sentencing, or transfer to prison for the 6278

offense and any time spent under house arrest or house arrest 6279
with electronic monitoring imposed after earning credits 6280
pursuant to section 2967.193 of the Revised Code. If an offender 6281
is serving a prison term as a risk reduction sentence under 6282
sections 2929.143 and 5120.036 of the Revised Code, "stated 6283
prison term" includes any period of time by which the prison 6284
term imposed upon the offender is shortened by the offender's 6285
successful completion of all assessment and treatment or 6286
programming pursuant to those sections. 6287

(2) As used in the definition of "stated prison term" set 6288
forth in division (FF)(1) of this section, a prison term is a 6289
definite prison term imposed under section 2929.14 of the 6290
Revised Code or any other provision of law, is the minimum and 6291
maximum prison terms under a non-life felony indefinite prison 6292
term, or is a term of life imprisonment except to the extent 6293
that the use of that definition in a section of the Revised Code 6294
clearly is not intended to include a term of life imprisonment. 6295
With respect to an offender sentenced to a non-life felony 6296
indefinite prison term, references in section 2967.191 or 6297
2967.193 of the Revised Code or any other provision of law to a 6298
reduction of, or deduction from, the offender's stated prison 6299
term or to release of the offender before the expiration of the 6300
offender's stated prison term mean a reduction in, or deduction 6301
from, the minimum term imposed as part of the indefinite term or 6302
a release of the offender before the expiration of that minimum 6303
term, references in section 2929.19 or 2967.28 of the Revised 6304
Code to a stated prison term with respect to a prison term 6305
imposed for a violation of a post-release control sanction mean 6306
the minimum term so imposed, and references in any provision of 6307
law to an offender's service of the offender's stated prison 6308
term or the expiration of the offender's stated prison term mean 6309

service or expiration of the minimum term so imposed plus any 6310
additional period of incarceration under the sentence that is 6311
required under section 2967.271 of the Revised Code. 6312

(GG) "Victim-offender mediation" means a reconciliation or 6313
mediation program that involves an offender and the victim of 6314
the offense committed by the offender and that includes a 6315
meeting in which the offender and the victim may discuss the 6316
offense, discuss restitution, and consider other sanctions for 6317
the offense. 6318

(HH) "Fourth degree felony OVI offense" means a violation 6319
of division (A) of section 4511.19 of the Revised Code that, 6320
under division (G) of that section, is a felony of the fourth 6321
degree. 6322

(II) "Mandatory term of local incarceration" means the 6323
term of sixty or one hundred twenty days in a jail, a community- 6324
based correctional facility, a halfway house, or an alternative 6325
residential facility that a sentencing court may impose upon a 6326
person who is convicted of or pleads guilty to a fourth degree 6327
felony OVI offense pursuant to division (G) (1) of section 6328
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 6329
section 4511.19 of the Revised Code. 6330

(JJ) "Designated homicide, assault, or kidnapping 6331
offense," "violent sex offense," "sexual motivation 6332
specification," "sexually violent offense," "sexually violent 6333
predator," and "sexually violent predator specification" have 6334
the same meanings as in section 2971.01 of the Revised Code. 6335

(KK) "Sexually oriented offense," "child-victim oriented 6336
offense," and "tier III sex offender/child-victim offender" have 6337
the same meanings as in section 2950.01 of the Revised Code. 6338

(LL) An offense is "committed in the vicinity of a child" 6339
if the offender commits the offense within thirty feet of or 6340
within the same residential unit as a child who is under 6341
eighteen years of age, regardless of whether the offender knows 6342
the age of the child or whether the offender knows the offense 6343
is being committed within thirty feet of or within the same 6344
residential unit as the child and regardless of whether the 6345
child actually views the commission of the offense. 6346

(MM) "Family or household member" has the same meaning as 6347
in section 2919.25 of the Revised Code. 6348

(NN) "Motor vehicle" and "manufactured home" have the same 6349
meanings as in section 4501.01 of the Revised Code. 6350

(OO) "Detention" and "detention facility" have the same 6351
meanings as in section 2921.01 of the Revised Code. 6352

(PP) "Third degree felony OVI offense" means a violation 6353
of division (A) of section 4511.19 of the Revised Code that, 6354
under division (G) of that section, is a felony of the third 6355
degree. 6356

(QQ) "Random drug testing" has the same meaning as in 6357
section 5120.63 of the Revised Code. 6358

(RR) "Felony sex offense" has the same meaning as in 6359
section 2967.28 of the Revised Code. 6360

(SS) "Body armor" has the same meaning as in section 6361
2941.1411 of the Revised Code. 6362

(TT) "Electronic monitoring" means monitoring through the 6363
use of an electronic monitoring device. 6364

(UU) "Electronic monitoring device" means any of the 6365
following: 6366

(1) Any device that can be operated by electrical or 6367
battery power and that conforms with all of the following: 6368

(a) The device has a transmitter that can be attached to a 6369
person, that will transmit a specified signal to a receiver of 6370
the type described in division (UU) (1) (b) of this section if the 6371
transmitter is removed from the person, turned off, or altered 6372
in any manner without prior court approval in relation to 6373
electronic monitoring or without prior approval of the 6374
department of rehabilitation and correction in relation to the 6375
use of an electronic monitoring device for an inmate on 6376
transitional control or otherwise is tampered with, that can 6377
transmit continuously and periodically a signal to that receiver 6378
when the person is within a specified distance from the 6379
receiver, and that can transmit an appropriate signal to that 6380
receiver if the person to whom it is attached travels a 6381
specified distance from that receiver. 6382

(b) The device has a receiver that can receive 6383
continuously the signals transmitted by a transmitter of the 6384
type described in division (UU) (1) (a) of this section, can 6385
transmit continuously those signals by a wireless or landline 6386
telephone connection to a central monitoring computer of the 6387
type described in division (UU) (1) (c) of this section, and can 6388
transmit continuously an appropriate signal to that central 6389
monitoring computer if the device has been turned off or altered 6390
without prior court approval or otherwise tampered with. The 6391
device is designed specifically for use in electronic 6392
monitoring, is not a converted wireless phone or another 6393
tracking device that is clearly not designed for electronic 6394
monitoring, and provides a means of text-based or voice 6395
communication with the person. 6396

(c) The device has a central monitoring computer that can 6397
receive continuously the signals transmitted by a wireless or 6398
landline telephone connection by a receiver of the type 6399
described in division (UU) (1) (b) of this section and can monitor 6400
continuously the person to whom an electronic monitoring device 6401
of the type described in division (UU) (1) (a) of this section is 6402
attached. 6403

(2) Any device that is not a device of the type described 6404
in division (UU) (1) of this section and that conforms with all 6405
of the following: 6406

(a) The device includes a transmitter and receiver that 6407
can monitor and determine the location of a subject person at 6408
any time, or at a designated point in time, through the use of a 6409
central monitoring computer or through other electronic means. 6410

(b) The device includes a transmitter and receiver that 6411
can determine at any time, or at a designated point in time, 6412
through the use of a central monitoring computer or other 6413
electronic means the fact that the transmitter is turned off or 6414
altered in any manner without prior approval of the court in 6415
relation to the electronic monitoring or without prior approval 6416
of the department of rehabilitation and correction in relation 6417
to the use of an electronic monitoring device for an inmate on 6418
transitional control or otherwise is tampered with. 6419

(3) Any type of technology that can adequately track or 6420
determine the location of a subject person at any time and that 6421
is approved by the director of rehabilitation and correction, 6422
including, but not limited to, any satellite technology, voice 6423
tracking system, or retinal scanning system that is so approved. 6424

(VV) "Non-economic loss" means nonpecuniary harm suffered 6425

by a victim of an offense as a result of or related to the 6426
commission of the offense, including, but not limited to, pain 6427
and suffering; loss of society, consortium, companionship, care, 6428
assistance, attention, protection, advice, guidance, counsel, 6429
instruction, training, or education; mental anguish; and any 6430
other intangible loss. 6431

(WW) "Prosecutor" has the same meaning as in section 6432
2935.01 of the Revised Code. 6433

(XX) "Continuous alcohol monitoring" means the ability to 6434
automatically test and periodically transmit alcohol consumption 6435
levels and tamper attempts at least every hour, regardless of 6436
the location of the person who is being monitored. 6437

(YY) A person is "adjudicated a sexually violent predator" 6438
if the person is convicted of or pleads guilty to a violent sex 6439
offense and also is convicted of or pleads guilty to a sexually 6440
violent predator specification that was included in the 6441
indictment, count in the indictment, or information charging 6442
that violent sex offense or if the person is convicted of or 6443
pleads guilty to a designated homicide, assault, or kidnapping 6444
offense and also is convicted of or pleads guilty to both a 6445
sexual motivation specification and a sexually violent predator 6446
specification that were included in the indictment, count in the 6447
indictment, or information charging that designated homicide, 6448
assault, or kidnapping offense. 6449

(ZZ) An offense is "committed in proximity to a school" if 6450
the offender commits the offense in a school safety zone or 6451
within five hundred feet of any school building or the 6452
boundaries of any school premises, regardless of whether the 6453
offender knows the offense is being committed in a school safety 6454
zone or within five hundred feet of any school building or the 6455

boundaries of any school premises. 6456

(AAA) "Human trafficking" means a scheme or plan to which 6457
all of the following apply: 6458

(1) Its object is one or more of the following: 6459

(a) To subject a victim or victims to involuntary 6460
servitude, as defined in section 2905.31 of the Revised Code or 6461
to compel a victim or victims to engage in sexual activity for 6462
hire, to engage in a performance that is obscene, sexually 6463
oriented, or nudity oriented, or to be a model or participant in 6464
the production of material that is obscene, sexually oriented, 6465
or nudity oriented; 6466

(b) To facilitate, encourage, or recruit a victim who is 6467
less than sixteen years of age or is a person with a 6468
developmental disability, or victims who are less than sixteen 6469
years of age or are persons with developmental disabilities, for 6470
any purpose listed in divisions (A) (2) (a) to (c) of section 6471
2905.32 of the Revised Code; 6472

(c) To facilitate, encourage, or recruit a victim who is 6473
sixteen or seventeen years of age, or victims who are sixteen or 6474
seventeen years of age, for any purpose listed in divisions (A) 6475
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 6476
circumstances described in division (A) (5), (6), (7), (8), (9), 6477
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 6478
apply with respect to the person engaging in the conduct and the 6479
victim or victims. 6480

(2) It involves at least two felony offenses, whether or 6481
not there has been a prior conviction for any of the felony 6482
offenses, to which all of the following apply: 6483

(a) Each of the felony offenses is a violation of section 6484

2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 6485
division (A) (1) or (2) of section 2907.323, or division (B) (1), 6486
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 6487
is a violation of a law of any state other than this state that 6488
is substantially similar to any of the sections or divisions of 6489
the Revised Code identified in this division. 6490

(b) At least one of the felony offenses was committed in 6491
this state. 6492

(c) The felony offenses are related to the same scheme or 6493
plan and are not isolated instances. 6494

(BBB) "Material," "nudity," "obscene," "performance," and 6495
"sexual activity" have the same meanings as in section 2907.01 6496
of the Revised Code. 6497

(CCC) "Material that is obscene, sexually oriented, or 6498
nudity oriented" means any material that is obscene, that shows 6499
a person participating or engaging in sexual activity, 6500
masturbation, or bestiality, or that shows a person in a state 6501
of nudity. 6502

(DDD) "Performance that is obscene, sexually oriented, or 6503
nudity oriented" means any performance that is obscene, that 6504
shows a person participating or engaging in sexual activity, 6505
masturbation, or bestiality, or that shows a person in a state 6506
of nudity. 6507

(EEE) "Accelerant" means a fuel or oxidizing agent, such 6508
as an ignitable liquid, used to initiate a fire or increase the 6509
rate of growth or spread of a fire. 6510

(FFF) "Non-life felony indefinite prison term" means a 6511
prison term imposed under division (A) (1) (a), (2) (a), or (3) (a) 6512
(i) of section 2929.14 and section 2929.144 of the Revised Code 6513

for a felony of the first or second degree committed on or after 6514
the effective date of this amendment or a felony of the third 6515
degree that is described in division (A) (3) (a) of section 6516
2929.14 of the Revised Code and committed on or after that 6517
effective date. 6518

Sec. 2929.14. (A) Except as provided in division (B) (1), 6519
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 6520
(E), (G), (H), (J), or (K) of this section or in division (D) (6) 6521
of section 2919.25 of the Revised Code and except in relation to 6522
an offense for which a sentence of death or life imprisonment is 6523
to be imposed, if the court imposing a sentence upon an offender 6524
for a felony elects or is required to impose a prison term on 6525
the offender pursuant to this chapter, the court shall impose a 6526
~~definite~~ prison term that shall be one of the following: 6527

(1) (a) For a felony of the first degree committed on or 6528
after the effective date of this amendment, the prison term 6529
shall be an indefinite prison term with a stated minimum term 6530
selected by the court of three, four, five, six, seven, eight, 6531
nine, ten, or eleven years and a maximum term that is determined 6532
pursuant to section 2929.144 of the Revised Code, except that if 6533
the section that criminalizes the conduct constituting the 6534
felony specifies a different minimum term or penalty for the 6535
offense, the specific language of that section shall control in 6536
determining the minimum term or otherwise sentencing the 6537
offender but the minimum term or sentence imposed under that 6538
specific language shall be considered for purposes of the 6539
Revised Code as if it had been imposed under this division. 6540

(b) For a felony of the first degree committed prior to 6541
the effective date of this amendment, the prison term shall be a 6542
definite prison term of three, four, five, six, seven, eight, 6543

nine, ten, or eleven years. 6544

(2) (a) For a felony of the second degree committed on or 6545
after the effective date of this amendment, the prison term 6546
shall be an indefinite prison term with a stated minimum term 6547
selected by the court of two, three, four, five, six, seven, or 6548
eight years and a maximum term that is determined pursuant to 6549
section 2929.144 of the Revised Code, except that if the section 6550
that criminalizes the conduct constituting the felony specifies 6551
a different minimum term or penalty for the offense, the 6552
specific language of that section shall control in determining 6553
the minimum term or otherwise sentencing the offender but the 6554
minimum term or sentence imposed under that specific language 6555
shall be considered for purposes of the Revised Code as if it 6556
had been imposed under this division. 6557

(b) For a felony of the second degree committed prior to 6558
the effective date of this amendment, the prison term shall be a 6559
definite term of two, three, four, five, six, seven, or eight 6560
years. 6561

(3) (a) For a felony of the third degree that is a 6562
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 6563
2907.05, or 3795.04 of the Revised Code or that is a violation 6564
of section 2911.02 or 2911.12 of the Revised Code if the 6565
offender previously has been convicted of or pleaded guilty in 6566
two or more separate proceedings to two or more violations of 6567
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 6568
Code, the prison term shall be one of the following: 6569

(i) If the felony of the third degree is committed on or 6570
after the effective date of this amendment, the prison term 6571
shall be an indefinite prison term with a stated minimum 6572
selected by the court of twelve, eighteen, twenty-four, thirty, 6573

thirty-six, forty-two, forty-eight, fifty-four, or sixty months 6574
and a maximum term that is determined pursuant to section 6575
2929.144 of the Revised Code, except that if the section that 6576
criminalizes the conduct constituting the felony specifies a 6577
different minimum term or penalty for the offense, the specific 6578
language of that section shall control in determining the 6579
minimum term or otherwise sentencing the offender but the 6580
minimum term or sentence imposed under that specific language 6581
shall be considered for purposes of the Revised Code as if it 6582
had been imposed under this division. 6583

(ii) If the felony of the third degree is committed prior 6584
to the effective date of this amendment, the prison term shall 6585
be a definite term of twelve, eighteen, twenty-four, thirty, 6586
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 6587

(b) For a felony of the third degree that is not an 6588
offense for which division (A) (3) (a) of this section applies, 6589
the prison term shall be a definite term of nine, twelve, 6590
eighteen, twenty-four, thirty, or thirty-six months. 6591

(4) For a felony of the fourth degree, the prison term 6592
shall be a definite term of six, seven, eight, nine, ten, 6593
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 6594
or eighteen months. 6595

(5) For a felony of the fifth degree, the prison term 6596
shall be a definite term of six, seven, eight, nine, ten, 6597
eleven, or twelve months. 6598

(B) (1) (a) Except as provided in division (B) (1) (e) of this 6599
section, if an offender who is convicted of or pleads guilty to 6600
a felony also is convicted of or pleads guilty to a 6601
specification of the type described in section 2941.141, 6602

2941.144, or 2941.145 of the Revised Code, the court shall 6603
impose on the offender one of the following prison terms: 6604

(i) A prison term of six years if the specification is of 6605
the type described in division (A) of section 2941.144 of the 6606
Revised Code that charges the offender with having a firearm 6607
that is an automatic firearm or that was equipped with a firearm 6608
muffler or suppressor on or about the offender's person or under 6609
the offender's control while committing the offense; 6610

(ii) A prison term of three years if the specification is 6611
of the type described in division (A) of section 2941.145 of the 6612
Revised Code that charges the offender with having a firearm on 6613
or about the offender's person or under the offender's control 6614
while committing the offense and displaying the firearm, 6615
brandishing the firearm, indicating that the offender possessed 6616
the firearm, or using it to facilitate the offense; 6617

(iii) A prison term of one year if the specification is of 6618
the type described in division (A) of section 2941.141 of the 6619
Revised Code that charges the offender with having a firearm on 6620
or about the offender's person or under the offender's control 6621
while committing the offense; 6622

(iv) A prison term of nine years if the specification is 6623
of the type described in division (D) of section 2941.144 of the 6624
Revised Code that charges the offender with having a firearm 6625
that is an automatic firearm or that was equipped with a firearm 6626
muffler or suppressor on or about the offender's person or under 6627
the offender's control while committing the offense and 6628
specifies that the offender previously has been convicted of or 6629
pleaded guilty to a specification of the type described in 6630
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 6631
the Revised Code; 6632

(v) A prison term of fifty-four months if the 6633
specification is of the type described in division (D) of 6634
section 2941.145 of the Revised Code that charges the offender 6635
with having a firearm on or about the offender's person or under 6636
the offender's control while committing the offense and 6637
displaying the firearm, brandishing the firearm, indicating that 6638
the offender possessed the firearm, or using the firearm to 6639
facilitate the offense and that the offender previously has been 6640
convicted of or pleaded guilty to a specification of the type 6641
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 6642
2941.1412 of the Revised Code; 6643

(vi) A prison term of eighteen months if the specification 6644
is of the type described in division (D) of section 2941.141 of 6645
the Revised Code that charges the offender with having a firearm 6646
on or about the offender's person or under the offender's 6647
control while committing the offense and that the offender 6648
previously has been convicted of or pleaded guilty to a 6649
specification of the type described in section 2941.141, 6650
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 6651

(b) If a court imposes a prison term on an offender under 6652
division (B) (1) (a) of this section, the prison term shall not be 6653
reduced pursuant to section 2967.19, section 2929.20, section 6654
2967.193, or any other provision of Chapter 2967. or Chapter 6655
5120. of the Revised Code. Except as provided in division (B) (1) 6656
(g) of this section, a court shall not impose more than one 6657
prison term on an offender under division (B) (1) (a) of this 6658
section for felonies committed as part of the same act or 6659
transaction. 6660

(c) (i) Except as provided in division (B) (1) (e) of this 6661
section, if an offender who is convicted of or pleads guilty to 6662

a violation of section 2923.161 of the Revised Code or to a 6663
felony that includes, as an essential element, purposely or 6664
knowingly causing or attempting to cause the death of or 6665
physical harm to another, also is convicted of or pleads guilty 6666
to a specification of the type described in division (A) of 6667
section 2941.146 of the Revised Code that charges the offender 6668
with committing the offense by discharging a firearm from a 6669
motor vehicle other than a manufactured home, the court, after 6670
imposing a prison term on the offender for the violation of 6671
section 2923.161 of the Revised Code or for the other felony 6672
offense under division (A), (B) (2), or (B) (3) of this section, 6673
shall impose an additional prison term of five years upon the 6674
offender that shall not be reduced pursuant to section 2929.20, 6675
section 2967.19, section 2967.193, or any other provision of 6676
Chapter 2967. or Chapter 5120. of the Revised Code. 6677

(ii) Except as provided in division (B) (1) (e) of this 6678
section, if an offender who is convicted of or pleads guilty to 6679
a violation of section 2923.161 of the Revised Code or to a 6680
felony that includes, as an essential element, purposely or 6681
knowingly causing or attempting to cause the death of or 6682
physical harm to another, also is convicted of or pleads guilty 6683
to a specification of the type described in division (C) of 6684
section 2941.146 of the Revised Code that charges the offender 6685
with committing the offense by discharging a firearm from a 6686
motor vehicle other than a manufactured home and that the 6687
offender previously has been convicted of or pleaded guilty to a 6688
specification of the type described in section 2941.141, 6689
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 6690
the court, after imposing a prison term on the offender for the 6691
violation of section 2923.161 of the Revised Code or for the 6692
other felony offense under division (A), (B) (2), or (3) of this 6693

section, shall impose an additional prison term of ninety months 6694
upon the offender that shall not be reduced pursuant to section 6695
2929.20, 2967.19, 2967.193, or any other provision of Chapter 6696
2967. or Chapter 5120. of the Revised Code. 6697

(iii) A court shall not impose more than one additional 6698
prison term on an offender under division (B) (1) (c) of this 6699
section for felonies committed as part of the same act or 6700
transaction. If a court imposes an additional prison term on an 6701
offender under division (B) (1) (c) of this section relative to an 6702
offense, the court also shall impose a prison term under 6703
division (B) (1) (a) of this section relative to the same offense, 6704
provided the criteria specified in that division for imposing an 6705
additional prison term are satisfied relative to the offender 6706
and the offense. 6707

(d) If an offender who is convicted of or pleads guilty to 6708
an offense of violence that is a felony also is convicted of or 6709
pleads guilty to a specification of the type described in 6710
section 2941.1411 of the Revised Code that charges the offender 6711
with wearing or carrying body armor while committing the felony 6712
offense of violence, the court shall impose on the offender ~~a~~an 6713
additional prison term of two years. The prison term so imposed, 6714
subject to divisions (C) to (I) of section 2967.19 of the 6715
Revised Code, shall not be reduced pursuant to section 2929.20, 6716
section 2967.19, section 2967.193, or any other provision of 6717
Chapter 2967. or Chapter 5120. of the Revised Code. A court 6718
shall not impose more than one prison term on an offender under 6719
division (B) (1) (d) of this section for felonies committed as 6720
part of the same act or transaction. If a court imposes an 6721
additional prison term under division (B) (1) (a) or (c) of this 6722
section, the court is not precluded from imposing an additional 6723
prison term under division (B) (1) (d) of this section. 6724

(e) The court shall not impose any of the prison terms 6725
described in division (B) (1) (a) of this section or any of the 6726
additional prison terms described in division (B) (1) (c) of this 6727
section upon an offender for a violation of section 2923.12 or 6728
2923.123 of the Revised Code. The court shall not impose any of 6729
the prison terms described in division (B) (1) (a) or (b) of this 6730
section upon an offender for a violation of section 2923.122 6731
that involves a deadly weapon that is a firearm other than a 6732
dangerous ordnance, section 2923.16, or section 2923.121 of the 6733
Revised Code. The court shall not impose any of the prison terms 6734
described in division (B) (1) (a) of this section or any of the 6735
additional prison terms described in division (B) (1) (c) of this 6736
section upon an offender for a violation of section 2923.13 of 6737
the Revised Code unless all of the following apply: 6738

(i) The offender previously has been convicted of 6739
aggravated murder, murder, or any felony of the first or second 6740
degree. 6741

(ii) Less than five years have passed since the offender 6742
was released from prison or post-release control, whichever is 6743
later, for the prior offense. 6744

(f) (i) If an offender is convicted of or pleads guilty to 6745
a felony that includes, as an essential element, causing or 6746
attempting to cause the death of or physical harm to another and 6747
also is convicted of or pleads guilty to a specification of the 6748
type described in division (A) of section 2941.1412 of the 6749
Revised Code that charges the offender with committing the 6750
offense by discharging a firearm at a peace officer as defined 6751
in section 2935.01 of the Revised Code or a corrections officer, 6752
as defined in section 2941.1412 of the Revised Code, the court, 6753
after imposing a prison term on the offender for the felony 6754

offense under division (A), (B) (2), or (B) (3) of this section, 6755
shall impose an additional prison term of seven years upon the 6756
offender that shall not be reduced pursuant to section 2929.20, 6757
section 2967.19, section 2967.193, or any other provision of 6758
Chapter 2967. or Chapter 5120. of the Revised Code. 6759

(ii) If an offender is convicted of or pleads guilty to a 6760
felony that includes, as an essential element, causing or 6761
attempting to cause the death of or physical harm to another and 6762
also is convicted of or pleads guilty to a specification of the 6763
type described in division (B) of section 2941.1412 of the 6764
Revised Code that charges the offender with committing the 6765
offense by discharging a firearm at a peace officer, as defined 6766
in section 2935.01 of the Revised Code, or a corrections 6767
officer, as defined in section 2941.1412 of the Revised Code, 6768
and that the offender previously has been convicted of or 6769
pleaded guilty to a specification of the type described in 6770
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 6771
the Revised Code, the court, after imposing a prison term on the 6772
offender for the felony offense under division (A), (B) (2), or 6773
(3) of this section, shall impose an additional prison term of 6774
one hundred twenty-six months upon the offender that shall not 6775
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 6776
any other provision of Chapter 2967. or 5120. of the Revised 6777
Code. 6778

(iii) If an offender is convicted of or pleads guilty to 6779
two or more felonies that include, as an essential element, 6780
causing or attempting to cause the death or physical harm to 6781
another and also is convicted of or pleads guilty to a 6782
specification of the type described under division (B) (1) (f) of 6783
this section in connection with two or more of the felonies of 6784
which the offender is convicted or to which the offender pleads 6785

guilty, the sentencing court shall impose on the offender the 6786
prison term specified under division (B) (1) (f) of this section 6787
for each of two of the specifications of which the offender is 6788
convicted or to which the offender pleads guilty and, in its 6789
discretion, also may impose on the offender the prison term 6790
specified under that division for any or all of the remaining 6791
specifications. If a court imposes an additional prison term on 6792
an offender under division (B) (1) (f) of this section relative to 6793
an offense, the court shall not impose a prison term under 6794
division (B) (1) (a) or (c) of this section relative to the same 6795
offense. 6796

(g) If an offender is convicted of or pleads guilty to two 6797
or more felonies, if one or more of those felonies are 6798
aggravated murder, murder, attempted aggravated murder, 6799
attempted murder, aggravated robbery, felonious assault, or 6800
rape, and if the offender is convicted of or pleads guilty to a 6801
specification of the type described under division (B) (1) (a) of 6802
this section in connection with two or more of the felonies, the 6803
sentencing court shall impose on the offender the prison term 6804
specified under division (B) (1) (a) of this section for each of 6805
the two most serious specifications of which the offender is 6806
convicted or to which the offender pleads guilty and, in its 6807
discretion, also may impose on the offender the prison term 6808
specified under that division for any or all of the remaining 6809
specifications. 6810

(2) (a) If division (B) (2) (b) of this section does not 6811
apply, the court may impose on an offender, in addition to the 6812
longest prison term authorized or required for the offense or, 6813
for offenses for which division (A) (1) (a), (2) (a), or (3) (a) (i) 6814
of this section applies, in addition to the longest minimum 6815
prison term authorized or required for the offense, an 6816

additional definite prison term of one, two, three, four, five, 6817
six, seven, eight, nine, or ten years if all of the following 6818
criteria are met: 6819

(i) The offender is convicted of or pleads guilty to a 6820
specification of the type described in section 2941.149 of the 6821
Revised Code that the offender is a repeat violent offender. 6822

(ii) The offense of which the offender currently is 6823
convicted or to which the offender currently pleads guilty is 6824
aggravated murder and the court does not impose a sentence of 6825
death or life imprisonment without parole, murder, terrorism and 6826
the court does not impose a sentence of life imprisonment 6827
without parole, any felony of the first degree that is an 6828
offense of violence and the court does not impose a sentence of 6829
life imprisonment without parole, or any felony of the second 6830
degree that is an offense of violence and the trier of fact 6831
finds that the offense involved an attempt to cause or a threat 6832
to cause serious physical harm to a person or resulted in 6833
serious physical harm to a person. 6834

(iii) The court imposes the longest prison term for the 6835
offense or the longest minimum prison term for the offense, 6836
whichever is applicable, that is not life imprisonment without 6837
parole. 6838

(iv) The court finds that the prison terms imposed 6839
pursuant to division (B) (2) (a) (iii) of this section and, if 6840
applicable, division (B) (1) or (3) of this section are 6841
inadequate to punish the offender and protect the public from 6842
future crime, because the applicable factors under section 6843
2929.12 of the Revised Code indicating a greater likelihood of 6844
recidivism outweigh the applicable factors under that section 6845
indicating a lesser likelihood of recidivism. 6846

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

(b) The court shall impose on an offender the longest prison term authorized or required for the offense or, for offenses for which division (A) (1) (a), (2) (a), or (3) (a) (i) of this section applies, the longest minimum prison term authorized or required for the offense, and shall impose on the offender an additional definite prison term of one, two, three, four, five, six, seven, eight, nine, or ten years if all of the following criteria are met:

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

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

(iii) The offense or offenses of which the offender 6877
currently is convicted or to which the offender currently pleads 6878
guilty is aggravated murder and the court does not impose a 6879
sentence of death or life imprisonment without parole, murder, 6880
terrorism and the court does not impose a sentence of life 6881
imprisonment without parole, any felony of the first degree that 6882
is an offense of violence and the court does not impose a 6883
sentence of life imprisonment without parole, or any felony of 6884
the second degree that is an offense of violence and the trier 6885
of fact finds that the offense involved an attempt to cause or a 6886
threat to cause serious physical harm to a person or resulted in 6887
serious physical harm to a person. 6888

(c) For purposes of division (B) (2) (b) of this section, 6889
two or more offenses committed at the same time or as part of 6890
the same act or event shall be considered one offense, and that 6891
one offense shall be the offense with the greatest penalty. 6892

(d) A sentence imposed under division (B) (2) (a) or (b) of 6893
this section shall not be reduced pursuant to section 2929.20, 6894
section 2967.19, or section 2967.193, or any other provision of 6895
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 6896
shall serve an additional prison term imposed under division (B) 6897
(2) (a) or (b) of this section consecutively to and prior to the 6898
prison term imposed for the underlying offense. 6899

(e) When imposing a sentence pursuant to division (B) (2) 6900
(a) or (b) of this section, the court shall state its findings 6901
explaining the imposed sentence. 6902

(3) Except when an offender commits a violation of section 6903
2903.01 or 2907.02 of the Revised Code and the penalty imposed 6904
for the violation is life imprisonment or commits a violation of 6905
section 2903.02 of the Revised Code, if the offender commits a 6906

violation of section 2925.03 or 2925.11 of the Revised Code and 6907
that section classifies the offender as a major drug offender, 6908
if the offender commits a felony violation of section 2925.02, 6909
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 6910
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 6911
division (E) of section 4729.51, or division (J) of section 6912
4729.54 of the Revised Code that includes the sale, offer to 6913
sell, or possession of a schedule I or II controlled substance, 6914
with the exception of marihuana, and the court imposing sentence 6915
upon the offender finds that the offender is guilty of a 6916
specification of the type described in section 2941.1410 of the 6917
Revised Code charging that the offender is a major drug 6918
offender, if the court imposing sentence upon an offender for a 6919
felony finds that the offender is guilty of corrupt activity 6920
with the most serious offense in the pattern of corrupt activity 6921
being a felony of the first degree, or if the offender is guilty 6922
of an attempted violation of section 2907.02 of the Revised Code 6923
and, had the offender completed the violation of section 2907.02 6924
of the Revised Code that was attempted, the offender would have 6925
been subject to a sentence of life imprisonment or life 6926
imprisonment without parole for the violation of section 2907.02 6927
of the Revised Code, the court shall impose upon the offender 6928
for the felony violation a mandatory prison term ~~of the maximum~~ 6929
~~prison term prescribed for a felony of the first degree~~ 6930
determined as described in this division that, subject to 6931
divisions (C) to (I) of section 2967.19 of the Revised Code, 6932
cannot be reduced pursuant to section 2929.20, section 2967.19, 6933
or any other provision of Chapter 2967. or 5120. of the Revised 6934
Code. The mandatory prison term shall be the maximum definite 6935
prison term prescribed in division (A) (1) (b) of this section for 6936
a felony of the first degree, except that for offenses for which 6937
division (A) (1) (a) of this section applies, the mandatory prison 6938

term shall be the longest minimum prison term prescribed in that 6939
division for the offense. 6940

(4) If the offender is being sentenced for a third or 6941
fourth degree felony OVI offense under division (G) (2) of 6942
section 2929.13 of the Revised Code, the sentencing court shall 6943
impose upon the offender a mandatory prison term in accordance 6944
with that division. In addition to the mandatory prison term, if 6945
the offender is being sentenced for a fourth degree felony OVI 6946
offense, the court, notwithstanding division (A) (4) of this 6947
section, may sentence the offender to a definite prison term of 6948
not less than six months and not more than thirty months, and if 6949
the offender is being sentenced for a third degree felony OVI 6950
offense, the sentencing court may sentence the offender to an 6951
additional prison term of any duration specified in division (A) 6952
(3) of this section. In either case, the additional prison term 6953
imposed shall be reduced by the sixty or one hundred twenty days 6954
imposed upon the offender as the mandatory prison term. The 6955
total of the additional prison term imposed under division (B) 6956
(4) of this section plus the sixty or one hundred twenty days 6957
imposed as the mandatory prison term shall equal a definite term 6958
in the range of six months to thirty months for a fourth degree 6959
felony OVI offense and shall equal one of the authorized prison 6960
terms specified in division (A) (3) of this section for a third 6961
degree felony OVI offense. If the court imposes an additional 6962
prison term under division (B) (4) of this section, the offender 6963
shall serve the additional prison term after the offender has 6964
served the mandatory prison term required for the offense. In 6965
addition to the mandatory prison term or mandatory and 6966
additional prison term imposed as described in division (B) (4) 6967
of this section, the court also may sentence the offender to a 6968
community control sanction under section 2929.16 or 2929.17 of 6969

the Revised Code, but the offender shall serve all of the prison 6970
terms so imposed prior to serving the community control 6971
sanction. 6972

If the offender is being sentenced for a fourth degree 6973
felony OVI offense under division (G) (1) of section 2929.13 of 6974
the Revised Code and the court imposes a mandatory term of local 6975
incarceration, the court may impose a prison term as described 6976
in division (A) (1) of that section. 6977

(5) If an offender is convicted of or pleads guilty to a 6978
violation of division (A) (1) or (2) of section 2903.06 of the 6979
Revised Code and also is convicted of or pleads guilty to a 6980
specification of the type described in section 2941.1414 of the 6981
Revised Code that charges that the victim of the offense is a 6982
peace officer, as defined in section 2935.01 of the Revised 6983
Code, or an investigator of the bureau of criminal 6984
identification and investigation, as defined in section 2903.11 6985
of the Revised Code, the court shall impose on the offender a 6986
prison term of five years. If a court imposes a prison term on 6987
an offender under division (B) (5) of this section, the prison 6988
term, subject to divisions (C) to (I) of section 2967.19 of the 6989
Revised Code, shall not be reduced pursuant to section 2929.20, 6990
section 2967.19, section 2967.193, or any other provision of 6991
Chapter 2967. or Chapter 5120. of the Revised Code. A court 6992
shall not impose more than one prison term on an offender under 6993
division (B) (5) of this section for felonies committed as part 6994
of the same act. 6995

(6) If an offender is convicted of or pleads guilty to a 6996
violation of division (A) (1) or (2) of section 2903.06 of the 6997
Revised Code and also is convicted of or pleads guilty to a 6998
specification of the type described in section 2941.1415 of the 6999

Revised Code that charges that the offender previously has been 7000
convicted of or pleaded guilty to three or more violations of 7001
division (A) or (B) of section 4511.19 of the Revised Code or an 7002
equivalent offense, as defined in section 2941.1415 of the 7003
Revised Code, or three or more violations of any combination of 7004
those divisions and offenses, the court shall impose on the 7005
offender a prison term of three years. If a court imposes a 7006
prison term on an offender under division (B) (6) of this 7007
section, the prison term, subject to divisions (C) to (I) of 7008
section 2967.19 of the Revised Code, shall not be reduced 7009
pursuant to section 2929.20, section 2967.19, section 2967.193, 7010
or any other provision of Chapter 2967. or Chapter 5120. of the 7011
Revised Code. A court shall not impose more than one prison term 7012
on an offender under division (B) (6) of this section for 7013
felonies committed as part of the same act. 7014

(7) (a) If an offender is convicted of or pleads guilty to 7015
a felony violation of section 2905.01, 2905.02, 2907.21, 7016
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 7017
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 7018
the Revised Code and also is convicted of or pleads guilty to a 7019
specification of the type described in section 2941.1422 of the 7020
Revised Code that charges that the offender knowingly committed 7021
the offense in furtherance of human trafficking, the court shall 7022
impose on the offender a mandatory prison term that is one of 7023
the following: 7024

(i) If the offense is a felony of the first degree, a 7025
definite prison term of not less than five years and not greater 7026
than ~~ten~~ eleven years, except that if the offense is a felony of 7027
the first degree committed on or after the effective date of 7028
this amendment, the court shall impose as the minimum prison 7029
term a mandatory term of not less than five years and not 7030

greater than eleven years; 7031

(ii) If the offense is a felony of the second or third 7032
degree, a definite prison term of not less than three years and 7033
not greater than the maximum prison term allowed for the offense 7034
by division (A) (2) (b) or (3) of this section ~~2929.14 of the~~ 7035
Revised Code, except that if the offense is a felony of the 7036
second degree committed on or after the effective date of this 7037
amendment, the court shall impose as the minimum prison term a 7038
mandatory term of not less than three years and not greater than 7039
eight years; 7040

(iii) If the offense is a felony of the fourth or fifth 7041
degree, a definite prison term that is the maximum prison term 7042
allowed for the offense by division (A) of section 2929.14 of 7043
the Revised Code. 7044

(b) Subject to divisions (C) to (I) of section 2967.19 of 7045
the Revised Code, the prison term imposed under division (B) (7) 7046
(a) of this section shall not be reduced pursuant to section 7047
2929.20, section 2967.19, section 2967.193, or any other 7048
provision of Chapter 2967. of the Revised Code. A court shall 7049
not impose more than one prison term on an offender under 7050
division (B) (7) (a) of this section for felonies committed as 7051
part of the same act, scheme, or plan. 7052

(8) If an offender is convicted of or pleads guilty to a 7053
felony violation of section 2903.11, 2903.12, or 2903.13 of the 7054
Revised Code and also is convicted of or pleads guilty to a 7055
specification of the type described in section 2941.1423 of the 7056
Revised Code that charges that the victim of the violation was a 7057
woman whom the offender knew was pregnant at the time of the 7058
violation, notwithstanding the range ~~of prison terms~~ prescribed 7059
in division (A) of this section as the definite prison term or 7060

minimum prison term for felonies of the same degree as the 7061
violation, the court shall impose on the offender a mandatory 7062
prison term that is either a definite prison term of six months 7063
or one of the prison terms prescribed in division (A) of this 7064
section ~~2929.14~~ of the Revised Code for felonies of the same 7065
degree as the violation, except that if the violation is a 7066
felony of the first or second degree committed on or after the 7067
effective date of this amendment, the court shall impose as the 7068
minimum prison term under division (A) (1) (a) or (2) (a) of this 7069
section a mandatory term that is one of the terms prescribed in 7070
that division, whichever is applicable, for the offense. 7071

(9) (a) If an offender is convicted of or pleads guilty to 7072
a violation of division (A) (1) or (2) of section 2903.11 of the 7073
Revised Code and also is convicted of or pleads guilty to a 7074
specification of the type described in section 2941.1425 of the 7075
Revised Code, the court shall impose on the offender a mandatory 7076
prison term of six years if either of the following applies: 7077

(i) The violation is a violation of division (A) (1) of 7078
section 2903.11 of the Revised Code and the specification 7079
charges that the offender used an accelerant in committing the 7080
violation and the serious physical harm to another or to 7081
another's unborn caused by the violation resulted in a 7082
permanent, serious disfigurement or permanent, substantial 7083
incapacity; 7084

(ii) The violation is a violation of division (A) (2) of 7085
section 2903.11 of the Revised Code and the specification 7086
charges that the offender used an accelerant in committing the 7087
violation, that the violation caused physical harm to another or 7088
to another's unborn, and that the physical harm resulted in a 7089
permanent, serious disfigurement or permanent, substantial 7090

incapacity. 7091

(b) If a court imposes a prison term on an offender under 7092
division (B) (9) (a) of this section, the prison term shall not be 7093
reduced pursuant to section 2929.20, section 2967.19, section 7094
2967.193, or any other provision of Chapter 2967. or Chapter 7095
5120. of the Revised Code. A court shall not impose more than 7096
one prison term on an offender under division (B) (9) of this 7097
section for felonies committed as part of the same act. 7098

(c) The provisions of divisions (B) (9) and (C) (6) of this 7099
section and of division (D) (2) of section 2903.11, division (F) 7100
(20) of section 2929.13, and section 2941.1425 of the Revised 7101
Code shall be known as "Judy's Law." 7102

(C) (1) (a) Subject to division (C) (1) (b) of this section, 7103
if a mandatory prison term is imposed upon an offender pursuant 7104
to division (B) (1) (a) of this section for having a firearm on or 7105
about the offender's person or under the offender's control 7106
while committing a felony, if a mandatory prison term is imposed 7107
upon an offender pursuant to division (B) (1) (c) of this section 7108
for committing a felony specified in that division by 7109
discharging a firearm from a motor vehicle, or if both types of 7110
mandatory prison terms are imposed, the offender shall serve any 7111
mandatory prison term imposed under either division 7112
consecutively to any other mandatory prison term imposed under 7113
either division or under division (B) (1) (d) of this section, 7114
consecutively to and prior to any prison term imposed for the 7115
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 7116
this section or any other section of the Revised Code, and 7117
consecutively to any other prison term or mandatory prison term 7118
previously or subsequently imposed upon the offender. 7119

(b) If a mandatory prison term is imposed upon an offender 7120

pursuant to division (B)(1)(d) of this section for wearing or 7121
carrying body armor while committing an offense of violence that 7122
is a felony, the offender shall serve the mandatory term so 7123
imposed consecutively to any other mandatory prison term imposed 7124
under that division or under division (B)(1)(a) or (c) of this 7125
section, consecutively to and prior to any prison term imposed 7126
for the underlying felony under division (A), (B)(2), or (B)(3) 7127
of this section or any other section of the Revised Code, and 7128
consecutively to any other prison term or mandatory prison term 7129
previously or subsequently imposed upon the offender. 7130

(c) If a mandatory prison term is imposed upon an offender 7131
pursuant to division (B)(1)(f) of this section, the offender 7132
shall serve the mandatory prison term so imposed consecutively 7133
to and prior to any prison term imposed for the underlying 7134
felony under division (A), (B)(2), or (B)(3) of this section or 7135
any other section of the Revised Code, and consecutively to any 7136
other prison term or mandatory prison term previously or 7137
subsequently imposed upon the offender. 7138

(d) If a mandatory prison term is imposed upon an offender 7139
pursuant to division (B)(7) or (8) of this section, the offender 7140
shall serve the mandatory prison term so imposed consecutively 7141
to any other mandatory prison term imposed under that division 7142
or under any other provision of law and consecutively to any 7143
other prison term or mandatory prison term previously or 7144
subsequently imposed upon the offender. 7145

(2) If an offender who is an inmate in a jail, prison, or 7146
other residential detention facility violates section 2917.02, 7147
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 7148
(2) of section 2921.34 of the Revised Code, if an offender who 7149
is under detention at a detention facility commits a felony 7150

violation of section 2923.131 of the Revised Code, or if an 7151
offender who is an inmate in a jail, prison, or other 7152
residential detention facility or is under detention at a 7153
detention facility commits another felony while the offender is 7154
an escapee in violation of division (A) (1) or (2) of section 7155
2921.34 of the Revised Code, any prison term imposed upon the 7156
offender for one of those violations shall be served by the 7157
offender consecutively to the prison term or term of 7158
imprisonment the offender was serving when the offender 7159
committed that offense and to any other prison term previously 7160
or subsequently imposed upon the offender. 7161

(3) If a prison term is imposed for a violation of 7162
division (B) of section 2911.01 of the Revised Code, a violation 7163
of division (A) of section 2913.02 of the Revised Code in which 7164
the stolen property is a firearm or dangerous ordnance, or a 7165
felony violation of division (B) of section 2921.331 of the 7166
Revised Code, the offender shall serve that prison term 7167
consecutively to any other prison term or mandatory prison term 7168
previously or subsequently imposed upon the offender. 7169

(4) If multiple prison terms are imposed on an offender 7170
for convictions of multiple offenses, the court may require the 7171
offender to serve the prison terms consecutively if the court 7172
finds that the consecutive service is necessary to protect the 7173
public from future crime or to punish the offender and that 7174
consecutive sentences are not disproportionate to the 7175
seriousness of the offender's conduct and to the danger the 7176
offender poses to the public, and if the court also finds any of 7177
the following: 7178

(a) The offender committed one or more of the multiple 7179
offenses while the offender was awaiting trial or sentencing, 7180

was under a sanction imposed pursuant to section 2929.16, 7181
2929.17, or 2929.18 of the Revised Code, or was under post- 7182
release control for a prior offense. 7183

(b) At least two of the multiple offenses were committed 7184
as part of one or more courses of conduct, and the harm caused 7185
by two or more of the multiple offenses so committed was so 7186
great or unusual that no single prison term for any of the 7187
offenses committed as part of any of the courses of conduct 7188
adequately reflects the seriousness of the offender's conduct. 7189

(c) The offender's history of criminal conduct 7190
demonstrates that consecutive sentences are necessary to protect 7191
the public from future crime by the offender. 7192

(5) If a mandatory prison term is imposed upon an offender 7193
pursuant to division (B) (5) or (6) of this section, the offender 7194
shall serve the mandatory prison term consecutively to and prior 7195
to any prison term imposed for the underlying violation of 7196
division (A) (1) or (2) of section 2903.06 of the Revised Code 7197
pursuant to division (A) of this section or section 2929.142 of 7198
the Revised Code. If a mandatory prison term is imposed upon an 7199
offender pursuant to division (B) (5) of this section, and if a 7200
mandatory prison term also is imposed upon the offender pursuant 7201
to division (B) (6) of this section in relation to the same 7202
violation, the offender shall serve the mandatory prison term 7203
imposed pursuant to division (B) (5) of this section 7204
consecutively to and prior to the mandatory prison term imposed 7205
pursuant to division (B) (6) of this section and consecutively to 7206
and prior to any prison term imposed for the underlying 7207
violation of division (A) (1) or (2) of section 2903.06 of the 7208
Revised Code pursuant to division (A) of this section or section 7209
2929.142 of the Revised Code. 7210

(6) If a mandatory prison term is imposed on an offender 7211
pursuant to division (B) (9) of this section, the offender shall 7212
serve the mandatory prison term consecutively to and prior to 7213
any prison term imposed for the underlying violation of division 7214
(A) (1) or (2) of section 2903.11 of the Revised Code and 7215
consecutively to and prior to any other prison term or mandatory 7216
prison term previously or subsequently imposed on the offender. 7217

(7) When consecutive prison terms are imposed pursuant to 7218
division (C) (1), (2), (3), (4), (5), or (6) or division (H) (1) 7219
or (2) of this section, subject to division (C) (8) of this 7220
section, the term to be served is the aggregate of all of the 7221
terms so imposed. 7222

(8) When a court sentences an offender to a non-life 7223
felony indefinite prison term, any definite prison term or 7224
mandatory definite prison term previously or subsequently 7225
imposed on the offender in addition to that indefinite sentence 7226
that is required to be served consecutively to that indefinite 7227
sentence shall be served prior to the indefinite sentence. 7228

(9) If a court is sentencing an offender for a felony of 7229
the first, second, or third degree, if division (A) (1) (a), (2) 7230
(a), or (3) (a) (i) of this section applies with respect to the 7231
sentencing for the offense, and if the court is required under 7232
the Revised Code section that sets forth the offense or any 7233
other Revised Code provision to impose a mandatory prison term 7234
for the offense, the court shall impose the required mandatory 7235
prison term as the minimum term imposed under division (A) (1) 7236
(a), (2) (a), or (3) (a) (i) of this section, whichever is 7237
applicable. 7238

(D) (1) If a court imposes a prison term, other than a term 7239
of life imprisonment, for a felony of the first degree, for a 7240

felony of the second degree, for a felony sex offense, or for a 7241
felony of the third degree that is an offense of violence and 7242
that is not a felony sex offense ~~and in the commission of which~~ 7243
~~the offender caused or threatened to cause physical harm to a~~ 7244
~~person,~~ it shall include in the sentence a requirement that the 7245
offender be subject to a period of post-release control after 7246
the offender's release from imprisonment, in accordance with 7247
~~that division~~ section 2967.28 of the Revised Code. If a court 7248
imposes a sentence including a prison term of a type described 7249
in this division on or after July 11, 2006, the failure of a 7250
court to include a post-release control requirement in the 7251
sentence pursuant to this division does not negate, limit, or 7252
otherwise affect the mandatory period of post-release control 7253
that is required for the offender under division (B) of section 7254
2967.28 of the Revised Code. Section 2929.191 of the Revised 7255
Code applies if, prior to July 11, 2006, a court imposed a 7256
sentence including a prison term of a type described in this 7257
division and failed to include in the sentence pursuant to this 7258
division a statement regarding post-release control. 7259

(2) If a court imposes a prison term for a felony of the 7260
third, fourth, or fifth degree that is not subject to division 7261
(D) (1) of this section, it shall include in the sentence a 7262
requirement that the offender be subject to a period of post- 7263
release control after the offender's release from imprisonment, 7264
in accordance with that division, if the parole board determines 7265
that a period of post-release control is necessary. Section 7266
2929.191 of the Revised Code applies if, prior to July 11, 2006, 7267
a court imposed a sentence including a prison term of a type 7268
described in this division and failed to include in the sentence 7269
pursuant to this division a statement regarding post-release 7270
control. 7271

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

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

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

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

(4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after January 1, 2008, and that section requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and

division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 7301
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 7302
(d) of section 2929.03, or division (A) or (B) of section 7303
2929.06 of the Revised Code requires the court to sentence the 7304
offender pursuant to division (B) (3) of section 2971.03 of the 7305
Revised Code. 7306

(6) A person is convicted of or pleads guilty to murder 7307
committed on or after January 1, 2008, and division (B) (2) of 7308
section 2929.02 of the Revised Code requires the court to 7309
sentence the offender pursuant to section 2971.03 of the Revised 7310
Code. 7311

(F) If a person who has been convicted of or pleaded 7312
guilty to a felony is sentenced to a prison term or term of 7313
imprisonment under this section, sections 2929.02 to 2929.06 of 7314
the Revised Code, section 2929.142 of the Revised Code, section 7315
2971.03 of the Revised Code, or any other provision of law, 7316
section 5120.163 of the Revised Code applies regarding the 7317
person while the person is confined in a state correctional 7318
institution. 7319

(G) If an offender who is convicted of or pleads guilty to 7320
a felony that is an offense of violence also is convicted of or 7321
pleads guilty to a specification of the type described in 7322
section 2941.142 of the Revised Code that charges the offender 7323
with having committed the felony while participating in a 7324
criminal gang, the court shall impose upon the offender an 7325
additional prison term of one, two, or three years. 7326

(H) (1) If an offender who is convicted of or pleads guilty 7327
to aggravated murder, murder, or a felony of the first, second, 7328
or third degree that is an offense of violence also is convicted 7329
of or pleads guilty to a specification of the type described in 7330

section 2941.143 of the Revised Code that charges the offender 7331
with having committed the offense in a school safety zone or 7332
towards a person in a school safety zone, the court shall impose 7333
upon the offender an additional prison term of two years. The 7334
offender shall serve the additional two years consecutively to 7335
and prior to the prison term imposed for the underlying offense. 7336

(2) (a) If an offender is convicted of or pleads guilty to 7337
a felony violation of section 2907.22, 2907.24, 2907.241, or 7338
2907.25 of the Revised Code and to a specification of the type 7339
described in section 2941.1421 of the Revised Code and if the 7340
court imposes a prison term on the offender for the felony 7341
violation, the court may impose upon the offender an additional 7342
prison term as follows: 7343

(i) Subject to division (H) (2) (a) (ii) of this section, an 7344
additional prison term of one, two, three, four, five, or six 7345
months; 7346

(ii) If the offender previously has been convicted of or 7347
pleaded guilty to one or more felony or misdemeanor violations 7348
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 7349
the Revised Code and also was convicted of or pleaded guilty to 7350
a specification of the type described in section 2941.1421 of 7351
the Revised Code regarding one or more of those violations, an 7352
additional prison term of one, two, three, four, five, six, 7353
seven, eight, nine, ten, eleven, or twelve months. 7354

(b) In lieu of imposing an additional prison term under 7355
division (H) (2) (a) of this section, the court may directly 7356
impose on the offender a sanction that requires the offender to 7357
wear a real-time processing, continual tracking electronic 7358
monitoring device during the period of time specified by the 7359
court. The period of time specified by the court shall equal the 7360

duration of an additional prison term that the court could have 7361
imposed upon the offender under division (H) (2) (a) of this 7362
section. A sanction imposed under this division shall commence 7363
on the date specified by the court, provided that the sanction 7364
shall not commence until after the offender has served the 7365
prison term imposed for the felony violation of section 2907.22, 7366
2907.24, 2907.241, or 2907.25 of the Revised Code and any 7367
residential sanction imposed for the violation under section 7368
2929.16 of the Revised Code. A sanction imposed under this 7369
division shall be considered to be a community control sanction 7370
for purposes of section 2929.15 of the Revised Code, and all 7371
provisions of the Revised Code that pertain to community control 7372
sanctions shall apply to a sanction imposed under this division, 7373
except to the extent that they would by their nature be clearly 7374
inapplicable. The offender shall pay all costs associated with a 7375
sanction imposed under this division, including the cost of the 7376
use of the monitoring device. 7377

(I) At the time of sentencing, the court may recommend the 7378
offender for placement in a program of shock incarceration under 7379
section 5120.031 of the Revised Code or for placement in an 7380
intensive program prison under section 5120.032 of the Revised 7381
Code, disapprove placement of the offender in a program of shock 7382
incarceration or an intensive program prison of that nature, or 7383
make no recommendation on placement of the offender. In no case 7384
shall the department of rehabilitation and correction place the 7385
offender in a program or prison of that nature unless the 7386
department determines as specified in section 5120.031 or 7387
5120.032 of the Revised Code, whichever is applicable, that the 7388
offender is eligible for the placement. 7389

If the court disapproves placement of the offender in a 7390
program or prison of that nature, the department of 7391

rehabilitation and correction shall not place the offender in 7392
any program of shock incarceration or intensive program prison. 7393

If the court recommends placement of the offender in a 7394
program of shock incarceration or in an intensive program 7395
prison, and if the offender is subsequently placed in the 7396
recommended program or prison, the department shall notify the 7397
court of the placement and shall include with the notice a brief 7398
description of the placement. 7399

If the court recommends placement of the offender in a 7400
program of shock incarceration or in an intensive program prison 7401
and the department does not subsequently place the offender in 7402
the recommended program or prison, the department shall send a 7403
notice to the court indicating why the offender was not placed 7404
in the recommended program or prison. 7405

If the court does not make a recommendation under this 7406
division with respect to an offender and if the department 7407
determines as specified in section 5120.031 or 5120.032 of the 7408
Revised Code, whichever is applicable, that the offender is 7409
eligible for placement in a program or prison of that nature, 7410
the department shall screen the offender and determine if there 7411
is an available program of shock incarceration or an intensive 7412
program prison for which the offender is suited. If there is an 7413
available program of shock incarceration or an intensive program 7414
prison for which the offender is suited, the department shall 7415
notify the court of the proposed placement of the offender as 7416
specified in section 5120.031 or 5120.032 of the Revised Code 7417
and shall include with the notice a brief description of the 7418
placement. The court shall have ten days from receipt of the 7419
notice to disapprove the placement. 7420

(J) If a person is convicted of or pleads guilty to 7421

aggravated vehicular homicide in violation of division (A) (1) of 7422
section 2903.06 of the Revised Code and division (B) (2) (c) of 7423
that section applies, the person shall be sentenced pursuant to 7424
section 2929.142 of the Revised Code. 7425

(K) (1) The court shall impose an additional mandatory 7426
prison term of two, three, four, five, six, seven, eight, nine, 7427
ten, or eleven years on an offender who is convicted of or 7428
pleads guilty to a violent felony offense if the offender also 7429
is convicted of or pleads guilty to a specification of the type 7430
described in section 2941.1424 of the Revised Code that charges 7431
that the offender is a violent career criminal and had a firearm 7432
on or about the offender's person or under the offender's 7433
control while committing the presently charged violent felony 7434
offense and displayed or brandished the firearm, indicated that 7435
the offender possessed a firearm, or used the firearm to 7436
facilitate the offense. The offender shall serve the prison term 7437
imposed under this division consecutively to and prior to the 7438
prison term imposed for the underlying offense. The prison term 7439
shall not be reduced pursuant to section 2929.20 or 2967.19 or 7440
any other provision of Chapter 2967. or 5120. of the Revised 7441
Code. A court may not impose more than one sentence under 7442
division (B) (2) (a) of this section and this division for acts 7443
committed as part of the same act or transaction. 7444

(2) As used in division (K) (1) of this section, "violent 7445
career criminal" and "violent felony offense" have the same 7446
meanings as in section 2923.132 of the Revised Code. 7447

Sec. 2929.142. (A) Notwithstanding the definite prison 7448
~~term terms and minimum prison terms specified in division~~ 7449
divisions (A) (1) (a) and (b) of section 2929.14 of the Revised 7450
Code for a felony of the first degree, if an offender is 7451

convicted of or pleads guilty to aggravated vehicular homicide 7452
in violation of division (A) (1) of section 2903.06 of the 7453
Revised Code, the court shall impose upon the offender a 7454
mandatory prison term of ten, eleven, twelve, thirteen, 7455
fourteen, or fifteen years, determined as specified in division 7456
(B) of this section, if any of the following apply: 7457

~~(A)~~ (1) The offender previously has been convicted of or 7458
pleaded guilty to three or more prior violations of section 7459
4511.19 of the Revised Code or of a substantially equivalent 7460
municipal ordinance within the previous ten years. 7461

~~(B)~~ (2) The offender previously has been convicted of or 7462
pleaded guilty to three or more prior violations of division (A) 7463
of section 1547.11 of the Revised Code or of a substantially 7464
equivalent municipal ordinance within the previous ten years. 7465

~~(C)~~ (3) The offender previously has been convicted of or 7466
pleaded guilty to three or more prior violations of division (A) 7467
(3) of section 4561.15 of the Revised Code or of a substantially 7468
equivalent municipal ordinance within the previous ten years. 7469

~~(D)~~ (4) The offender previously has been convicted of or 7470
pleaded guilty to three or more prior violations of division (A) 7471
(1) of section 2903.06 of the Revised Code. 7472

~~(E)~~ (5) The offender previously has been convicted of or 7473
pleaded guilty to three or more prior violations of division (A) 7474
(1) of section 2903.08 of the Revised Code. 7475

~~(F)~~ (6) The offender previously has been convicted of or 7476
pleaded guilty to three or more prior violations of section 7477
2903.04 of the Revised Code in circumstances in which division 7478
(D) of that section applied regarding the violations. 7479

~~(G)~~ (7) The offender previously has been convicted of or 7480

pleaded guilty to three or more violations of any combination of 7481
the offenses listed in division (A), ~~(B), (C), (D), (E), or (F)~~ 7482
(1), (2), (3), (4), (5), or (6) of this section. 7483

~~(H)~~ (8) The offender previously has been convicted of or 7484
pleaded guilty to a second or subsequent felony violation of 7485
division (A) of section 4511.19 of the Revised Code. 7486

(B) The mandatory prison term required under division (A) 7487
of this section shall be a definite term of ten, eleven, twelve, 7488
thirteen, fourteen, or fifteen years, except that if the 7489
aggravated vehicular homicide is committed on or after the 7490
effective date of this amendment, the court shall impose as the 7491
minimum prison term for the offense under division (A) (1) (a) of 7492
section 2929.14 of the Revised Code a mandatory prison term that 7493
is ten, eleven, twelve, thirteen, fourteen, or fifteen years. 7494

Sec. 2929.144. (A) As used in this section, "qualifying 7495
felony of the first, second, or third degree" means a felony of 7496
the first or second degree committed on or after the effective 7497
date of this section or a felony of the third degree that is 7498
described in division (A) (3) (a) of section 2929.14 of the 7499
Revised Code and committed on or after that date. 7500

(B) The court imposing a prison term on an offender under 7501
division (A) (1) (a), (2) (a), or (3) (a) (i) of section 2929.14 of 7502
the Revised Code for a qualifying felony of the first, second, 7503
or third degree shall determine the maximum prison term that is 7504
part of the sentence in accordance with the following: 7505

(1) If the offender is being sentenced for one felony and 7506
the felony is a qualifying felony of the first, second, or third 7507
degree, the maximum prison term shall be one hundred fifty per 7508
cent of the minimum term imposed on the offender under division 7509

(A) (1) (a), (2) (a), or (3) (a) (i) of section 2929.14 of the 7510
Revised Code. 7511

(2) If the offender is being sentenced for more than one 7512
felony, if one or more of the felonies is a qualifying felony of 7513
the first, second, or third degree, and if the court orders that 7514
some or all of the prison terms imposed are to be served 7515
consecutively, the court shall add all of the minimum terms 7516
imposed on the offender under division (A) (1) (a), (2) (a), or (3) 7517
(a) (i) of section 2929.14 of the Revised Code for a qualifying 7518
felony of the first, second, or third degree that are to be 7519
served consecutively and all of the definite terms of the 7520
felonies that are not qualifying felonies of the first, second, 7521
or third degree that are to be served consecutively, and the 7522
maximum term shall be one hundred fifty per cent of the total of 7523
those terms so added by the court. 7524

(3) If the offender is being sentenced for more than one 7525
felony, if one or more of the felonies is a qualifying felony of 7526
the first, second, or third degree, and if the court orders that 7527
all of the prison terms imposed are to run concurrently, the 7528
maximum term shall be one hundred fifty per cent of the longest 7529
of the minimum terms imposed on the offender under division (A) 7530
(1) (a), (2) (a), or (3) (a) (i) of section 2929.14 of the Revised 7531
Code for a qualifying felony of the first, second, or third 7532
degree for which the sentence is being imposed. 7533

(4) Any mandatory prison term, or portion of a mandatory 7534
prison term, that is imposed or to be imposed on the offender 7535
under division (B), (G), or (H) of section 2929.14 of the 7536
Revised Code or under any other provision of the Revised Code, 7537
with respect to a conviction of or plea of guilty to a 7538
specification, and that is in addition to the sentence imposed 7539

for the underlying offense is separate from the sentence being 7540
imposed for the qualifying first, second, or third degree felony 7541
committed on or after the effective date of this section and 7542
shall not be considered or included in determining a maximum 7543
prison term for the offender under divisions (B)(1) to (3) of 7544
this section. 7545

(C) The court imposing a prison term on an offender 7546
pursuant to division (A)(1)(a), (2)(a), or (3)(a)(i) of section 7547
2929.14 of the Revised Code for a qualifying felony of the 7548
first, second, or third degree shall sentence the offender, as 7549
part of the sentence, to the maximum prison term determined 7550
under division (B) of this section. The court shall impose this 7551
maximum term at sentencing as part of the sentence it imposes 7552
under section 2929.14 of the Revised Code, and shall state the 7553
minimum term it imposes under division (A)(1)(a), (2)(a), or (3) 7554
(a)(i) of that section, and this maximum term, in the sentencing 7555
entry. 7556

(D) If a court imposes a prison term on an offender 7557
pursuant to division (A)(1)(a), (2)(a), or (3)(a)(i) of section 7558
2929.14 of the Revised Code for a qualifying felony of the 7559
first, second, or third degree, section 2967.271 of the Revised 7560
Code applies with respect to the offender's service of the 7561
prison term. 7562

Sec. 2929.15. (A)(1) If in sentencing an offender for a 7563
felony the court is not required to impose a prison term, a 7564
mandatory prison term, or a term of life imprisonment upon the 7565
offender, the court may directly impose a sentence that consists 7566
of one or more community control sanctions authorized pursuant 7567
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 7568
the court is sentencing an offender for a fourth degree felony 7569

OVI offense under division (G) (1) of section 2929.13 of the Revised Code, in addition to the mandatory term of local incarceration imposed under that division and the mandatory fine required by division (B) (3) of section 2929.18 of the Revised Code, the court may impose upon the offender a community control sanction or combination of community control sanctions in accordance with sections 2929.16 and 2929.17 of the Revised Code. If the court is sentencing an offender for a third or fourth degree felony OVI offense under division (G) (2) of section 2929.13 of the Revised Code, in addition to the mandatory prison term or mandatory prison term and additional prison term imposed under that division, the court also may impose upon the offender a community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

The duration of all community control sanctions imposed upon an offender under this division shall not exceed five years. If the offender absconds or otherwise leaves the jurisdiction of the court in which the offender resides without obtaining permission from the court or the offender's probation officer to leave the jurisdiction of the court, or if the offender is confined in any institution for the commission of any offense while under a community control sanction, the period of the community control sanction ceases to run until the offender is brought before the court for its further action. If the court sentences the offender to one or more nonresidential sanctions under section 2929.17 of the Revised Code, the court shall impose as a condition of the nonresidential sanctions that, during the period of the sanctions, the offender must

abide by the law and must not leave the state without the 7601
permission of the court or the offender's probation officer. The 7602
court may impose any other conditions of release under a 7603
community control sanction that the court considers appropriate, 7604
including, but not limited to, requiring that the offender not 7605
ingest or be injected with a drug of abuse and submit to random 7606
drug testing as provided in division (D) of this section to 7607
determine whether the offender ingested or was injected with a 7608
drug of abuse and requiring that the results of the drug test 7609
indicate that the offender did not ingest or was not injected 7610
with a drug of abuse. 7611

(2) (a) If a court sentences an offender to any community 7612
control sanction or combination of community control sanctions 7613
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 7614
the Revised Code, the court shall place the offender under the 7615
general control and supervision of a department of probation in 7616
the county that serves the court for purposes of reporting to 7617
the court a violation of any condition of the sanctions, any 7618
condition of release under a community control sanction imposed 7619
by the court, a violation of law, or the departure of the 7620
offender from this state without the permission of the court or 7621
the offender's probation officer. Alternatively, if the offender 7622
resides in another county and a county department of probation 7623
has been established in that county or that county is served by 7624
a multicounty probation department established under section 7625
2301.27 of the Revised Code, the court may request the court of 7626
common pleas of that county to receive the offender into the 7627
general control and supervision of that county or multicounty 7628
department of probation for purposes of reporting to the court a 7629
violation of any condition of the sanctions, any condition of 7630
release under a community control sanction imposed by the court, 7631

a violation of law, or the departure of the offender from this 7632
state without the permission of the court or the offender's 7633
probation officer, subject to the jurisdiction of the trial 7634
judge over and with respect to the person of the offender, and 7635
to the rules governing that department of probation. 7636

If there is no department of probation in the county that 7637
serves the court, the court shall place the offender, regardless 7638
of the offender's county of residence, under the general control 7639
and supervision of the adult parole authority for purposes of 7640
reporting to the court a violation of any of the sanctions, any 7641
condition of release under a community control sanction imposed 7642
by the court, a violation of law, or the departure of the 7643
offender from this state without the permission of the court or 7644
the offender's probation officer. 7645

(b) If the court imposing sentence upon an offender 7646
sentences the offender to any community control sanction or 7647
combination of community control sanctions authorized pursuant 7648
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 7649
if the offender violates any condition of the sanctions, any 7650
condition of release under a community control sanction imposed 7651
by the court, violates any law, or departs the state without the 7652
permission of the court or the offender's probation officer, the 7653
public or private person or entity that operates or administers 7654
the sanction or the program or activity that comprises the 7655
sanction shall report the violation or departure directly to the 7656
sentencing court, or shall report the violation or departure to 7657
the county or multicounty department of probation with general 7658
control and supervision over the offender under division (A) (2) 7659
(a) of this section or the officer of that department who 7660
supervises the offender, or, if there is no such department with 7661
general control and supervision over the offender under that 7662

division, to the adult parole authority. If the public or 7663
private person or entity that operates or administers the 7664
sanction or the program or activity that comprises the sanction 7665
reports the violation or departure to the county or multicounty 7666
department of probation or the adult parole authority, the 7667
department's or authority's officers may treat the offender as 7668
if the offender were on probation and in violation of the 7669
probation, and shall report the violation of the condition of 7670
the sanction, any condition of release under a community control 7671
sanction imposed by the court, the violation of law, or the 7672
departure from the state without the required permission to the 7673
sentencing court. 7674

(3) If an offender who is eligible for community control 7675
sanctions under this section admits to being drug addicted or 7676
the court has reason to believe that the offender is drug 7677
addicted, and if the offense for which the offender is being 7678
sentenced was related to the addiction, the court may require 7679
that the offender be assessed by a properly credentialed 7680
professional within a specified period of time and shall require 7681
the professional to file a written assessment of the offender 7682
with the court. If a court imposes treatment and recovery 7683
support services as a community control sanction, the court 7684
shall direct the level and type of treatment and recovery 7685
support services after consideration of the written assessment, 7686
if available at the time of sentencing, and recommendations of 7687
the professional and other treatment and recovery support 7688
services providers. 7689

(4) If an assessment completed pursuant to division (A) (3) 7690
of this section indicates that the offender is addicted to drugs 7691
or alcohol, the court may include in any community control 7692
sanction imposed for a violation of section 2925.02, 2925.03, 7693

2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 7694
2925.36, or 2925.37 of the Revised Code a requirement that the 7695
offender participate in alcohol and drug addiction services and 7696
recovery supports certified under section 5119.36 of the Revised 7697
Code or offered by a properly credentialed community addiction 7698
services provider. 7699

(B) (1) If the conditions of a community control sanction 7700
are violated or if the offender violates a law or leaves the 7701
state without the permission of the court or the offender's 7702
probation officer, the sentencing court may impose upon the 7703
violator one or more of the following penalties: 7704

(a) A longer time under the same sanction if the total 7705
time under the sanctions does not exceed the five-year limit 7706
specified in division (A) of this section; 7707

(b) A more restrictive sanction under section 2929.16, 7708
2929.17, or 2929.18 of the Revised Code; 7709

(c) A prison term on the offender pursuant to section 7710
2929.14 of the Revised Code and division (B) (3) of this section, 7711
provided that a prison term imposed under this division is 7712
subject to the following limitations, as applicable: 7713

(i) If the prison term is imposed for any technical 7714
violation of the conditions of a community control sanction 7715
imposed for a felony of the fifth degree or for any violation of 7716
law committed while under a community control sanction imposed 7717
for such a felony that consists of a new criminal offense and 7718
that is not a felony, the prison term shall not exceed ninety 7719
days. 7720

(ii) If the prison term is imposed for any technical 7721
violation of the conditions of a community control sanction 7722

imposed for a felony of the fourth degree that is not an offense 7723
of violence and is not a sexually oriented offense or for any 7724
violation of law committed while under a community control 7725
sanction imposed for such a felony that consists of a new 7726
criminal offense and that is not a felony, the prison term shall 7727
not exceed one hundred eighty days. 7728

(2) If an offender was acting pursuant to division (B) (2) 7729
(b) of section 2925.11 of the Revised Code and in so doing 7730
violated the conditions of a community control sanction based on 7731
a minor drug possession offense, as defined in section 2925.11 7732
of the Revised Code, the sentencing court may consider the 7733
offender's conduct in seeking or obtaining medical assistance 7734
for another in good faith or for self or may consider the 7735
offender being the subject of another person seeking or 7736
obtaining medical assistance in accordance with that division as 7737
a mitigating factor before imposing any of the penalties 7738
described in division (B) (1) of this section. 7739

(3) The prison term, if any, imposed upon a violator 7740
pursuant to this division and division (B) (1) of this section 7741
shall be within the range of prison terms ~~available for the~~ 7742
~~offense for which the sanction that was violated was imposed~~ 7743
described in this division and shall not exceed the prison term 7744
specified in the notice provided to the offender at the 7745
sentencing hearing pursuant to division (B) (2) of section 7746
2929.19 of the Revised Code. The court may reduce the longer 7747
period of time that the offender is required to spend under the 7748
longer sanction, the more restrictive sanction, or a prison term 7749
imposed pursuant to division (B) (1) of this section by the time 7750
the offender successfully spent under the sanction that was 7751
initially imposed. Except as otherwise specified in this 7752
division, the prison term imposed under this division and 7753

division (B) (1) of this section shall be within the range of 7754
prison terms available as a definite term for the offense for 7755
which the sanction that was violated was imposed. If the offense 7756
for which the sanction that was violated was imposed is a felony 7757
of the first or second degree committed on or after the 7758
effective date of this amendment or a felony of the third degree 7759
that is described in division (A) (3) (a) of section 2929.14 of 7760
the Revised Code and committed on or after that effective date, 7761
the prison term so imposed under this division shall be within 7762
the range of prison terms available as a minimum term for the 7763
offense under division (A) (1) (a), (2) (a), or (3) (a) (i) of 7764
section 2929.14 of the Revised Code. 7765

(C) If an offender, for a significant period of time, 7766
fulfills the conditions of a sanction imposed pursuant to 7767
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 7768
exemplary manner, the court may reduce the period of time under 7769
the sanction or impose a less restrictive sanction, but the 7770
court shall not permit the offender to violate any law or permit 7771
the offender to leave the state without the permission of the 7772
court or the offender's probation officer. 7773

(D) (1) If a court under division (A) (1) of this section 7774
imposes a condition of release under a community control 7775
sanction that requires the offender to submit to random drug 7776
testing, the department of probation or the adult parole 7777
authority that has general control and supervision of the 7778
offender under division (A) (2) (a) of this section may cause the 7779
offender to submit to random drug testing performed by a 7780
laboratory or entity that has entered into a contract with any 7781
of the governmental entities or officers authorized to enter 7782
into a contract with that laboratory or entity under section 7783
341.26, 753.33, or 5120.63 of the Revised Code. 7784

(2) If no laboratory or entity described in division (D) 7785
(1) of this section has entered into a contract as specified in 7786
that division, the department of probation or the adult parole 7787
authority that has general control and supervision of the 7788
offender under division (A)(2)(a) of this section shall cause 7789
the offender to submit to random drug testing performed by a 7790
reputable public laboratory to determine whether the individual 7791
who is the subject of the drug test ingested or was injected 7792
with a drug of abuse. 7793

(3) A laboratory or entity that has entered into a 7794
contract pursuant to section 341.26, 753.33, or 5120.63 of the 7795
Revised Code shall perform the random drug tests under division 7796
(D)(1) of this section in accordance with the applicable 7797
standards that are included in the terms of that contract. A 7798
public laboratory shall perform the random drug tests under 7799
division (D)(2) of this section in accordance with the standards 7800
set forth in the policies and procedures established by the 7801
department of rehabilitation and correction pursuant to section 7802
5120.63 of the Revised Code. An offender who is required under 7803
division (A)(1) of this section to submit to random drug testing 7804
as a condition of release under a community control sanction and 7805
whose test results indicate that the offender ingested or was 7806
injected with a drug of abuse shall pay the fee for the drug 7807
test if the department of probation or the adult parole 7808
authority that has general control and supervision of the 7809
offender requires payment of a fee. A laboratory or entity that 7810
performs the random drug testing on an offender under division 7811
(D)(1) or (2) of this section shall transmit the results of the 7812
drug test to the appropriate department of probation or the 7813
adult parole authority that has general control and supervision 7814
of the offender under division (A)(2)(a) of this section. 7815

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

(B) (1) At the sentencing hearing, the court, before imposing sentence, shall consider the record, any information presented at the hearing by any person pursuant to division (A) of this section, and, if one was prepared, the presentence investigation report made pursuant to section 2951.03 of the Revised Code or Criminal Rule 32.2, and any victim impact statement made pursuant to section 2947.051 of the Revised Code.

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

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

(b) In addition to any other information, include in the sentencing entry the name and section reference to the offense

or offenses, the sentence or sentences imposed and whether the 7846
sentence or sentences contain mandatory prison terms, if 7847
sentences are imposed for multiple counts whether the sentences 7848
are to be served concurrently or consecutively, and the name and 7849
section reference of any specification or specifications for 7850
which sentence is imposed and the sentence or sentences imposed 7851
for the specification or specifications; 7852

(c) If the prison term is a non-life felony indefinite 7853
prison term, notify the offender of all of the following: 7854

(i) That it is rebuttably presumed that the offender will 7855
be released from service of the sentence on the expiration of 7856
the minimum prison term imposed as part of the sentence or on 7857
the offender's presumptive earned early release date, as defined 7858
in section 2967.271 of the Revised Code, whichever is earlier; 7859

(ii) That the department of rehabilitation and correction 7860
may rebut the presumption described in division (B) (2) (c) (i) of 7861
this section if, at a hearing held under section 2967.271 of the 7862
Revised Code, the department makes specified determinations 7863
regarding the offender's conduct while confined, the offender's 7864
rehabilitation, the offender's threat to society, the offender's 7865
restrictive housing, if any, while confined, and the offender's 7866
security classification; 7867

(iii) That if, as described in division (B) (2) (c) (ii) of 7868
this section, the department at the hearing makes the specified 7869
determinations and rebuts the presumption, the department may 7870
maintain the offender's incarceration after the expiration of 7871
that minimum term or after that presumptive earned early release 7872
date for the length of time the department determines to be 7873
reasonable, subject to the limitation specified in section 7874
2967.271 of the Revised Code; 7875

(iv) That the department may make the specified 7876
determinations and maintain the offender's incarceration under 7877
the provisions described in divisions (B) (2) (c) (i) and (ii) of 7878
this section more than one time, subject to the limitation 7879
specified in section 2967.271 of the Revised Code; 7880

(v) That if the offender has not been released prior to 7881
the expiration of the offender's maximum prison term imposed as 7882
part of the sentence, the offender must be released upon the 7883
expiration of that term. 7884

(d) Notify the offender that the offender will be 7885
supervised under section 2967.28 of the Revised Code after the 7886
offender leaves prison if the offender is being sentenced, other 7887
than to a sentence of life imprisonment, for a felony of the 7888
first degree or second degree, for a felony sex offense, or for 7889
a felony of the third degree that is an offense of violence and 7890
is not a felony sex offense and in the commission of which the 7891
offender caused or threatened to cause physical harm to a 7892
person. This division applies with respect to all prison terms 7893
imposed for an offense of a type described in this division, 7894
including a non-life felony indefinite prison term and including 7895
a term imposed for any ~~such~~ offense of a type described in this 7896
division that is a risk reduction sentence, as defined in 7897
section 2967.28 of the Revised Code. If a court imposes a 7898
sentence including a prison term of a type described in division 7899
(B) (2) ~~(e)~~ (d) of this section on or after July 11, 2006, the 7900
failure of a court to notify the offender pursuant to division 7901
(B) (2) ~~(e)~~ (d) of this section that the offender will be 7902
supervised under section 2967.28 of the Revised Code after the 7903
offender leaves prison or to include in the judgment of 7904
conviction entered on the journal a statement to that effect 7905
does not negate, limit, or otherwise affect the mandatory period 7906

of supervision that is required for the offender under division 7907
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 7908
the Revised Code applies if, prior to July 11, 2006, a court 7909
imposed a sentence including a prison term of a type described 7910
in division (B) (2) ~~(e)~~ (d) of this section and failed to notify 7911
the offender pursuant to division (B) (2) ~~(e)~~ (d) of this section 7912
regarding post-release control or to include in the judgment of 7913
conviction entered on the journal or in the sentence a statement 7914
regarding post-release control. 7915

~~(d)~~ (e) Notify the offender that the offender may be 7916
supervised under section 2967.28 of the Revised Code after the 7917
offender leaves prison if the offender is being sentenced for a 7918
felony of the third, fourth, or fifth degree that is not subject 7919
to division (B) (2) ~~(e)~~ (d) of this section. This division applies 7920
with respect to all prison terms imposed for an offense of a 7921
type described in this division, including a term imposed for 7922
any such offense that is a risk reduction sentence, as defined 7923
in section 2967.28 of the Revised Code. Section 2929.191 of the 7924
Revised Code applies if, prior to July 11, 2006, a court imposed 7925
a sentence including a prison term of a type described in 7926
division (B) (2) ~~(d)~~ (e) of this section and failed to notify the 7927
offender pursuant to division (B) (2) ~~(d)~~ (e) of this section 7928
regarding post-release control or to include in the judgment of 7929
conviction entered on the journal or in the sentence a statement 7930
regarding post-release control. 7931

~~(e)~~ (f) Notify the offender that, if a period of 7932
supervision is imposed following the offender's release from 7933
prison, as described in division (B) (2) ~~(e)~~ (d) or ~~(d)~~ (e) of this 7934
section, and if the offender violates that supervision or a 7935
condition of post-release control imposed under division (B) of 7936
section 2967.131 of the Revised Code, the parole board may 7937

impose a prison term, as part of the sentence, of up to one-half 7938
of the ~~stated~~-definite prison term originally imposed upon the 7939
offender as the offender's stated prison term or up to one-half 7940
of the minimum prison term originally imposed upon the offender 7941
as part of the offender's stated non-life felony indefinite 7942
prison term. If a court imposes a sentence including a prison 7943
term on or after July 11, 2006, the failure of a court to notify 7944
the offender pursuant to division (B) (2) ~~(e)~~ (f) of this section 7945
that the parole board may impose a prison term as described in 7946
division (B) (2) ~~(e)~~ (f) of this section for a violation of that 7947
supervision or a condition of post-release control imposed under 7948
division (B) of section 2967.131 of the Revised Code or to 7949
include in the judgment of conviction entered on the journal a 7950
statement to that effect does not negate, limit, or otherwise 7951
affect the authority of the parole board to so impose a prison 7952
term for a violation of that nature if, pursuant to division (D) 7953
(1) of section 2967.28 of the Revised Code, the parole board 7954
notifies the offender prior to the offender's release of the 7955
board's authority to so impose a prison term. Section 2929.191 7956
of the Revised Code applies if, prior to July 11, 2006, a court 7957
imposed a sentence including a prison term and failed to notify 7958
the offender pursuant to division (B) (2) ~~(e)~~ (f) of this section 7959
regarding the possibility of the parole board imposing a prison 7960
term for a violation of supervision or a condition of post- 7961
release control. 7962

~~(f)~~ (g) Require that the offender not ingest or be injected 7963
with a drug of abuse and submit to random drug testing as 7964
provided in section 341.26, 753.33, or 5120.63 of the Revised 7965
Code, whichever is applicable to the offender who is serving a 7966
prison term, and require that the results of the drug test 7967
administered under any of those sections indicate that the 7968

offender did not ingest or was not injected with a drug of 7969
abuse. 7970

~~(g)~~(h) (i) Determine, notify the offender of, and include 7971
in the sentencing entry the number of days that the offender has 7972
been confined for any reason arising out of the offense for 7973
which the offender is being sentenced and by which the 7974
department of rehabilitation and correction must reduce the 7975
stated definite prison term imposed on the offender as the 7976
offender's stated prison term or, if the offense is an offense 7977
for which a non-life felony indefinite prison term is imposed 7978
under division (A) (1) (a), (2) (a), or (3) (a) (i) of section 7979
2929.14 of the Revised Code, the minimum and maximum prison 7980
terms imposed on the offender as part of that non-life felony 7981
indefinite prison term, under section 2967.191 of the Revised 7982
Code. The court's calculation shall not include the number of 7983
days, if any, that the offender previously served in the custody 7984
of the department of rehabilitation and correction arising out 7985
of the offense for which the prisoner was convicted and 7986
sentenced. 7987

(ii) In making a determination under division (B) (2) ~~(g)~~(h) 7988
(i) of this section, the court shall consider the arguments of 7989
the parties and conduct a hearing if one is requested. 7990

(iii) The sentencing court retains continuing jurisdiction 7991
to correct any error not previously raised at sentencing in 7992
making a determination under division (B) (2) ~~(g)~~(h) (i) of this 7993
section. The offender may, at any time after sentencing, file a 7994
motion in the sentencing court to correct any error made in 7995
making a determination under division (B) (2) ~~(g)~~(h) (i) of this 7996
section, and the court may in its discretion grant or deny that 7997
motion. If the court changes the number of days in its 7998

determination or redetermination, the court shall cause the 7999
entry granting that change to be delivered to the department of 8000
rehabilitation and correction without delay. Sections 2931.15 8001
and 2953.21 of the Revised Code do not apply to a motion made 8002
under this section. 8003

(iv) An inaccurate determination under division (B) (2) ~~(g)~~ 8004
(h) (i) of this section is not grounds for setting aside the 8005
offender's conviction or sentence and does not otherwise render 8006
the sentence void or voidable. 8007

(3) (a) The court shall include in the offender's sentence 8008
a statement that the offender is a tier III sex offender/child- 8009
victim offender, and the court shall comply with the 8010
requirements of section 2950.03 of the Revised Code if any of 8011
the following apply: 8012

(i) The offender is being sentenced for a violent sex 8013
offense or designated homicide, assault, or kidnapping offense 8014
that the offender committed on or after January 1, 1997, and the 8015
offender is adjudicated a sexually violent predator in relation 8016
to that offense. 8017

(ii) The offender is being sentenced for a sexually 8018
oriented offense that the offender committed on or after January 8019
1, 1997, and the offender is a tier III sex offender/child- 8020
victim offender relative to that offense. 8021

(iii) The offender is being sentenced on or after July 31, 8022
2003, for a child-victim oriented offense, and the offender is a 8023
tier III sex offender/child-victim offender relative to that 8024
offense. 8025

(iv) The offender is being sentenced under section 2971.03 8026
of the Revised Code for a violation of division (A) (1) (b) of 8027

section 2907.02 of the Revised Code committed on or after 8028
January 2, 2007. 8029

(v) The offender is sentenced to a term of life without 8030
parole under division (B) of section 2907.02 of the Revised 8031
Code. 8032

(vi) The offender is being sentenced for attempted rape 8033
committed on or after January 2, 2007, and a specification of 8034
the type described in section 2941.1418, 2941.1419, or 2941.1420 8035
of the Revised Code. 8036

(vii) The offender is being sentenced under division (B) 8037
(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code 8038
for an offense described in those divisions committed on or 8039
after January 1, 2008. 8040

(b) Additionally, if any criterion set forth in divisions 8041
(B) (3) (a) (i) to (vii) of this section is satisfied, in the 8042
circumstances described in division (E) of section 2929.14 of 8043
the Revised Code, the court shall impose sentence on the 8044
offender as described in that division. 8045

(4) If the sentencing court determines at the sentencing 8046
hearing that a community control sanction should be imposed and 8047
the court is not prohibited from imposing a community control 8048
sanction, the court shall impose a community control sanction. 8049
The court shall notify the offender that, if the conditions of 8050
the sanction are violated, if the offender commits a violation 8051
of any law, or if the offender leaves this state without the 8052
permission of the court or the offender's probation officer, the 8053
court may impose a longer time under the same sanction, may 8054
impose a more restrictive sanction, or may impose a prison term 8055
on the offender and shall indicate the specific prison term that 8056

may be imposed as a sanction for the violation, as selected by 8057
the court from the range of prison terms for the offense 8058
pursuant to section 2929.14 of the Revised Code and as described 8059
in section 2929.15 of the Revised Code. 8060

(5) Before imposing a financial sanction under section 8061
2929.18 of the Revised Code or a fine under section 2929.32 of 8062
the Revised Code, the court shall consider the offender's 8063
present and future ability to pay the amount of the sanction or 8064
fine. 8065

(6) If the sentencing court sentences the offender to a 8066
sanction of confinement pursuant to section 2929.14 or 2929.16 8067
of the Revised Code that is to be served in a local detention 8068
facility, as defined in section 2929.36 of the Revised Code, and 8069
if the local detention facility is covered by a policy adopted 8070
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 8071
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 8072
and section 2929.37 of the Revised Code, both of the following 8073
apply: 8074

(a) The court shall specify both of the following as part 8075
of the sentence: 8076

(i) If the offender is presented with an itemized bill 8077
pursuant to section 2929.37 of the Revised Code for payment of 8078
the costs of confinement, the offender is required to pay the 8079
bill in accordance with that section. 8080

(ii) If the offender does not dispute the bill described 8081
in division (B) (6) (a) (i) of this section and does not pay the 8082
bill by the times specified in section 2929.37 of the Revised 8083
Code, the clerk of the court may issue a certificate of judgment 8084
against the offender as described in that section. 8085

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

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

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

(2) If the offender is being sentenced for a third or

fourth degree felony OVI offense under division (G) (2) of 8116
section 2929.13 of the Revised Code, the court shall impose the 8117
mandatory prison term in accordance with that division, shall 8118
impose a mandatory fine in accordance with division (B) (3) of 8119
section 2929.18 of the Revised Code, and, in addition, may 8120
impose an additional prison term as specified in section 2929.14 8121
of the Revised Code. In addition to the mandatory prison term or 8122
mandatory prison term and additional prison term the court 8123
imposes, the court also may impose a community control sanction 8124
on the offender, but the offender shall serve all of the prison 8125
terms so imposed prior to serving the community control 8126
sanction. 8127

(D) The sentencing court, pursuant to division (I) (1) of 8128
section 2929.14 of the Revised Code, may recommend placement of 8129
the offender in a program of shock incarceration under section 8130
5120.031 of the Revised Code or an intensive program prison 8131
under section 5120.032 of the Revised Code, disapprove placement 8132
of the offender in a program or prison of that nature, or make 8133
no recommendation. If the court recommends or disapproves 8134
placement, it shall make a finding that gives its reasons for 8135
its recommendation or disapproval. 8136

Sec. 2929.191. (A) (1) If, prior to July 11, 2006, a court 8137
imposed a sentence including a prison term of a type described 8138
in division (B) (2) ~~(e)~~ (d) of section 2929.19 of the Revised Code 8139
and failed to notify the offender pursuant to that division that 8140
the offender will be supervised under section 2967.28 of the 8141
Revised Code after the offender leaves prison or to include a 8142
statement to that effect in the judgment of conviction entered 8143
on the journal or in the sentence pursuant to division (D) (1) of 8144
section 2929.14 of the Revised Code, at any time before the 8145
offender is released from imprisonment under that term and at a 8146

hearing conducted in accordance with division (C) of this 8147
section, the court may prepare and issue a correction to the 8148
judgment of conviction that includes in the judgment of 8149
conviction the statement that the offender will be supervised 8150
under section 2967.28 of the Revised Code after the offender 8151
leaves prison. 8152

If, prior to July 11, 2006, a court imposed a sentence 8153
including a prison term of a type described in division (B) (2) 8154
~~(d)~~(e) of section 2929.19 of the Revised Code and failed to 8155
notify the offender pursuant to that division that the offender 8156
may be supervised under section 2967.28 of the Revised Code 8157
after the offender leaves prison or to include a statement to 8158
that effect in the judgment of conviction entered on the journal 8159
or in the sentence pursuant to division (D) (2) of section 8160
2929.14 of the Revised Code, at any time before the offender is 8161
released from imprisonment under that term and at a hearing 8162
conducted in accordance with division (C) of this section, the 8163
court may prepare and issue a correction to the judgment of 8164
conviction that includes in the judgment of conviction the 8165
statement that the offender may be supervised under section 8166
2967.28 of the Revised Code after the offender leaves prison. 8167

(2) If a court prepares and issues a correction to a 8168
judgment of conviction as described in division (A) (1) of this 8169
section before the offender is released from imprisonment under 8170
the prison term the court imposed prior to July 11, 2006, the 8171
court shall place upon the journal of the court an entry nunc 8172
pro tunc to record the correction to the judgment of conviction 8173
and shall provide a copy of the entry to the offender or, if the 8174
offender is not physically present at the hearing, shall send a 8175
copy of the entry to the department of rehabilitation and 8176
correction for delivery to the offender. If the court sends a 8177

copy of the entry to the department, the department promptly 8178
shall deliver a copy of the entry to the offender. The court's 8179
placement upon the journal of the entry nunc pro tunc before the 8180
offender is released from imprisonment under the term shall be 8181
considered, and shall have the same effect, as if the court at 8182
the time of original sentencing had included the statement in 8183
the sentence and the judgment of conviction entered on the 8184
journal and had notified the offender that the offender will be 8185
so supervised regarding a sentence including a prison term of a 8186
type described in division (B) (2) ~~(e)~~ (d) of section 2929.19 of 8187
the Revised Code or that the offender may be so supervised 8188
regarding a sentence including a prison term of a type described 8189
in division (B) (2) ~~(d)~~ (e) of that section. 8190

(B) (1) If, prior to July 11, 2006, a court imposed a 8191
sentence including a prison term and failed to notify the 8192
offender pursuant to division (B) (2) ~~(e)~~ (f) of section 2929.19 of 8193
the Revised Code regarding the possibility of the parole board 8194
imposing a prison term for a violation of supervision or a 8195
condition of post-release control or to include in the judgment 8196
of conviction entered on the journal a statement to that effect, 8197
at any time before the offender is released from imprisonment 8198
under that term and at a hearing conducted in accordance with 8199
division (C) of this section, the court may prepare and issue a 8200
correction to the judgment of conviction that includes in the 8201
judgment of conviction the statement that if a period of 8202
supervision is imposed following the offender's release from 8203
prison, as described in division (B) (2) ~~(e)~~ (d) or ~~(d)~~ (e) of 8204
section 2929.19 of the Revised Code, and if the offender 8205
violates that supervision or a condition of post-release control 8206
imposed under division (B) of section 2967.131 of the Revised 8207
Code the parole board may impose as part of the sentence a 8208

prison term of up to one-half of the stated prison term 8209
originally imposed upon the offender. 8210

(2) If the court prepares and issues a correction to a 8211
judgment of conviction as described in division (B)(1) of this 8212
section before the offender is released from imprisonment under 8213
the term, the court shall place upon the journal of the court an 8214
entry nunc pro tunc to record the correction to the judgment of 8215
conviction and shall provide a copy of the entry to the offender 8216
or, if the offender is not physically present at the hearing, 8217
shall send a copy of the entry to the department of 8218
rehabilitation and correction for delivery to the offender. If 8219
the court sends a copy of the entry to the department, the 8220
department promptly shall deliver a copy of the entry to the 8221
offender. The court's placement upon the journal of the entry 8222
nunc pro tunc before the offender is released from imprisonment 8223
under the term shall be considered, and shall have the same 8224
effect, as if the court at the time of original sentencing had 8225
included the statement in the judgment of conviction entered on 8226
the journal and had notified the offender pursuant to division 8227
(B)(2) ~~(e)~~ (f) of section 2929.19 of the Revised Code regarding 8228
the possibility of the parole board imposing a prison term for a 8229
violation of supervision or a condition of post-release control. 8230

(C) On and after July 11, 2006, a court that wishes to 8231
prepare and issue a correction to a judgment of conviction of a 8232
type described in division (A)(1) or (B)(1) of this section 8233
shall not issue the correction until after the court has 8234
conducted a hearing in accordance with this division. Before a 8235
court holds a hearing pursuant to this division, the court shall 8236
provide notice of the date, time, place, and purpose of the 8237
hearing to the offender who is the subject of the hearing, the 8238
prosecuting attorney of the county, and the department of 8239

rehabilitation and correction. The offender has the right to be 8240
physically present at the hearing, except that, upon the court's 8241
own motion or the motion of the offender or the prosecuting 8242
attorney, the court may permit the offender to appear at the 8243
hearing by video conferencing equipment if available and 8244
compatible. An appearance by video conferencing equipment 8245
pursuant to this division has the same force and effect as if 8246
the offender were physically present at the hearing. At the 8247
hearing, the offender and the prosecuting attorney may make a 8248
statement as to whether the court should issue a correction to 8249
the judgment of conviction. 8250

Sec. 2929.20. (A) As used in this section: 8251

(1) (a) Except as provided in division (A) (1) (b) of this 8252
section, "eligible offender" means any person who, on or after 8253
April 7, 2009, is serving a stated prison term that includes one 8254
or more nonmandatory prison terms. 8255

(b) "Eligible offender" does not include any person who, 8256
on or after April 7, 2009, is serving a stated prison term for 8257
any of the following criminal offenses that was a felony and was 8258
committed while the person held a public office in this state: 8259

(i) A violation of section 2921.02, 2921.03, 2921.05, 8260
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 8261
Code; 8262

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 8263
2921.12 of the Revised Code, when the conduct constituting the 8264
violation was related to the duties of the offender's public 8265
office or to the offender's actions as a public official holding 8266
that public office; 8267

(iii) A violation of an existing or former municipal 8268

ordinance or law of this or any other state or the United States 8269
that is substantially equivalent to any violation listed in 8270
division (A) (1) (b) (i) of this section; 8271

(iv) A violation of an existing or former municipal 8272
ordinance or law of this or any other state or the United States 8273
that is substantially equivalent to any violation listed in 8274
division (A) (1) (b) (ii) of this section, when the conduct 8275
constituting the violation was related to the duties of the 8276
offender's public office or to the offender's actions as a 8277
public official holding that public office; 8278

(v) A conspiracy to commit, attempt to commit, or 8279
complicity in committing any offense listed in division (A) (1) 8280
(b) (i) or described in division (A) (1) (b) (iii) of this section; 8281

(vi) A conspiracy to commit, attempt to commit, or 8282
complicity in committing any offense listed in division (A) (1) 8283
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 8284
if the conduct constituting the offense that was the subject of 8285
the conspiracy, that would have constituted the offense 8286
attempted, or constituting the offense in which the offender was 8287
complicit was or would have been related to the duties of the 8288
offender's public office or to the offender's actions as a 8289
public official holding that public office. 8290

(2) "Nonmandatory prison term" means a prison term that is 8291
not a mandatory prison term. 8292

(3) "Public office" means any elected federal, state, or 8293
local government office in this state. 8294

(4) "Victim's representative" has the same meaning as in 8295
section 2930.01 of the Revised Code. 8296

(5) "Imminent danger of death," "medically incapacitated," 8297

and "terminal illness" have the same meanings as in section 8298
2967.05 of the Revised Code. 8299

(6) "Aggregated nonmandatory prison term or terms" means 8300
the aggregate of the following: 8301

(a) All nonmandatory definite prison terms; 8302

(b) With respect to any non-life felony indefinite prison 8303
term, all nonmandatory minimum prison terms imposed as part of 8304
the non-life felony indefinite prison term or terms. 8305

(B) On the motion of an eligible offender or upon its own 8306
motion, the sentencing court may reduce the eligible offender's 8307
aggregated nonmandatory prison term or terms through a judicial 8308
release under this section. 8309

(C) An eligible offender may file a motion for judicial 8310
release with the sentencing court within the following 8311
applicable periods: 8312

(1) If the aggregated nonmandatory prison term or terms is 8313
less than two years, the eligible offender may file the motion 8314
at any time after the offender is delivered to a state 8315
correctional institution or, if the prison term includes a 8316
mandatory prison term or terms, at any time after the expiration 8317
of all mandatory prison terms. 8318

(2) If the aggregated nonmandatory prison term or terms is 8319
at least two years but less than five years, the eligible 8320
offender may file the motion not earlier than one hundred eighty 8321
days after the offender is delivered to a state correctional 8322
institution or, if the prison term includes a mandatory prison 8323
term or terms, not earlier than one hundred eighty days after 8324
the expiration of all mandatory prison terms. 8325

(3) If the aggregated nonmandatory prison term or terms is 8326
five years, the eligible offender may file the motion not 8327
earlier than the date on which the eligible offender has served 8328
four years of the offender's stated prison term or, if the 8329
prison term includes a mandatory prison term or terms, not 8330
earlier than four years after the expiration of all mandatory 8331
prison terms. 8332

(4) If the aggregated nonmandatory prison term or terms is 8333
more than five years but not more than ten years, the eligible 8334
offender may file the motion not earlier than the date on which 8335
the eligible offender has served five years of the offender's 8336
stated prison term or, if the prison term includes a mandatory 8337
prison term or terms, not earlier than five years after the 8338
expiration of all mandatory prison terms. 8339

(5) If the aggregated nonmandatory prison term or terms is 8340
more than ten years, the eligible offender may file the motion 8341
not earlier than the later of the date on which the offender has 8342
served one-half of the offender's stated prison term or the date 8343
specified in division (C) (4) of this section. 8344

(D) Upon receipt of a timely motion for judicial release 8345
filed by an eligible offender under division (C) of this section 8346
or upon the sentencing court's own motion made within the 8347
appropriate time specified in that division, the court may deny 8348
the motion without a hearing or schedule a hearing on the 8349
motion. The court shall not grant the motion without a hearing. 8350
If a court denies a motion without a hearing, the court later 8351
may consider judicial release for that eligible offender on a 8352
subsequent motion filed by that eligible offender unless the 8353
court denies the motion with prejudice. If a court denies a 8354
motion with prejudice, the court may later consider judicial 8355

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

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

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

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

division (B) of section 2930.16 of the Revised Code; 8386

(2) If the offense was an offense of violence that is a 8387
felony of the first, second, or third degree, except as 8388
otherwise provided in this division, notify the victim or the 8389
victim's representative of the hearing regardless of whether the 8390
victim or victim's representative has requested the 8391
notification. The notice of the hearing shall not be given under 8392
this division to a victim or victim's representative if the 8393
victim or victim's representative has requested pursuant to 8394
division (B) (2) of section 2930.03 of the Revised Code that the 8395
victim or the victim's representative not be provided the 8396
notice. If notice is to be provided to a victim or victim's 8397
representative under this division, the prosecuting attorney may 8398
give the notice by any reasonable means, including regular mail, 8399
telephone, and electronic mail, in accordance with division (D) 8400
(1) of section 2930.16 of the Revised Code. If the notice is 8401
based on an offense committed prior to March 22, 2013, the 8402
notice also shall include the opt-out information described in 8403
division (D) (1) of section 2930.16 of the Revised Code. The 8404
prosecuting attorney, in accordance with division (D) (2) of 8405
section 2930.16 of the Revised Code, shall keep a record of all 8406
attempts to provide the notice, and of all notices provided, 8407
under this division. Division (E) (2) of this section, and the 8408
notice-related provisions of division (K) of this section, 8409
division (D) (1) of section 2930.16, division (H) of section 8410
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 8411
(b) of section 2967.26, division (D) (1) of section 2967.28, and 8412
division (A) (2) of section 5149.101 of the Revised Code enacted 8413
in the act in which division (E) (2) of this section was enacted, 8414
shall be known as "Roberta's Law." 8415

(F) Upon an offender's successful completion of 8416

rehabilitative activities, the head of the state correctional 8417
institution may notify the sentencing court of the successful 8418
completion of the activities. 8419

(G) Prior to the date of the hearing on a motion for 8420
judicial release under this section, the head of the state 8421
correctional institution in which the eligible offender is 8422
confined shall send to the court an institutional summary report 8423
on the eligible offender's conduct in the institution and in any 8424
institution from which the eligible offender may have been 8425
transferred. Upon the request of the prosecuting attorney of the 8426
county in which the eligible offender was indicted or of any law 8427
enforcement agency, the head of the state correctional 8428
institution, at the same time the person sends the institutional 8429
summary report to the court, also shall send a copy of the 8430
report to the requesting prosecuting attorney and law 8431
enforcement agencies. The institutional summary report shall 8432
cover the eligible offender's participation in school, 8433
vocational training, work, treatment, and other rehabilitative 8434
activities and any disciplinary action taken against the 8435
eligible offender. The report shall be made part of the record 8436
of the hearing. A presentence investigation report is not 8437
required for judicial release. 8438

(H) If the court grants a hearing on a motion for judicial 8439
release under this section, the eligible offender shall attend 8440
the hearing if ordered to do so by the court. Upon receipt of a 8441
copy of the journal entry containing the order, the head of the 8442
state correctional institution in which the eligible offender is 8443
incarcerated shall deliver the eligible offender to the sheriff 8444
of the county in which the hearing is to be held. The sheriff 8445
shall convey the eligible offender to and from the hearing. 8446

(I) At the hearing on a motion for judicial release under 8447
this section, the court shall afford the eligible offender and 8448
the eligible offender's attorney an opportunity to present 8449
written and, if present, oral information relevant to the 8450
motion. The court shall afford a similar opportunity to the 8451
prosecuting attorney, the victim or the victim's representative, 8452
and any other person the court determines is likely to present 8453
additional relevant information. The court shall consider any 8454
statement of a victim made pursuant to section 2930.14 or 8455
2930.17 of the Revised Code, any victim impact statement 8456
prepared pursuant to section 2947.051 of the Revised Code, and 8457
any report made under division (G) of this section. The court 8458
may consider any written statement of any person submitted to 8459
the court pursuant to division (L) of this section. After ruling 8460
on the motion, the court shall notify the victim of the ruling 8461
in accordance with sections 2930.03 and 2930.16 of the Revised 8462
Code. 8463

(J) (1) A court shall not grant a judicial release under 8464
this section to an eligible offender who is imprisoned for a 8465
felony of the first or second degree, or to an eligible offender 8466
who committed an offense under Chapter 2925. or 3719. of the 8467
Revised Code and for whom there was a presumption under section 8468
2929.13 of the Revised Code in favor of a prison term, unless 8469
the court, with reference to factors under section 2929.12 of 8470
the Revised Code, finds both of the following: 8471

(a) That a sanction other than a prison term would 8472
adequately punish the offender and protect the public from 8473
future criminal violations by the eligible offender because the 8474
applicable factors indicating a lesser likelihood of recidivism 8475
outweigh the applicable factors indicating a greater likelihood 8476
of recidivism; 8477

(b) That a sanction other than a prison term would not 8478
demean the seriousness of the offense because factors indicating 8479
that the eligible offender's conduct in committing the offense 8480
was less serious than conduct normally constituting the offense 8481
outweigh factors indicating that the eligible offender's conduct 8482
was more serious than conduct normally constituting the offense. 8483

(2) A court that grants a judicial release to an eligible 8484
offender under division (J)(1) of this section shall specify on 8485
the record both findings required in that division and also 8486
shall list all the factors described in that division that were 8487
presented at the hearing. 8488

(K) If the court grants a motion for judicial release 8489
under this section, the court shall order the release of the 8490
eligible offender, shall place the eligible offender under an 8491
appropriate community control sanction, under appropriate 8492
conditions, and under the supervision of the department of 8493
probation serving the court and shall reserve the right to 8494
reimpose the sentence that it reduced if the offender violates 8495
the sanction. If the court reimposes the reduced sentence, it 8496
may do so either concurrently with, or consecutive to, any new 8497
sentence imposed upon the eligible offender as a result of the 8498
violation that is a new offense. Except as provided in division 8499
(R)(2) of this section, the period of community control shall be 8500
no longer than five years. The court, in its discretion, may 8501
reduce the period of community control by the amount of time the 8502
eligible offender spent in jail or prison for the offense and in 8503
prison. If the court made any findings pursuant to division (J) 8504
(1) of this section, the court shall serve a copy of the 8505
findings upon counsel for the parties within fifteen days after 8506
the date on which the court grants the motion for judicial 8507
release. 8508

If the court grants a motion for judicial release, the 8509
court shall notify the appropriate person at the department of 8510
rehabilitation and correction, and the department shall post 8511
notice of the release on the database it maintains pursuant to 8512
section 5120.66 of the Revised Code. The court also shall notify 8513
the prosecuting attorney of the county in which the eligible 8514
offender was indicted that the motion has been granted. Unless 8515
the victim or the victim's representative has requested pursuant 8516
to division (B) (2) of section 2930.03 of the Revised Code that 8517
the victim or victim's representative not be provided the 8518
notice, the prosecuting attorney shall notify the victim or the 8519
victim's representative of the judicial release in any manner, 8520
and in accordance with the same procedures, pursuant to which 8521
the prosecuting attorney is authorized to provide notice of the 8522
hearing pursuant to division (E) (2) of this section. If the 8523
notice is based on an offense committed prior to March 22, 2013, 8524
the notice to the victim or victim's representative also shall 8525
include the opt-out information described in division (D) (1) of 8526
section 2930.16 of the Revised Code. 8527

(L) In addition to and independent of the right of a 8528
victim to make a statement pursuant to section 2930.14, 2930.17, 8529
or 2946.051 of the Revised Code and any right of a person to 8530
present written information or make a statement pursuant to 8531
division (I) of this section, any person may submit to the 8532
court, at any time prior to the hearing on the offender's motion 8533
for judicial release, a written statement concerning the effects 8534
of the offender's crime or crimes, the circumstances surrounding 8535
the crime or crimes, the manner in which the crime or crimes 8536
were perpetrated, and the person's opinion as to whether the 8537
offender should be released. 8538

(M) The changes to this section that are made on September 8539

30, 2011, apply to any judicial release decision made on or 8540
after September 30, 2011, for any eligible offender. 8541

(N) Notwithstanding the eligibility requirements specified 8542
in division (A) of this section and the filing time frames 8543
specified in division (C) of this section and notwithstanding 8544
the findings required under division (J) of this section, the 8545
sentencing court, upon the court's own motion and after 8546
considering whether the release of the offender into society 8547
would create undue risk to public safety, may grant a judicial 8548
release to an offender who is not serving a life sentence at any 8549
time during the offender's imposed sentence when the director of 8550
rehabilitation and correction certifies to the sentencing court 8551
through the chief medical officer for the department of 8552
rehabilitation and correction that the offender is in imminent 8553
danger of death, is medically incapacitated, or is suffering 8554
from a terminal illness. 8555

(O) The director of rehabilitation and correction shall 8556
not certify any offender under division (N) of this section who 8557
is serving a death sentence. 8558

(P) A motion made by the court under division (N) of this 8559
section is subject to the notice, hearing, and other procedural 8560
requirements specified in divisions (D), (E), (G), (H), (I), 8561
(K), and (L) of this section, except for the following: 8562

(1) The court may waive the offender's appearance at any 8563
hearing scheduled by the court if the offender's condition makes 8564
it impossible for the offender to participate meaningfully in 8565
the proceeding. 8566

(2) The court may grant the motion without a hearing, 8567
provided that the prosecuting attorney and victim or victim's 8568

representative to whom notice of the hearing was provided under 8569
division (E) of this section indicate that they do not wish to 8570
participate in the hearing or present information relevant to 8571
the motion. 8572

(Q) The court may request health care records from the 8573
department of rehabilitation and correction to verify the 8574
certification made under division (N) of this section. 8575

(R) (1) If the court grants judicial release under division 8576
(N) of this section, the court shall do all of the following: 8577

(a) Order the release of the offender; 8578

(b) Place the offender under an appropriate community 8579
control sanction, under appropriate conditions; 8580

(c) Place the offender under the supervision of the 8581
department of probation serving the court or under the 8582
supervision of the adult parole authority. 8583

(2) The court, in its discretion, may revoke the judicial 8584
release if the offender violates the community control sanction 8585
described in division (R) (1) of this section. The period of that 8586
community control is not subject to the five-year limitation 8587
described in division (K) of this section and shall not expire 8588
earlier than the date on which all of the offender's mandatory 8589
prison terms expire. 8590

(S) If the health of an offender who is released under 8591
division (N) of this section improves so that the offender is no 8592
longer terminally ill, medically incapacitated, or in imminent 8593
danger of death, the court shall, upon the court's own motion, 8594
revoke the judicial release. The court shall not grant the 8595
motion without a hearing unless the offender waives a hearing. 8596
If a hearing is held, the court shall afford the offender and 8597

the offender's attorney an opportunity to present written and, 8598
if the offender or the offender's attorney is present, oral 8599
information relevant to the motion. The court shall afford a 8600
similar opportunity to the prosecuting attorney, the victim or 8601
the victim's representative, and any other person the court 8602
determines is likely to present additional relevant information. 8603
A court that grants a motion under this division shall specify 8604
its findings on the record. 8605

Sec. 2929.61. (A) Persons charged with a capital offense 8606
committed prior to January 1, 1974, shall be prosecuted under 8607
the law as it existed at the time the offense was committed, 8608
and, if convicted, shall be imprisoned for life, except that 8609
whenever the statute under which any such person is prosecuted 8610
provides for a lesser penalty under the circumstances of the 8611
particular case, such lesser penalty shall be imposed. 8612

(B) Persons charged with an offense, other than a capital 8613
offense, committed prior to January 1, 1974, shall be prosecuted 8614
under the law as it existed at the time the offense was 8615
committed. Persons convicted or sentenced on or after January 1, 8616
1974, for an offense committed prior to January 1, 1974, shall 8617
be sentenced according to the penalty for commission of the 8618
substantially equivalent offense under Amended Substitute House 8619
Bill 511 of the 109th General Assembly. If the offense for which 8620
sentence is being imposed does not have a substantial equivalent 8621
under that act, or if that act provides a more severe penalty 8622
than that originally prescribed for the offense of which the 8623
person is convicted, then sentence shall be imposed under the 8624
law as it existed prior to January 1, 1974. 8625

(C) Persons charged with an offense that is a felony of 8626
the third or fourth degree and that was committed on or after 8627

January 1, 1974, and before July 1, 1983, shall be prosecuted 8628
under the law as it existed at the time the offense was 8629
committed. Persons convicted or sentenced on or after July 1, 8630
1983, for an offense that is a felony of the third or fourth 8631
degree and that was committed on or after January 1, 1974, and 8632
before July 1, 1983, shall be notified by the court sufficiently 8633
in advance of sentencing that they may choose to be sentenced 8634
pursuant to either the law in effect at the time of the 8635
commission of the offense or the law in effect at the time of 8636
sentencing. This notice shall be written and shall include the 8637
differences between and possible effects of the alternative 8638
sentence forms and the effect of the person's refusal to choose. 8639
The person to be sentenced shall then inform the court in 8640
writing of ~~his~~ the person's choice, and shall be sentenced 8641
accordingly. Any person choosing to be sentenced pursuant to the 8642
law in effect at the time of the commission of an offense that 8643
is a felony of the third or fourth degree shall then be eligible 8644
for parole, and this person cannot at a later date have ~~his~~ the 8645
person's sentence converted to a definite sentence. If the 8646
person refuses to choose between the two possible sentences, the 8647
person shall be sentenced pursuant to the law in effect at the 8648
time of the commission of the offense. 8649

(D) Persons charged with an offense that was a felony of 8650
the first or second degree at the time it was committed, that 8651
was committed on or after January 1, 1974, and that was 8652
committed prior to July 1, 1983, shall be prosecuted for that 8653
offense and, if convicted, shall be sentenced under the law as 8654
it existed at the time the offense was committed. 8655

(E) Persons charged with an offense that is a felony of 8656
the first or second degree that was committed prior to the 8657
effective date of this amendment or that is a felony of the 8658

third degree that is described in division (A)(3)(a) of section 8659
2929.14 of the Revised Code and was committed prior to that date 8660
shall be prosecuted for that offense and, if convicted, shall be 8661
sentenced under the law as it existed at the time the offense 8662
was committed. 8663

Sec. 2930.16. (A) If a defendant is incarcerated, a victim 8664
in a case who has requested to receive notice under this section 8665
shall be given notice of the incarceration of the defendant. If 8666
an alleged juvenile offender is committed to the temporary 8667
custody of a school, camp, institution, or other facility 8668
operated for the care of delinquent children or to the legal 8669
custody of the department of youth services, a victim in a case 8670
who has requested to receive notice under this section shall be 8671
given notice of the commitment. Promptly after sentence is 8672
imposed upon the defendant or the commitment of the alleged 8673
juvenile offender is ordered, the prosecutor in the case shall 8674
notify the victim of the date on which the defendant will be 8675
released, or initially will be eligible for release, from 8676
confinement or the prosecutor's reasonable estimate of that date 8677
or the date on which the alleged juvenile offender will have 8678
served the minimum period of commitment or the prosecutor's 8679
reasonable estimate of that date. The prosecutor also shall 8680
notify the victim of the name of the custodial agency of the 8681
defendant or alleged juvenile offender and tell the victim how 8682
to contact that custodial agency. If the custodial agency is the 8683
department of rehabilitation and correction, the prosecutor 8684
shall notify the victim of the services offered by the office of 8685
victims' services pursuant to section 5120.60 of the Revised 8686
Code. If the custodial agency is the department of youth 8687
services, the prosecutor shall notify the victim of the services 8688
provided by the office of victims' services within the release 8689

authority of the department pursuant to section 5139.55 of the Revised Code and the victim's right pursuant to section 5139.56 of the Revised Code to submit a written request to the release authority to be notified of actions the release authority takes with respect to the alleged juvenile offender. The victim shall keep the custodial agency informed of the victim's current address and telephone number.

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

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

hearing. 8721

(C) Upon the victim's request made at any time before the 8722
particular notice would be due or in accordance with division 8723
(D) of this section, the custodial agency of a defendant or 8724
alleged juvenile offender shall give the victim any of the 8725
following notices that is applicable: 8726

(1) At least sixty days before the adult parole authority 8727
recommends a pardon or commutation of sentence for the defendant 8728
or at least sixty days prior to a hearing before the adult 8729
parole authority regarding a grant of parole to the defendant, 8730
notice of the victim's right to submit a statement regarding the 8731
impact of the defendant's release in accordance with section 8732
2967.12 of the Revised Code and, if applicable, of the victim's 8733
right to appear at a full board hearing of the parole board to 8734
give testimony as authorized by section 5149.101 of the Revised 8735
Code; and at least sixty days prior to a hearing before the 8736
department regarding a determination of whether the inmate must 8737
be released under division (C) or (D) (2) of section 2967.271 of 8738
the Revised Code if the inmate is serving a non-life felony 8739
indefinite prison term, notice of the fact that the inmate will 8740
be having a hearing regarding a possible grant of release, the 8741
date of any hearing regarding a possible grant of release, and 8742
the right of any person to submit a written statement regarding 8743
the pending action; 8744

(2) At least sixty days before the defendant is 8745
transferred to transitional control under section 2967.26 of the 8746
Revised Code, notice of the pendency of the transfer and of the 8747
victim's right under that section to submit a statement 8748
regarding the impact of the transfer; 8749

(3) At least sixty days before the release authority of 8750

the department of youth services holds a release review, release 8751
hearing, or discharge review for the alleged juvenile offender, 8752
notice of the pendency of the review or hearing, of the victim's 8753
right to make an oral or written statement regarding the impact 8754
of the crime upon the victim or regarding the possible release 8755
or discharge, and, if the notice pertains to a hearing, of the 8756
victim's right to attend and make statements or comments at the 8757
hearing as authorized by section 5139.56 of the Revised Code; 8758

(4) Prompt notice of the defendant's or alleged juvenile 8759
offender's escape from a facility of the custodial agency in 8760
which the defendant was incarcerated or in which the alleged 8761
juvenile offender was placed after commitment, of the 8762
defendant's or alleged juvenile offender's absence without leave 8763
from a mental health or developmental disabilities facility or 8764
from other custody, and of the capture of the defendant or 8765
alleged juvenile offender after an escape or absence; 8766

(5) Notice of the defendant's or alleged juvenile 8767
offender's death while in confinement or custody; 8768

(6) Notice of the filing of a petition by the director of 8769
rehabilitation and correction pursuant to section 2967.19 of the 8770
Revised Code requesting the early release under that section of 8771
the defendant; 8772

(7) Notice of the defendant's or alleged juvenile 8773
offender's release from confinement or custody and the terms and 8774
conditions of the release. 8775

(D) (1) If a defendant is incarcerated for the commission 8776
of aggravated murder, murder, or an offense of violence that is 8777
a felony of the first, second, or third degree or is under a 8778
sentence of life imprisonment or if an alleged juvenile offender 8779

has been charged with the commission of an act that would be 8780
aggravated murder, murder, or an offense of violence that is a 8781
felony of the first, second, or third degree or be subject to a 8782
sentence of life imprisonment if committed by an adult, except 8783
as otherwise provided in this division, the notices described in 8784
divisions (B) and (C) of this section shall be given regardless 8785
of whether the victim has requested the notification. The 8786
notices described in divisions (B) and (C) of this section shall 8787
not be given under this division to a victim if the victim has 8788
requested pursuant to division (B)(2) of section 2930.03 of the 8789
Revised Code that the victim not be provided the notice. 8790
Regardless of whether the victim has requested that the notices 8791
described in division (C) of this section be provided or not be 8792
provided, the custodial agency shall give notice similar to 8793
those notices to the prosecutor in the case, to the sentencing 8794
court, to the law enforcement agency that arrested the defendant 8795
or alleged juvenile offender if any officer of that agency was a 8796
victim of the offense, and to any member of the victim's 8797
immediate family who requests notification. If the notice given 8798
under this division to the victim is based on an offense 8799
committed prior to March 22, 2013, and if the prosecutor or 8800
custodial agency has not previously successfully provided any 8801
notice to the victim under this division or division (B) or (C) 8802
of this section with respect to that offense and the offender 8803
who committed it, the notice also shall inform the victim that 8804
the victim may request that the victim not be provided any 8805
further notices with respect to that offense and the offender 8806
who committed it and shall describe the procedure for making 8807
that request. If the notice given under this division to the 8808
victim pertains to a hearing regarding a grant of a parole to 8809
the defendant, the notice also shall inform the victim that the 8810
victim, a member of the victim's immediate family, or the 8811

victim's representative may request a victim conference, as 8812
described in division (E) of this section, and shall provide an 8813
explanation of a victim conference. 8814

The prosecutor or custodial agency may give the notices to 8815
which this division applies by any reasonable means, including 8816
regular mail, telephone, and electronic mail. If the prosecutor 8817
or custodial agency attempts to provide notice to a victim under 8818
this division but the attempt is unsuccessful because the 8819
prosecutor or custodial agency is unable to locate the victim, 8820
is unable to provide the notice by its chosen method because it 8821
cannot determine the mailing address, telephone number, or 8822
electronic mail address at which to provide the notice, or, if 8823
the notice is sent by mail, the notice is returned, the 8824
prosecutor or custodial agency shall make another attempt to 8825
provide the notice to the victim. If the second attempt is 8826
unsuccessful, the prosecutor or custodial agency shall make at 8827
least one more attempt to provide the notice. If the notice is 8828
based on an offense committed prior to March 22, 2013, in each 8829
attempt to provide the notice to the victim, the notice shall 8830
include the opt-out information described in the preceding 8831
paragraph. The prosecutor or custodial agency, in accordance 8832
with division (D)(2) of this section, shall keep a record of all 8833
attempts to provide the notice, and of all notices provided, 8834
under this division. 8835

Division (D)(1) of this section, and the notice-related 8836
provisions of divisions (E)(2) and (K) of section 2929.20, 8837
division (H) of section 2967.12, division (E)(1)(b) of section 8838
2967.19, division (A)(3)(b) of section 2967.26, division (D)(1) 8839
of section 2967.28, and division (A)(2) of section 5149.101 of 8840
the Revised Code enacted in the act in which division (D)(1) of 8841
this section was enacted, shall be known as "Roberta's Law." 8842

(2) Each prosecutor and custodial agency that attempts to 8843
give any notice to which division (D)(1) of this section applies 8844
shall keep a record of all attempts to give the notice. The 8845
record shall indicate the person who was to be the recipient of 8846
the notice, the date on which the attempt was made, the manner 8847
in which the attempt was made, and the person who made the 8848
attempt. If the attempt is successful and the notice is given, 8849
the record shall indicate that fact. The record shall be kept in 8850
a manner that allows public inspection of attempts and notices 8851
given to persons other than victims without revealing the names, 8852
addresses, or other identifying information relating to victims. 8853
The record of attempts and notices given to victims is not a 8854
public record, but the prosecutor or custodial agency shall 8855
provide upon request a copy of that record to a prosecuting 8856
attorney, judge, law enforcement agency, or member of the 8857
general assembly. The record of attempts and notices given to 8858
persons other than victims is a public record. A record kept 8859
under this division may be indexed by offender name, or in any 8860
other manner determined by the prosecutor or the custodial 8861
agency. Each prosecutor or custodial agency that is required to 8862
keep a record under this division shall determine the procedures 8863
for keeping the record and the manner in which it is to be kept, 8864
subject to the requirements of this division. 8865

(E) The adult parole authority shall adopt rules under 8866
Chapter 119. of the Revised Code providing for a victim 8867
conference, upon request of the victim, a member of the victim's 8868
immediate family, or the victim's representative, prior to a 8869
parole hearing in the case of a prisoner who is incarcerated for 8870
the commission of aggravated murder, murder, or an offense of 8871
violence that is a felony of the first, second, or third degree 8872
or is under a sentence of life imprisonment. The rules shall 8873

provide for, but not be limited to, all of the following: 8874

(1) Subject to division (E) (3) of this section, attendance 8875
by the victim, members of the victim's immediate family, the 8876
victim's representative, and, if practicable, other individuals; 8877

(2) Allotment of up to one hour for the conference; 8878

(3) A specification of the number of persons specified in 8879
division (E) (1) of this section who may be present at any single 8880
victim conference, if limited by the department pursuant to 8881
division (F) of this section. 8882

(F) The department may limit the number of persons 8883
specified in division (E) (1) of this section who may be present 8884
at any single victim conference, provided that the department 8885
shall not limit the number of persons who may be present at any 8886
single conference to fewer than three. If the department limits 8887
the number of persons who may be present at any single victim 8888
conference, the department shall permit and schedule, upon 8889
request of the victim, a member of the victim's immediate 8890
family, or the victim's representative, multiple victim 8891
conferences for the persons specified in division (E) (1) of this 8892
section. 8893

(G) As used in this section, "victim's immediate family" 8894
has the same meaning as in section 2967.12 of the Revised Code. 8895

Sec. 2943.032. (A) Prior to accepting a guilty plea or a 8896
plea of no contest to an indictment, information, or complaint 8897
that charges a felony, the court shall inform the defendant 8898
personally that, if the defendant pleads guilty or no contest to 8899
the felony so charged or any other felony, if the court imposes 8900
a prison term upon the defendant for the felony, and if the 8901
offender violates the conditions of a post-release control 8902

sanction imposed by the parole board upon the completion of the 8903
stated prison term, the parole board may impose upon the 8904
offender a residential sanction that includes a new prison term 8905
of up to nine months, subject to a maximum cumulative prison 8906
term for all violations that does not exceed one-half of the 8907
definite prison term that is the stated prison term originally 8908
imposed upon the offender or, with respect to a non-life felony 8909
indefinite prison term, one-half of the minimum prison term 8910
included as part of the stated non-life felony indefinite prison 8911
term originally imposed on the offender. 8912

(B) As used in this section, "non-life felony indefinite 8913
prison term" has the same meaning as in section 2929.01 of the 8914
Revised Code. 8915

Sec. 2953.08. (A) In addition to any other right to appeal 8916
and except as provided in division (D) of this section, a 8917
defendant who is convicted of or pleads guilty to a felony may 8918
appeal as a matter of right the sentence imposed upon the 8919
defendant on one of the following grounds: 8920

(1) The sentence consisted of or included the maximum 8921
definite prison term allowed for the offense by division (A) of 8922
section 2929.14 or section 2929.142 of the Revised Code or, with 8923
respect to a non-life felony indefinite prison term, the longest 8924
minimum prison term allowed for the offense by division (A) (1) 8925
(a), (2) (a), or (3) (a) (i) of section 2929.14 of the Revised 8926
Code, the maximum definite prison term or longest minimum prison 8927
term was not required for the offense pursuant to Chapter 2925. 8928
or any other provision of the Revised Code, and the court 8929
imposed the sentence under one of the following circumstances: 8930

(a) The sentence was imposed for only one offense. 8931

(b) The sentence was imposed for two or more offenses 8932
arising out of a single incident, and the court imposed the 8933
maximum definite prison term or longest minimum prison term for 8934
the offense of the highest degree. 8935

(2) The sentence consisted of or included a prison term 8936
and the offense for which it was imposed is a felony of the 8937
fourth or fifth degree or is a felony drug offense that is a 8938
violation of a provision of Chapter 2925. of the Revised Code 8939
and that is specified as being subject to division (B) of 8940
section 2929.13 of the Revised Code for purposes of sentencing. 8941
If the court specifies that it found one or more of the factors 8942
in division (B) (1) (b) of section 2929.13 of the Revised Code to 8943
apply relative to the defendant, the defendant is not entitled 8944
under this division to appeal as a matter of right the sentence 8945
imposed upon the offender. 8946

(3) The person was convicted of or pleaded guilty to a 8947
violent sex offense or a designated homicide, assault, or 8948
kidnapping offense, was adjudicated a sexually violent predator 8949
in relation to that offense, and was sentenced pursuant to 8950
division (A) (3) of section 2971.03 of the Revised Code, if the 8951
minimum term of the indefinite term imposed pursuant to division 8952
(A) (3) of section 2971.03 of the Revised Code is the longest 8953
term available for the offense from among the range of definite 8954
terms listed in section 2929.14 of the Revised Code or, with 8955
respect to a non-life felony indefinite prison term, the longest 8956
minimum prison term allowed for the offense by division (A) (1) 8957
(a), (2) (a), or (3) (a) (i) of section 2929.14 of the Revised 8958
Code. As used in this division, "designated homicide, assault, 8959
or kidnapping offense" and "violent sex offense" have the same 8960
meanings as in section 2971.01 of the Revised Code. As used in 8961
this division, "adjudicated a sexually violent predator" has the 8962

same meaning as in section 2929.01 of the Revised Code, and a 8963
person is "adjudicated a sexually violent predator" in the same 8964
manner and the same circumstances as are described in that 8965
section. 8966

(4) The sentence is contrary to law. 8967

(5) The sentence consisted of an additional prison term of 8968
ten years imposed pursuant to division (B)(2)(a) of section 8969
2929.14 of the Revised Code. 8970

(B) In addition to any other right to appeal and except as 8971
provided in division (D) of this section, a prosecuting 8972
attorney, a city director of law, village solicitor, or similar 8973
chief legal officer of a municipal corporation, or the attorney 8974
general, if one of those persons prosecuted the case, may appeal 8975
as a matter of right a sentence imposed upon a defendant who is 8976
convicted of or pleads guilty to a felony or, in the 8977
circumstances described in division (B)(3) of this section the 8978
modification of a sentence imposed upon such a defendant, on any 8979
of the following grounds: 8980

(1) The sentence did not include a prison term despite a 8981
presumption favoring a prison term for the offense for which it 8982
was imposed, as set forth in section 2929.13 or Chapter 2925. of 8983
the Revised Code. 8984

(2) The sentence is contrary to law. 8985

(3) The sentence is a modification under section 2929.20 8986
of the Revised Code of a sentence that was imposed for a felony 8987
of the first or second degree. 8988

(C)(1) In addition to the right to appeal a sentence 8989
granted under division (A) or (B) of this section, a defendant 8990
who is convicted of or pleads guilty to a felony may seek leave 8991

to appeal a sentence imposed upon the defendant on the basis 8992
that the sentencing judge has imposed consecutive sentences 8993
under division (C) (3) of section 2929.14 of the Revised Code and 8994
that the consecutive sentences exceed the maximum definite 8995
prison term allowed by division (A) of that section for the most 8996
serious offense of which the defendant was convicted or, with 8997
respect to a non-life felony indefinite prison term, exceed the 8998
longest minimum prison term allowed by division (A) (1) (a), (2) 8999
(a), or (3) (a) (i) of that section for the most serious such 9000
offense. Upon the filing of a motion under this division, the 9001
court of appeals may grant leave to appeal the sentence if the 9002
court determines that the allegation included as the basis of 9003
the motion is true. 9004

(2) A defendant may seek leave to appeal an additional 9005
sentence imposed upon the defendant pursuant to division (B) (2) 9006
(a) or (b) of section 2929.14 of the Revised Code if the 9007
additional sentence is for a definite prison term that is longer 9008
than five years. 9009

(D) (1) A sentence imposed upon a defendant is not subject 9010
to review under this section if the sentence is authorized by 9011
law, has been recommended jointly by the defendant and the 9012
prosecution in the case, and is imposed by a sentencing judge. 9013

(2) Except as provided in division (C) (2) of this section, 9014
a sentence imposed upon a defendant is not subject to review 9015
under this section if the sentence is imposed pursuant to 9016
division (B) (2) (b) of section 2929.14 of the Revised Code. 9017
Except as otherwise provided in this division, a defendant 9018
retains all rights to appeal as provided under this chapter or 9019
any other provision of the Revised Code. A defendant has the 9020
right to appeal under this chapter or any other provision of the 9021

Revised Code the court's application of division (B) (2) (c) of 9022
section 2929.14 of the Revised Code. 9023

(3) A sentence imposed for aggravated murder or murder 9024
pursuant to sections 2929.02 to 2929.06 of the Revised Code is 9025
not subject to review under this section. 9026

(E) A defendant, prosecuting attorney, city director of 9027
law, village solicitor, or chief municipal legal officer shall 9028
file an appeal of a sentence under this section to a court of 9029
appeals within the time limits specified in Rule 4(B) of the 9030
Rules of Appellate Procedure, provided that if the appeal is 9031
pursuant to division (B) (3) of this section, the time limits 9032
specified in that rule shall not commence running until the 9033
court grants the motion that makes the sentence modification in 9034
question. A sentence appeal under this section shall be 9035
consolidated with any other appeal in the case. If no other 9036
appeal is filed, the court of appeals may review only the 9037
portions of the trial record that pertain to sentencing. 9038

(F) On the appeal of a sentence under this section, the 9039
record to be reviewed shall include all of the following, as 9040
applicable: 9041

(1) Any presentence, psychiatric, or other investigative 9042
report that was submitted to the court in writing before the 9043
sentence was imposed. An appellate court that reviews a 9044
presentence investigation report prepared pursuant to section 9045
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 9046
connection with the appeal of a sentence under this section 9047
shall comply with division (D) (3) of section 2951.03 of the 9048
Revised Code when the appellate court is not using the 9049
presentence investigation report, and the appellate court's use 9050
of a presentence investigation report of that nature in 9051

connection with the appeal of a sentence under this section does 9052
not affect the otherwise confidential character of the contents 9053
of that report as described in division (D) (1) of section 9054
2951.03 of the Revised Code and does not cause that report to 9055
become a public record, as defined in section 149.43 of the 9056
Revised Code, following the appellate court's use of the report. 9057

(2) The trial record in the case in which the sentence was 9058
imposed; 9059

(3) Any oral or written statements made to or by the court 9060
at the sentencing hearing at which the sentence was imposed; 9061

(4) Any written findings that the court was required to 9062
make in connection with the modification of the sentence 9063
pursuant to a judicial release under division (I) of section 9064
2929.20 of the Revised Code. 9065

(G) (1) If the sentencing court was required to make the 9066
findings required by division (B) or (D) of section 2929.13 or 9067
division (I) of section 2929.20 of the Revised Code, or to state 9068
the findings of the trier of fact required by division (B) (2) (e) 9069
of section 2929.14 of the Revised Code, relative to the 9070
imposition or modification of the sentence, and if the 9071
sentencing court failed to state the required findings on the 9072
record, the court hearing an appeal under division (A), (B), or 9073
(C) of this section shall remand the case to the sentencing 9074
court and instruct the sentencing court to state, on the record, 9075
the required findings. 9076

(2) The court hearing an appeal under division (A), (B), 9077
or (C) of this section shall review the record, including the 9078
findings underlying the sentence or modification given by the 9079
sentencing court. 9080

The appellate court may increase, reduce, or otherwise modify a sentence that is appealed under this section or may vacate the sentence and remand the matter to the sentencing 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 9110
substitution by the governor of a lesser for a greater 9111
punishment. A stated prison term may be commuted without the 9112
consent of the convict, except when granted upon the acceptance 9113
and performance by the convict of conditions precedent. After 9114
commutation, the commuted prison term shall be the only one in 9115
existence. The commutation may be stated in terms of commuting 9116
from a named offense to a lesser included offense with a shorter 9117
prison term, in terms of commuting from a stated prison term in 9118
months and years to a shorter prison term in months and years, 9119
or in terms of commuting from any other stated prison term to a 9120
shorter prison term. 9121

(D) "Reprieve" means the temporary suspension by the 9122
governor of the execution of a sentence or prison term. The 9123
governor may grant a reprieve without the consent of and against 9124
the will of the convict. 9125

(E) "Parole" means, regarding a prisoner who is serving a 9126
prison term for aggravated murder or murder, who is serving a 9127
prison term of life imprisonment for rape or for felonious 9128
sexual penetration as it existed under section 2907.12 of the 9129
Revised Code prior to September 3, 1996, or who was sentenced 9130
prior to July 1, 1996, a release of the prisoner from 9131
confinement in any state correctional institution by the adult 9132
parole authority that is subject to the eligibility criteria 9133
specified in this chapter and that is under the terms and 9134
conditions, and for the period of time, prescribed by the 9135
authority in its published rules and official minutes or 9136
required by division (A) of section 2967.131 of the Revised Code 9137
or another provision of this chapter. 9138

(F) "Head of a state correctional institution" or "head of 9139

the institution" means the resident head of the institution and 9140
the person immediately in charge of the institution, whether 9141
designated warden, superintendent, or any other name by which 9142
the head is known. 9143

(G) "Convict" means a person who has been convicted of a 9144
felony under the laws of this state, whether or not actually 9145
confined in a state correctional institution, unless the person 9146
has been pardoned or has served the person's sentence or prison 9147
term. 9148

(H) "Prisoner" means a person who is in actual confinement 9149
in a state correctional institution. 9150

(I) "Parolee" means any inmate who has been released from 9151
confinement on parole by order of the adult parole authority or 9152
conditionally pardoned, who is under supervision of the adult 9153
parole authority and has not been granted a final release, and 9154
who has not been declared in violation of the inmate's parole by 9155
the authority or is performing the prescribed conditions of a 9156
conditional pardon. 9157

(J) "Releasee" means an inmate who has been released from 9158
confinement pursuant to section 2967.28 of the Revised Code 9159
under a period of post-release control that includes one or more 9160
post-release control sanctions. 9161

(K) "Final release" means a remission by the adult parole 9162
authority of the balance of the sentence or prison term of a 9163
parolee or prisoner or the termination by the authority of a 9164
term of post-release control of a releasee. 9165

(L) "Parole violator" or "release violator" means any 9166
parolee or releasee who has been declared to be in violation of 9167
the condition of parole or post-release control specified in 9168

division (A) or (B) of section 2967.131 of the Revised Code or 9169
in violation of any other term, condition, or rule of the 9170
parolee's or releasee's parole or of the parolee's or releasee's 9171
post-release control sanctions, the determination of which has 9172
been made by the adult parole authority and recorded in its 9173
official minutes. 9174

(M) "Administrative release" means a termination of 9175
jurisdiction over a particular sentence or prison term by the 9176
adult parole authority for administrative convenience. 9177

(N) "Post-release control" means a period of supervision 9178
by the adult parole authority after a prisoner's release from 9179
imprisonment, other than under a term of life imprisonment, that 9180
includes one or more post-release control sanctions imposed 9181
under section 2967.28 of the Revised Code. 9182

(O) "Post-release control sanction" means a sanction that 9183
is authorized under sections 2929.16 to 2929.18 of the Revised 9184
Code and that is imposed upon a prisoner upon the prisoner's 9185
release from a prison term other than a term of life 9186
imprisonment. 9187

(P) "Community control sanction," "prison term," 9188
"mandatory prison term," and "stated prison term" have the same 9189
meanings as in section 2929.01 of the Revised Code. 9190

(Q) "Transitional control" means control of a prisoner 9191
under the transitional control program established by the 9192
department of rehabilitation and correction under section 9193
2967.26 of the Revised Code, if the department establishes a 9194
program of that nature under that section. 9195

(R) "Random drug testing" has the same meaning as in 9196
section 5120.63 of the Revised Code. 9197

(S) "Non-life felony indefinite prison term" has the same 9198
meaning as in section 2929.01 of the Revised Code. 9199

Sec. 2967.021. (A) Chapter 2967. of the Revised Code, as 9200
it existed prior to July 1, 1996, applies to a person upon whom 9201
a court imposed a term of imprisonment prior to July 1, 1996, 9202
and a person upon whom a court, on or after July 1, 1996, and in 9203
accordance with law existing prior to July 1, 1996, imposed a 9204
term of imprisonment for an offense that was committed prior to 9205
July 1, 1996. 9206

(B) Chapter 2967. of the Revised Code, as it exists on and 9207
after July 1, 1996, applies to a person upon whom a court 9208
imposed a stated prison term for an offense committed on or 9209
after July 1, 1996, subject to division (C) of this section. 9210

(C) Section 2967.271 of the Revised Code, and other 9211
provisions of Chapter 2967. of the Revised Code, as they exist 9212
on and after the effective date of this amendment, apply to a 9213
person who is sentenced to a non-life felony indefinite prison 9214
term. 9215

Sec. 2967.03. The adult parole authority may exercise its 9216
functions and duties in relation to the pardon, commutation of 9217
sentence, or reprieve of a convict upon direction of the 9218
governor or upon its own initiative. It may exercise its 9219
functions and duties in relation to the parole of a prisoner who 9220
is eligible for parole upon the initiative of the head of the 9221
institution in which the prisoner is confined or upon its own 9222
initiative. When a prisoner becomes eligible for parole, the 9223
head of the institution in which the prisoner is confined shall 9224
notify the authority in the manner prescribed by the authority. 9225
The authority may investigate and examine, or cause the 9226
investigation and examination of, prisoners confined in state 9227

correctional institutions concerning their conduct in the 9228
institutions, their mental and moral qualities and 9229
characteristics, their knowledge of a trade or profession, their 9230
former means of livelihood, their family relationships, and any 9231
other matters affecting their fitness to be at liberty without 9232
being a threat to society. 9233

The authority may recommend to the governor the pardon, 9234
commutation of sentence, or reprieve of any convict or prisoner 9235
or grant a parole to any prisoner for whom parole is authorized, 9236
if in its judgment there is reasonable ground to believe that 9237
granting a pardon, commutation, or reprieve to the convict or 9238
paroling the prisoner would further the interests of justice and 9239
be consistent with the welfare and security of society. However, 9240
the authority shall not recommend a pardon or commutation of 9241
sentence, or grant a parole to, any convict or prisoner until 9242
the authority has complied with the applicable notice 9243
requirements of sections 2930.16 and 2967.12 of the Revised Code 9244
and until it has considered any statement made by a victim or a 9245
victim's representative that is relevant to the convict's or 9246
prisoner's case and that was sent to the authority pursuant to 9247
section 2930.17 of the Revised Code, any other statement made by 9248
a victim or a victim's representative that is relevant to the 9249
convict's or prisoner's case and that was received by the 9250
authority after it provided notice of the pendency of the action 9251
under sections 2930.16 and 2967.12 of the Revised Code, and any 9252
written statement of any person submitted to the court pursuant 9253
to division (I) of section 2967.12 of the Revised Code. If a 9254
victim, victim's representative, or the victim's spouse, parent, 9255
sibling, or child appears at a full board hearing of the parole 9256
board and gives testimony as authorized by section 5149.101 of 9257
the Revised Code, the authority shall consider the testimony in 9258

determining whether to grant a parole. The trial judge and 9259
prosecuting attorney of the trial court in which a person was 9260
convicted shall furnish to the authority, at the request of the 9261
authority, a summarized statement of the facts proved at the 9262
trial and of all other facts having reference to the propriety 9263
of recommending a pardon or commutation or granting a parole, 9264
together with a recommendation for or against a pardon, 9265
commutation, or parole, and the reasons for the recommendation. 9266
The trial judge, the prosecuting attorney, specified law 9267
enforcement agency members, and a representative of the prisoner 9268
may appear at a full board hearing of the parole board and give 9269
testimony in regard to the grant of a parole to the prisoner as 9270
authorized by section 5149.101 of the Revised Code. All state 9271
and local officials shall furnish information to the authority, 9272
when so requested by it in the performance of its duties. 9273

The adult parole authority shall exercise its functions 9274
and duties in relation to the release of prisoners who are 9275
serving a ~~stated~~ definite prison term as a stated prison term in 9276
accordance with section 2967.28 of the Revised Code, and the 9277
authority and the department of rehabilitation and correction 9278
shall exercise their functions and duties in relation to the 9279
release of prisoners who are serving a non-life felony 9280
indefinite prison term as a stated prison term in accordance 9281
with sections 2967.271 and 2967.28 of the Revised Code. 9282

Sec. 2967.13. (A) Except as provided in division (G) of 9283
this section, a prisoner serving a sentence of imprisonment for 9284
life for an offense committed on or after July 1, 1996, is not 9285
entitled to any earned credit under section 2967.193 of the 9286
Revised Code and becomes eligible for parole as follows: 9287

(1) If a sentence of imprisonment for life was imposed for 9288

the offense of murder, at the expiration of the prisoner's 9289
minimum term; 9290

(2) If a sentence of imprisonment for life with parole 9291
eligibility after serving twenty years of imprisonment was 9292
imposed pursuant to section 2929.022 or 2929.03 of the Revised 9293
Code, after serving a term of twenty years; 9294

(3) If a sentence of imprisonment for life with parole 9295
eligibility after serving twenty-five full years of imprisonment 9296
was imposed pursuant to section 2929.022 or 2929.03 of the 9297
Revised Code, after serving a term of twenty-five full years; 9298

(4) If a sentence of imprisonment for life with parole 9299
eligibility after serving thirty full years of imprisonment was 9300
imposed pursuant to section 2929.022 or 2929.03 of the Revised 9301
Code, after serving a term of thirty full years; 9302

(5) If a sentence of imprisonment for life was imposed for 9303
rape, after serving a term of ten full years' imprisonment; 9304

(6) If a sentence of imprisonment for life with parole 9305
eligibility after serving fifteen years of imprisonment was 9306
imposed for a violation of section 2927.24 of the Revised Code, 9307
after serving a term of fifteen years. 9308

(B) Except as provided in division (G) of this section, a 9309
prisoner serving a sentence of imprisonment for life with parole 9310
eligibility after serving twenty years of imprisonment or a 9311
sentence of imprisonment for life with parole eligibility after 9312
serving twenty-five full years or thirty full years of 9313
imprisonment imposed pursuant to section 2929.022 or 2929.03 of 9314
the Revised Code for an offense committed on or after July 1, 9315
1996, consecutively to any other term of imprisonment, becomes 9316
eligible for parole after serving twenty years, twenty full 9317

years, or thirty full years, as applicable, as to each such 9318
sentence of life imprisonment, which shall not be reduced for 9319
earned credits under section 2967.193 of the Revised Code, plus 9320
the term or terms of the other sentences consecutively imposed 9321
or, if one of the other sentences is another type of life 9322
sentence with parole eligibility, the number of years before 9323
parole eligibility for that sentence. 9324

(C) Except as provided in division (G) of this section, a 9325
prisoner serving consecutively two or more sentences in which an 9326
indefinite term of imprisonment is imposed becomes eligible for 9327
parole upon the expiration of the aggregate of the minimum terms 9328
of the sentences. 9329

(D) Except as provided in division (G) of this section, a 9330
prisoner serving a term of imprisonment who is described in 9331
division (A) of section 2967.021 of the Revised Code becomes 9332
eligible for parole as described in that division or, if the 9333
prisoner is serving a definite term of imprisonment, shall be 9334
released as described in that division. 9335

(E) A prisoner serving a sentence of life imprisonment 9336
without parole imposed pursuant to section 2907.02 or section 9337
2929.03 or 2929.06 of the Revised Code is not eligible for 9338
parole and shall be imprisoned until death. 9339

(F) A prisoner serving a stated prison term that is a non- 9340
life felony indefinite prison term shall be released in 9341
accordance with sections 2967.271 and 2967.28 of the Revised 9342
Code. A prisoner serving a stated prison term of any other 9343
nature shall be released in accordance with section 2967.28 of 9344
the Revised Code. 9345

(G) A prisoner serving a prison term or term of life 9346

imprisonment without parole imposed pursuant to section 2971.03 9347
of the Revised Code never becomes eligible for parole during 9348
that term of imprisonment. 9349

Sec. 2967.19. (A) As used in this section: 9350

(1) "Deadly weapon" and "dangerous ordnance" have the same 9351
meanings as in section 2923.11 of the Revised Code. 9352

(2) "Disqualifying prison term" means any of the 9353
following: 9354

(a) A prison term imposed for aggravated murder, murder, 9355
voluntary manslaughter, involuntary manslaughter, felonious 9356
assault, kidnapping, rape, aggravated arson, aggravated 9357
burglary, or aggravated robbery; 9358

(b) A prison term imposed for complicity in, an attempt to 9359
commit, or conspiracy to commit any offense listed in division 9360
(A) (2) (a) of this section; 9361

(c) A prison term of life imprisonment, including any term 9362
of life imprisonment that has parole eligibility; 9363

(d) A prison term imposed for any felony other than 9364
carrying a concealed weapon an essential element of which is any 9365
conduct or failure to act expressly involving any deadly weapon 9366
or dangerous ordnance; 9367

(e) A prison term imposed for any violation of section 9368
2925.03 of the Revised Code that is a felony of the first or 9369
second degree; 9370

(f) A prison term imposed for engaging in a pattern of 9371
corrupt activity in violation of section 2923.32 of the Revised 9372
Code; 9373

(g) A prison term imposed pursuant to section 2971.03 of the Revised Code; 9374
9375

(h) A prison term imposed for any sexually oriented offense. 9376
9377

(3) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term. 9378
9379
9380

(4) "Restricting prison term" means any of the following: 9381

(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; 9382
9383
9384
9385

(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; 9386
9387
9388
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9390
9391

(c) A prison term imposed for trafficking in persons; 9392

(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: 9393
9394
9395

(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 9396
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second degree, or an offense under an existing or former law of 9402
this state, another state, or the United States that is or was 9403
substantially equivalent to any other offense described in this 9404
division. 9405

(ii) The offender previously was convicted of or pleaded 9406
guilty to any offense listed in division (A) (2) or (A) (4) (d) (i) 9407
of this section. 9408

(5) "Sexually oriented offense" has the same meaning as in 9409
section 2950.01 of the Revised Code. 9410

(6) "Stated prison term of one year or more" means a 9411
definite prison term of one year or more imposed as a stated 9412
prison term, or a minimum prison term of one year or more 9413
imposed as part of a stated prison term that is a non-life 9414
felony indefinite prison term. 9415

(B) The director of the department of rehabilitation and 9416
correction may recommend in writing to the sentencing court that 9417
the court consider releasing from prison any offender who, on or 9418
after September 30, 2011, is confined in a state correctional 9419
institution, who is serving a stated prison term of one year or 9420
more, and who is eligible under division (C) of this section for 9421
a release under this section. If the director wishes to 9422
recommend that the sentencing court consider releasing an 9423
offender under this section, the director shall notify the 9424
sentencing court in writing of the offender's eligibility not 9425
earlier than ninety days prior to the date on which the offender 9426
becomes eligible as described in division (C) of this section. 9427
The director's submission of the written notice constitutes a 9428
recommendation by the director that the court strongly consider 9429
release of the offender consistent with the purposes and 9430
principles of sentencing set forth in sections 2929.11 and 9431

2929.13 of the Revised Code. Only an offender recommended by the 9432
director under division (B) of this section may be considered 9433
for early release under this section. 9434

(C) (1) An offender serving a stated prison term of one 9435
year or more and who has commenced service of that stated prison 9436
term becomes eligible for release from prison under this section 9437
only as described in this division. An offender serving a stated 9438
prison term that includes a disqualifying prison term is not 9439
eligible for release from prison under this section. An offender 9440
serving a stated prison term that consists solely of one or more 9441
restricting prison terms is not eligible for release under this 9442
section. An offender serving a stated prison term of one year or 9443
more that includes one or more restricting prison terms and one 9444
or more eligible prison terms becomes eligible for release under 9445
this section after having fully served all restricting prison 9446
terms and having served eighty per cent of ~~the~~ that stated 9447
prison term that remains to be served after all restricting 9448
prison terms have been fully served. An offender serving a 9449
stated prison term of one year or more that consists solely of 9450
one or more eligible prison terms becomes eligible for release 9451
under this section after having served eighty per cent of that 9452
stated prison term. For purposes of determining an offender's 9453
eligibility for release under this section, if the offender's 9454
stated prison term includes consecutive prison terms, any 9455
restricting prison terms shall be deemed served prior to any 9456
eligible prison terms that run consecutively to the restricting 9457
prison terms, and the eligible prison terms are deemed to 9458
commence after all of the restricting prison terms have been 9459
fully served. 9460

An offender serving a stated prison term of one year or 9461
more that includes a mandatory prison term that is not a 9462

disqualifying prison term and is not a restricting prison term 9463
is not automatically ineligible as a result of the offender's 9464
service of that mandatory term for release from prison under 9465
this section, and the offender's eligibility for release from 9466
prison under this section is determined in accordance with this 9467
division. 9468

(2) If an offender confined in a state correctional 9469
institution under a stated prison term is eligible for release 9470
under this section as described in division (C) (1) of this 9471
section, the director of the department of rehabilitation and 9472
correction may recommend in writing that the sentencing court 9473
consider releasing the offender from prison under this section 9474
by submitting to the sentencing court the written notice 9475
described in division (B) of this section. 9476

(D) The director shall include with any notice submitted 9477
to the sentencing court under division (B) of this section an 9478
institutional summary report that covers the offender's 9479
participation while confined in a state correctional institution 9480
in school, training, work, treatment, and other rehabilitative 9481
activities and any disciplinary action taken against the 9482
offender while so confined. The director shall include with the 9483
notice any other documentation requested by the court, if 9484
available. 9485

(E) (1) When the director submits a written notice to a 9486
sentencing court that an offender is eligible to be considered 9487
for early release under this section, the department promptly 9488
shall provide to the prosecuting attorney of the county in which 9489
the offender was indicted a copy of the written notice, a copy 9490
of the institutional summary report, and any other information 9491
provided to the court and shall provide a copy of the 9492

institutional summary report to any law enforcement agency that 9493
requests the report. The department also promptly shall do 9494
whichever of the following is applicable: 9495

(a) Subject to division (E) (1) (b) of this section, give 9496
written notice of the submission to any victim of the offender 9497
or victim's representative of any victim of the offender who is 9498
registered with the office of victim's services. 9499

(b) If the offense was aggravated murder, murder, an 9500
offense of violence that is a felony of the first, second, or 9501
third degree, or an offense punished by a sentence of life 9502
imprisonment, except as otherwise provided in this division, 9503
notify the victim or the victim's representative of the filing 9504
of the petition regardless of whether the victim or victim's 9505
representative has registered with the office of victim's 9506
services. The notice of the filing of the petition shall not be 9507
given under this division to a victim or victim's representative 9508
if the victim or victim's representative has requested pursuant 9509
to division (B) (2) of section 2930.03 of the Revised Code that 9510
the victim or the victim's representative not be provided the 9511
notice. If notice is to be provided to a victim or victim's 9512
representative under this division, the department may give the 9513
notice by any reasonable means, including regular mail, 9514
telephone, and electronic mail, in accordance with division (D) 9515
(1) of section 2930.16 of the Revised Code. If the notice is 9516
based on an offense committed prior to ~~the effective date of~~ 9517
~~this amendment~~ March 22, 2013, the notice also shall include the 9518
opt-out information described in division (D) (1) of section 9519
2930.16 of the Revised Code. The department, in accordance with 9520
division (D) (2) of section 2930.16 of the Revised Code, shall 9521
keep a record of all attempts to provide the notice, and of all 9522
notices provided, under this division. 9523

Division (E) (1) (b) of this section, and the notice-related 9524
provisions of divisions (E) (2) and (K) of section 2929.20, 9525
division (D) (1) of section 2930.16, division (H) of section 9526
2967.12, division (A) (3) (b) of section 2967.26, division (D) (1) 9527
of section 2967.28, and division (A) (2) of section 5149.101 of 9528
the Revised Code enacted in the act in which division (E) (2) of 9529
this section was enacted, shall be known as "Roberta's Law." 9530

(2) When the director submits a petition under this 9531
section, the department also promptly shall post a copy of the 9532
written notice on the database it maintains under section 9533
5120.66 of the Revised Code and include information on where a 9534
person may send comments regarding the recommendation of early 9535
release. 9536

The information provided to the court, the prosecutor, and 9537
the victim or victim's representative under divisions (D) and 9538
(E) of this section shall include the name and contact 9539
information of a specific department of rehabilitation and 9540
correction employee who is available to answer questions about 9541
the offender who is the subject of the written notice submitted 9542
by the director, including, but not limited to, the offender's 9543
institutional conduct and rehabilitative activities while 9544
incarcerated. 9545

(F) Upon receipt of a written notice submitted by the 9546
director under division (B) of this section, the court either 9547
shall, on its own motion, schedule a hearing to consider 9548
releasing the offender who is the subject of the notice or shall 9549
inform the department that it will not be conducting a hearing 9550
relative to the offender. The court shall not grant an early 9551
release to an offender without holding a hearing. If a court 9552
declines to hold a hearing relative to an offender with respect 9553

to a written notice submitted by the director, the court may 9554
later consider release of that offender under this section on 9555
its own motion by scheduling a hearing for that purpose. Within 9556
thirty days after the written notice is submitted, the court 9557
shall inform the department whether or not the court is 9558
scheduling a hearing on the offender who is the subject of the 9559
notice. 9560

(G) If the court schedules a hearing upon receiving a 9561
written notice submitted under division (B) of this section or 9562
upon its own motion under division (F) of this section, the 9563
court shall notify the head of the state correctional 9564
institution in which the offender is confined of the hearing 9565
prior to the hearing. If the court makes a journal entry 9566
ordering the offender to be conveyed to the hearing, except as 9567
otherwise provided in this division, the head of the 9568
correctional institution shall deliver the offender to the 9569
sheriff of the county in which the hearing is to be held, and 9570
the sheriff shall convey the offender to and from the hearing. 9571
Upon the court's own motion or the motion of the offender or the 9572
prosecuting attorney of the county in which the offender was 9573
indicted, the court may permit the offender to appear at the 9574
hearing by video conferencing equipment if equipment of that 9575
nature is available and compatible. 9576

Upon receipt of notice from a court of a hearing on the 9577
release of an offender under this division, the head of the 9578
state correctional institution in which the offender is confined 9579
immediately shall notify the appropriate person at the 9580
department of rehabilitation and correction of the hearing, and 9581
the department within twenty-four hours after receipt of the 9582
notice shall post on the database it maintains pursuant to 9583
section 5120.66 of the Revised Code the offender's name and all 9584

of the information specified in division (A) (1) (c) (i) of that 9585
section. If the court schedules a hearing under this section, 9586
the court promptly shall give notice of the hearing to the 9587
prosecuting attorney of the county in which the offender was 9588
indicted. Upon receipt of the notice from the court, the 9589
prosecuting attorney shall notify pursuant to section 2930.16 of 9590
the Revised Code any victim of the offender or the victim's 9591
representative of the hearing. 9592

(H) If the court schedules a hearing under this section, 9593
at the hearing, the court shall afford the offender and the 9594
offender's attorney an opportunity to present written 9595
information and, if present, oral information relevant to the 9596
offender's early release. The court shall afford a similar 9597
opportunity to the prosecuting attorney, victim or victim's 9598
representative, as defined in section 2930.01 of the Revised 9599
Code, and any other person the court determines is likely to 9600
present additional relevant information. If the court pursuant 9601
to division (G) of this section permits the offender to appear 9602
at the hearing by video conferencing equipment, the offender's 9603
opportunity to present oral information shall be as a part of 9604
the video conferencing. The court shall consider any statement 9605
of a victim made under section 2930.14 or 2930.17 of the Revised 9606
Code, any victim impact statement prepared under section 9607
2947.051 of the Revised Code, and any report and other 9608
documentation submitted by the director under division (D) of 9609
this section. After ruling on whether to grant the offender 9610
early release, the court shall notify the victim in accordance 9611
with sections 2930.03 and 2930.16 of the Revised Code. 9612

(I) If the court grants an offender early release under 9613
this section, it shall order the release of the offender, shall 9614
place the offender under one or more appropriate community 9615

control sanctions, under appropriate conditions, and under the supervision of the department of probation that serves the court, and shall reserve the right to reimpose the sentence that it reduced and from which the offender was released if the offender violates the sanction. The court shall not make a release under this section effective prior to the date on which the offender becomes eligible as described in division (C) of this section. If the sentence under which the offender is confined in a state correctional institution and from which the offender is being released was imposed for a felony of the first or second degree, the court shall consider ordering that the offender be monitored by means of a global positioning device. If the court reimposes the sentence that it reduced and from which the offender was released and if the violation of the sanction is a new offense, the court may order that the reimposed sentence be served either concurrently with, or consecutive to, any new sentence imposed upon the offender as a result of the violation that is a new offense. The period of all community control sanctions imposed under this division shall not exceed five years. The court, in its discretion, may reduce the period of community control sanctions by the amount of time the offender spent in jail or prison for the offense.

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

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

Sec. 2967.191. (A) The department of rehabilitation and

correction shall reduce the ~~stated~~ prison term of a prisoner ~~or,~~ 9646
~~if the prisoner is serving a term for which there is parole~~ 9647
~~eligibility, the minimum and maximum term or the parole~~ 9648
~~eligibility date of the prisoner,~~ as described in division (B) 9649
of this section, by the total number of days that the prisoner 9650
was confined for any reason arising out of the offense for which 9651
the prisoner was convicted and sentenced, including confinement 9652
in lieu of bail while awaiting trial, confinement for 9653
examination to determine the prisoner's competence to stand 9654
trial or sanity, confinement while awaiting transportation to 9655
the place where the prisoner is to serve the prisoner's prison 9656
term, as determined by the sentencing court under division (B) 9657
(2) ~~(g)~~ (h) (i) of section 2929.19 of the Revised Code, and 9658
confinement in a juvenile facility. The department of 9659
rehabilitation and correction also shall reduce the stated 9660
prison term of a prisoner or, if the prisoner is serving a term 9661
for which there is parole eligibility, the minimum and maximum 9662
term or the parole eligibility date of the prisoner by the total 9663
number of days, if any, that the prisoner previously served in 9664
the custody of the department of rehabilitation and correction 9665
arising out of the offense for which the prisoner was convicted 9666
and sentenced. 9667

(B) The reductions described in division (A) of this 9668
section shall be made to the following prison terms, as 9669
applicable: 9670

(1) The definite prison term of a prisoner serving a 9671
definite prison term as a stated prison term; 9672

(2) The minimum and maximum term of a prisoner serving a 9673
non-life felony indefinite prison term as a stated prison term; 9674

(3) The minimum and maximum term or the parole eligibility 9675

date of a prisoner serving a term for which there is parole 9676
eligibility. 9677

Sec. 2967.193. (A) (1) Except as provided in division (C) 9678
of this section and subject to the maximum aggregate total 9679
specified in division (A) (3) of this section, a person confined 9680
in a state correctional institution or placed in the substance 9681
use disorder treatment program may provisionally earn one day or 9682
five days of credit, based on the category set forth in division 9683
(D) (1), (2), (3), (4), or (5) of this section in which the 9684
person is included, toward satisfaction of the person's stated 9685
prison term, as described in division (F) of this section, for 9686
each completed month during which the person, if confined in a 9687
state correctional institution, productively participates in an 9688
education program, vocational training, employment in prison 9689
industries, treatment for substance abuse, or any other 9690
constructive program developed by the department with specific 9691
standards for performance by prisoners or during which the 9692
person, if placed in the substance use disorder treatment 9693
program, productively participates in the program. Except as 9694
provided in division (C) of this section and subject to the 9695
maximum aggregate total specified in division (A) (3) of this 9696
section, a person so confined in a state correctional 9697
institution who successfully completes two programs or 9698
activities of that type may, in addition, provisionally earn up 9699
to five days of credit toward satisfaction of the person's 9700
stated prison term, as described in division (F) of this 9701
section, for the successful completion of the second program or 9702
activity. The person shall not be awarded any provisional days 9703
of credit for the successful completion of the first program or 9704
activity or for the successful completion of any program or 9705
activity that is completed after the second program or activity. 9706

At the end of each calendar month in which a person productively 9707
participates in a program or activity listed in this division or 9708
successfully completes a program or activity listed in this 9709
division, the department of rehabilitation and correction shall 9710
determine and record the total number of days credit that the 9711
person provisionally earned in that calendar month. If the 9712
person in a state correctional institution violates prison rules 9713
or the person in the substance use disorder treatment program 9714
violates program or department rules, the department may deny 9715
the person a credit that otherwise could have been provisionally 9716
awarded to the person or may withdraw one or more credits 9717
previously provisionally earned by the person. Days of credit 9718
provisionally earned by a person shall be finalized and awarded 9719
by the department subject to administrative review by the 9720
department of the person's conduct. 9721

(2) Unless a person is serving a mandatory prison term or 9722
a prison term for an offense of violence or a sexually oriented 9723
offense, and notwithstanding the maximum aggregate total 9724
specified in division (A) (3) of this section, a person who 9725
successfully completes any of the following shall earn ninety 9726
days of credit toward satisfaction of the person's stated prison 9727
term or a ten per cent reduction of the person's stated prison 9728
term, whichever is less: 9729

(a) An Ohio high school diploma or Ohio certificate of 9730
high school equivalence certified by the Ohio central school 9731
system; 9732

(b) A therapeutic drug community program; 9733

(c) All three phases of the department of rehabilitation 9734
and correction's intensive outpatient drug treatment program; 9735

(d) A career technical vocational school program;	9736
(e) A college certification program;	9737
(f) The criteria for a certificate of achievement and	9738
employability as specified in division (A) (1) of section 2961.22	9739
of the Revised Code.	9740
(3) Except for persons described in division (A) (2) of	9741
this section, the aggregate days of credit provisionally earned	9742
by a person for program or activity participation and program	9743
and activity completion under this section and the aggregate	9744
days of credit finally credited to a person under this section	9745
shall not exceed eight per cent of the total number of days in	9746
the person's stated prison term.	9747
(B) The department of rehabilitation and correction shall	9748
adopt rules that specify the programs or activities for which	9749
credit may be earned under this section, the criteria for	9750
determining productive participation in, or completion of, the	9751
programs or activities and the criteria for awarding credit,	9752
including criteria for awarding additional credit for successful	9753
program or activity completion, and the criteria for denying or	9754
withdrawing previously provisionally earned credit as a result	9755
of a violation of prison rules, or program or department rules,	9756
whichever is applicable.	9757
(C) No person confined in a state correctional institution	9758
or placed in a substance use disorder treatment program to whom	9759
any of the following applies shall be awarded any days of credit	9760
under division (A) of this section:	9761
(1) The person is serving a prison term that section	9762
2929.13 or section 2929.14 of the Revised Code specifies cannot	9763
be reduced pursuant to this section or this chapter or is	9764

9765 serving a sentence for which section 2967.13 or division (B) of
9766 section 2929.143 of the Revised Code specifies that the person
9767 is not entitled to any earned credit under this section.

9768 (2) The person is sentenced to death or is serving a
9769 prison term or a term of life imprisonment for aggravated
9770 murder, murder, or a conspiracy or attempt to commit, or
9771 complicity in committing, aggravated murder or murder.

9772 (3) The person is serving a sentence of life imprisonment
9773 without parole imposed pursuant to section 2929.03 or 2929.06 of
9774 the Revised Code, a prison term or a term of life imprisonment
9775 without parole imposed pursuant to section 2971.03 of the
9776 Revised Code, or a sentence for a sexually oriented offense that
9777 was committed on or after September 30, 2011.

9778 (D) This division does not apply to a determination of
9779 whether a person confined in a state correctional institution or
9780 placed in a substance use disorder treatment program may earn
9781 any days of credit under division (A) of this section for
9782 successful completion of a second program or activity. The
9783 determination of whether a person confined in a state
9784 correctional institution may earn one day of credit or five days
9785 of credit under division (A) of this section for each completed
9786 month during which the person productively participates in a
9787 program or activity specified under that division shall be made
9788 in accordance with the following:

9789 (1) The offender may earn one day of credit under division
9790 (A) of this section, except as provided in division (C) of this
9791 section, if the most serious offense for which the offender is
9792 confined is any of the following that is a felony of the first
9793 or second degree:

(a) A violation of division (A) of section 2903.04 or of 9794
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 9795
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 9796
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 9797
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 9798
2927.24 of the Revised Code; 9799

(b) A conspiracy or attempt to commit, or complicity in 9800
committing, any other offense for which the maximum penalty is 9801
imprisonment for life or any offense listed in division (D) (1) 9802
(a) of this section. 9803

(2) The offender may earn one day of credit under division 9804
(A) of this section, except as provided in division (C) of this 9805
section, if the offender is serving a stated prison term that 9806
includes a prison term imposed for a sexually oriented offense 9807
that the offender committed prior to September 30, 2011. 9808

(3) The offender may earn one day of credit under division 9809
(A) of this section, except as provided in division (C) of this 9810
section, if the offender is serving a stated prison term that 9811
includes a prison term imposed for a felony other than carrying 9812
a concealed weapon an essential element of which is any conduct 9813
or failure to act expressly involving any deadly weapon or 9814
dangerous ordnance. 9815

(4) Except as provided in division (C) of this section, if 9816
the most serious offense for which the offender is confined is a 9817
felony of the first or second degree and divisions (D) (1), (2), 9818
and (3) of this section do not apply to the offender, the 9819
offender may earn one day of credit under division (A) of this 9820
section if the offender committed that offense prior to 9821
September 30, 2011, and the offender may earn five days of 9822
credit under division (A) of this section if the offender 9823

committed that offense on or after September 30, 2011. 9824

(5) Except as provided in division (C) of this section, if 9825
the most serious offense for which the offender is confined is a 9826
felony of the third, fourth, or fifth degree or an unclassified 9827
felony and neither division (D) (2) nor (3) of this section 9828
applies to the offender, the offender may earn one day of credit 9829
under division (A) of this section if the offender committed 9830
that offense prior to September 30, 2011, and the offender may 9831
earn five days of credit under division (A) of this section if 9832
the offender committed that offense on or after September 30, 9833
2011. 9834

(E) The department annually shall seek and consider the 9835
written feedback of the Ohio prosecuting attorneys association, 9836
the Ohio judicial conference, the Ohio public defender, the Ohio 9837
association of criminal defense lawyers, and other organizations 9838
and associations that have an interest in the operation of the 9839
corrections system and the earned credits program under this 9840
section as part of its evaluation of the program and in 9841
determining whether to modify the program. 9842

(F) Days of credit awarded under this section shall be 9843
applied toward satisfaction of a person's stated prison term as 9844
follows: 9845

(1) Toward the definite prison term of a prisoner serving 9846
a definite prison term as a stated prison term; 9847

(2) Toward the minimum and maximum terms of a prisoner 9848
serving an indefinite prison term imposed under division (A) (1) 9849
(a), (2) (a), or (3) (a) (i) of section 2929.14 of the Revised Code 9850
for a felony of the first or second degree committed on or after 9851
the effective date of this amendment or a felony of the third 9852

degree that is described in division (A) (3) (a) of that section 9853
and committed on or after that effective date. 9854

(G) As used in this section: 9855

(1) "Sexually oriented offense" has the same meaning as in 9856
section 2950.01 of the Revised Code. 9857

(2) "Substance use disorder treatment program" means the 9858
substance use disorder treatment program established by the 9859
department of rehabilitation and correction under section 9860
5120.035 of the Revised Code. 9861

Sec. 2967.26. (A) (1) The department of rehabilitation and 9862
correction, by rule, may establish a transitional control 9863
program for the purpose of closely monitoring a prisoner's 9864
adjustment to community supervision during the final one hundred 9865
eighty days of the prisoner's confinement. If the department 9866
establishes a transitional control program under this division, 9867
the division of parole and community services of the department 9868
of rehabilitation and correction may transfer eligible prisoners 9869
to transitional control status under the program during the 9870
final one hundred eighty days of their confinement and under the 9871
terms and conditions established by the department, shall 9872
provide for the confinement as provided in this division of each 9873
eligible prisoner so transferred, and shall supervise each 9874
eligible prisoner so transferred in one or more community 9875
control sanctions. Each eligible prisoner who is transferred to 9876
transitional control status under the program shall be confined 9877
in a suitable facility that is licensed pursuant to division (C) 9878
of section 2967.14 of the Revised Code, or shall be confined in 9879
a residence the department has approved for this purpose and be 9880
monitored pursuant to an electronic monitoring device, as 9881
defined in section 2929.01 of the Revised Code. If the 9882

department establishes a transitional control program under this 9883
division, the rules establishing the program shall include 9884
criteria that define which prisoners are eligible for the 9885
program, criteria that must be satisfied to be approved as a 9886
residence that may be used for confinement under the program of 9887
a prisoner that is transferred to it and procedures for the 9888
department to approve residences that satisfy those criteria, 9889
and provisions of the type described in division (C) of this 9890
section. At a minimum, the criteria that define which prisoners 9891
are eligible for the program shall provide all of the following: 9892

(a) That a prisoner is eligible for the program if the 9893
prisoner is serving a prison term or term of imprisonment for an 9894
offense committed prior to March 17, 1998, and if, at the time 9895
at which eligibility is being determined, the prisoner would 9896
have been eligible for a furlough under this section as it 9897
existed immediately prior to March 17, 1998, or would have been 9898
eligible for conditional release under former section 2967.23 of 9899
the Revised Code as that section existed immediately prior to 9900
March 17, 1998; 9901

(b) That no prisoner who is serving a mandatory prison 9902
term is eligible for the program until after expiration of the 9903
mandatory term; 9904

(c) That no prisoner who is serving a prison term or term 9905
of life imprisonment without parole imposed pursuant to section 9906
2971.03 of the Revised Code is eligible for the program. 9907

(2) At least sixty days prior to transferring to 9908
transitional control under this section a prisoner who is 9909
serving a definite term of imprisonment or definite prison term 9910
of two years or less for an offense committed on or after July 9911
1, 1996, or who is serving a minimum term of two years or less 9912

under a non-life felony indefinite prison term, the division of 9913
parole and community services of the department of 9914
rehabilitation and correction shall give notice of the pendency 9915
of the transfer to transitional control to the court of common 9916
pleas of the county in which the indictment against the prisoner 9917
was found and of the fact that the court may disapprove the 9918
transfer of the prisoner to transitional control and shall 9919
include the institutional summary report prepared by the head of 9920
the state correctional institution in which the prisoner is 9921
confined. The head of the state correctional institution in 9922
which the prisoner is confined, upon the request of the division 9923
of parole and community services, shall provide to the division 9924
for inclusion in the notice sent to the court under this 9925
division an institutional summary report on the prisoner's 9926
conduct in the institution and in any institution from which the 9927
prisoner may have been transferred. The institutional summary 9928
report shall cover the prisoner's participation in school, 9929
vocational training, work, treatment, and other rehabilitative 9930
activities and any disciplinary action taken against the 9931
prisoner. If the court disapproves of the transfer of the 9932
prisoner to transitional control, the court shall notify the 9933
division of the disapproval within thirty days after receipt of 9934
the notice. If the court timely disapproves the transfer of the 9935
prisoner to transitional control, the division shall not proceed 9936
with the transfer. If the court does not timely disapprove the 9937
transfer of the prisoner to transitional control, the division 9938
may transfer the prisoner to transitional control. 9939

(3) (a) If the victim of an offense for which a prisoner 9940
was sentenced to a prison term or term of imprisonment has 9941
requested notification under section 2930.16 of the Revised Code 9942
and has provided the department of rehabilitation and correction 9943

with the victim's name and address or if division (A) (3) (b) of 9944
this section applies, the division of parole and community 9945
services, at least sixty days prior to transferring the prisoner 9946
to transitional control pursuant to this section, shall notify 9947
the victim of the pendency of the transfer and of the victim's 9948
right to submit a statement to the division regarding the impact 9949
of the transfer of the prisoner to transitional control. If the 9950
victim subsequently submits a statement of that nature to the 9951
division, the division shall consider the statement in deciding 9952
whether to transfer the prisoner to transitional control. 9953

(b) If a prisoner is incarcerated for the commission of 9954
aggravated murder, murder, or an offense of violence that is a 9955
felony of the first, second, or third degree or under a sentence 9956
of life imprisonment, except as otherwise provided in this 9957
division, the notice described in division (A) (3) (a) of this 9958
section shall be given regardless of whether the victim has 9959
requested the notification. The notice described in division (A) 9960
(3) (a) of this section shall not be given under this division to 9961
a victim if the victim has requested pursuant to division (B) (2) 9962
of section 2930.03 of the Revised Code that the victim not be 9963
provided the notice. If notice is to be provided to a victim 9964
under this division, the authority may give the notice by any 9965
reasonable means, including regular mail, telephone, and 9966
electronic mail, in accordance with division (D) (1) of section 9967
2930.16 of the Revised Code. If the notice is based on an 9968
offense committed prior to March 22, 2013, the notice also shall 9969
include the opt-out information described in division (D) (1) of 9970
section 2930.16 of the Revised Code. The authority, in 9971
accordance with division (D) (2) of section 2930.16 of the 9972
Revised Code, shall keep a record of all attempts to provide the 9973
notice, and of all notices provided, under this division. 9974

Division (A) (3) (b) of this section, and the notice-related 9975
provisions of divisions (E) (2) and (K) of section 2929.20, 9976
division (D) (1) of section 2930.16, division (H) of section 9977
2967.12, division (E) (1) (b) of section 2967.19, division (D) (1) 9978
of section 2967.28, and division (A) (2) of section 5149.101 of 9979
the Revised Code enacted in the act in which division (A) (3) (b) 9980
of this section was enacted, shall be known as "Roberta's Law." 9981

(4) The department of rehabilitation and correction, at 9982
least sixty days prior to transferring a prisoner to 9983
transitional control pursuant to this section, shall post on the 9984
database it maintains pursuant to section 5120.66 of the Revised 9985
Code the prisoner's name and all of the information specified in 9986
division (A) (1) (c) (iv) of that section. In addition to and 9987
independent of the right of a victim to submit a statement as 9988
described in division (A) (3) of this section or to otherwise 9989
make a statement and in addition to and independent of any other 9990
right or duty of a person to present information or make a 9991
statement, any person may send to the division of parole and 9992
community services at any time prior to the division's transfer 9993
of the prisoner to transitional control a written statement 9994
regarding the transfer of the prisoner to transitional control. 9995
In addition to the information, reports, and statements it 9996
considers under divisions (A) (2) and (3) of this section or that 9997
it otherwise considers, the division shall consider each 9998
statement submitted in accordance with this division in deciding 9999
whether to transfer the prisoner to transitional control. 10000

(B) Each prisoner transferred to transitional control 10001
under this section shall be confined in the manner described in 10002
division (A) of this section during any period of time that the 10003
prisoner is not actually working at the prisoner's approved 10004
employment, engaged in a vocational training or another 10005

educational program, engaged in another program designated by 10006
the director, or engaged in other activities approved by the 10007
department. 10008

(C) The department of rehabilitation and correction shall 10009
adopt rules for transferring eligible prisoners to transitional 10010
control, supervising and confining prisoners so transferred, 10011
administering the transitional control program in accordance 10012
with this section, and using the moneys deposited into the 10013
transitional control fund established under division (E) of this 10014
section. 10015

(D) The department of rehabilitation and correction may 10016
adopt rules for the issuance of passes for the limited purposes 10017
described in this division to prisoners who are transferred to 10018
transitional control under this section. If the department 10019
adopts rules of that nature, the rules shall govern the granting 10020
of the passes and shall provide for the supervision of prisoners 10021
who are temporarily released pursuant to one of those passes. 10022
Upon the adoption of rules under this division, the department 10023
may issue passes to prisoners who are transferred to 10024
transitional control status under this section in accordance 10025
with the rules and the provisions of this division. All passes 10026
issued under this division shall be for a maximum of forty-eight 10027
hours and may be issued only for the following purposes: 10028

(1) To visit a relative in imminent danger of death; 10029

(2) To have a private viewing of the body of a deceased 10030
relative; 10031

(3) To visit with family; 10032

(4) To otherwise aid in the rehabilitation of the 10033
prisoner. 10034

(E) The division of parole and community services may 10035
require a prisoner who is transferred to transitional control to 10036
pay to the division the reasonable expenses incurred by the 10037
division in supervising or confining the prisoner while under 10038
transitional control. Inability to pay those reasonable expenses 10039
shall not be grounds for refusing to transfer an otherwise 10040
eligible prisoner to transitional control. Amounts received by 10041
the division of parole and community services under this 10042
division shall be deposited into the transitional control fund, 10043
which is hereby created in the state treasury and which hereby 10044
replaces and succeeds the furlough services fund that formerly 10045
existed in the state treasury. All moneys that remain in the 10046
furlough services fund on March 17, 1998, shall be transferred 10047
on that date to the transitional control fund. The transitional 10048
control fund shall be used solely to pay costs related to the 10049
operation of the transitional control program established under 10050
this section. The director of rehabilitation and correction 10051
shall adopt rules in accordance with section 111.15 of the 10052
Revised Code for the use of the fund. 10053

(F) A prisoner who violates any rule established by the 10054
department of rehabilitation and correction under division (A), 10055
(C), or (D) of this section may be transferred to a state 10056
correctional institution pursuant to rules adopted under 10057
division (A), (C), or (D) of this section, but the prisoner 10058
shall receive credit towards completing the prisoner's sentence 10059
for the time spent under transitional control. 10060

If a prisoner is transferred to transitional control under 10061
this section, upon successful completion of the period of 10062
transitional control, the prisoner may be released on parole or 10063
under post-release control pursuant to section 2967.13 or 10064
2967.28 of the Revised Code and rules adopted by the department 10065

of rehabilitation and correction. If the prisoner is released 10066
under post-release control, the duration of the post-release 10067
control, the type of post-release control sanctions that may be 10068
imposed, the enforcement of the sanctions, and the treatment of 10069
prisoners who violate any sanction applicable to the prisoner 10070
are governed by section 2967.28 of the Revised Code. 10071

Sec. 2967.271. (A) As used in this section: 10072

(1) "Offender's minimum prison term" means the minimum 10073
prison term imposed on an offender under a non-life felony 10074
indefinite prison term, diminished as provided in section 10075
2967.191 or 2967.193 of the Revised Code or in any other 10076
provision of the Revised Code, other than division (F) of this 10077
section, that provides for diminution or reduction of an 10078
offender's sentence. 10079

(2) "Offender's presumptive earned early release date" 10080
means the date that is determined under the procedures described 10081
in division (F) of this section by the reduction, if any, of an 10082
offender's minimum prison term by the sentencing court and the 10083
crediting of that reduction toward the satisfaction of the 10084
minimum term. 10085

(3) "Rehabilitative programs and activities" means 10086
education programs, vocational training, employment in prison 10087
industries, treatment for substance abuse, or other constructive 10088
programs developed by the department of rehabilitation and 10089
correction with specific standards for performance by prisoners. 10090

(4) "Security level" means the security level in which an 10091
offender is classified under the inmate classification level 10092
system of the department of rehabilitation and correction that 10093
then is in effect. 10094

(5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 10095
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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 presumptive earned early release date, whichever is earlier. 10097
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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 presumptive earned early release date, whichever is earlier. The department may rebut the presumption only if the department determines, at a hearing, that one or more of the following applies: 10103
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(1) Regardless of the security level in which the offender is classified at the time of the hearing, both of the following apply: 10113
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(a) During the offender's incarceration, the offender committed institutional rule infractions that involved compromising the security of a state correctional institution, compromising the safety of the staff of a state correctional institution or its inmates, or physical harm or the threat of physical harm to the staff of a state correctional institution or its inmates, or committed a violation of law that was not prosecuted, and the infractions or violations demonstrate that the offender has not been rehabilitated. 10116
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(b) The offender's behavior while incarcerated, including, 10125
but not limited to the infractions and violations specified in 10126
division (C) (1) (a) of this section, demonstrate that the 10127
offender continues to pose a threat to society. 10128

(2) Regardless of the security level in which the offender 10129
is classified at the time of the hearing, the offender has been 10130
placed by the department in extended restrictive housing at any 10131
time within the year preceding the date of the hearing. 10132

(3) At the time of the hearing, the offender is classified 10133
by the department as a security level three, four, or five, or 10134
at a higher security level. 10135

(D) (1) If the department of rehabilitation and correction, 10136
pursuant to division (C) of this section, rebuts the presumption 10137
established under division (B) of this section, the department 10138
may maintain the offender's incarceration in a state 10139
correctional institution under the sentence after the expiration 10140
of the offender's minimum prison term or, for offenders who have 10141
a presumptive earned early release date, after the offender's 10142
presumptive earned early release date. The department may 10143
maintain the offender's incarceration under this division for an 10144
additional period of incarceration determined by the department. 10145
The additional period of incarceration shall be a reasonable 10146
period determined by the department, shall be specified by the 10147
department, and shall not exceed the offender's maximum prison 10148
term. 10149

(2) If the department maintains an offender's 10150
incarceration for an additional period under division (D) (1) of 10151
this section, there shall be a presumption that the offender 10152
shall be released on the expiration of the offender's minimum 10153
prison term plus the additional period of incarceration 10154

specified by the department as provided under that division or, 10155
for offenders who have a presumptive earned early release date, 10156
on the expiration of the additional period of incarceration to 10157
be served after the offender's presumptive earned early release 10158
date that is specified by the department as provided under that 10159
division. The presumption is a rebuttable presumption that the 10160
department may rebut, but only if it conducts a hearing and 10161
makes the determinations specified in division (C) of this 10162
section, and if the department rebuts the presumption, it may 10163
maintain the offender's incarceration in a state correctional 10164
institution for an additional period determined as specified in 10165
division (D)(1) of this section. Unless the department rebuts 10166
the presumption at the hearing, the offender shall be released 10167
from service of the sentence on the expiration of the offender's 10168
minimum prison term plus the additional period of incarceration 10169
specified by the department or, for offenders who have a 10170
presumptive earned early release date, on the expiration of the 10171
additional period of incarceration to be served after the 10172
offender's presumptive earned early release date as specified by 10173
the department. 10174

The provisions of this division regarding the 10175
establishment of a rebuttable presumption, the department's 10176
rebuttal of the presumption, and the department's maintenance of 10177
an offender's incarceration for an additional period of 10178
incarceration apply, and may be utilized more than one time, 10179
during the remainder of the offender's incarceration. If the 10180
offender has not been released under division (C) of this 10181
section or this division prior to the expiration of the 10182
offender's maximum prison term imposed as part of the offender's 10183
non-life felony indefinite prison term, the offender shall be 10184
released upon the expiration of that maximum term. 10185

(E) The department shall provide notices of hearings to be conducted under division (C) or (D) of this section in the same manner, and to the same persons, as specified in section 2967.12 and Chapter 2930. of the Revised Code with respect to hearings to be conducted regarding the possible release on parole of an inmate. 10186
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(F)(1) The director of the department of rehabilitation and correction may notify the sentencing court in writing that the director is recommending that the court grant a reduction in the minimum prison term imposed on a specified offender who is serving a non-life felony indefinite prison term and who is eligible under division (F)(8) of this section for such a reduction, due to the offender's exceptional conduct while incarcerated or the offender's adjustment to incarceration. If the director wishes to recommend such a reduction for an offender, the director shall send the notice to the court not earlier than ninety days prior to the date on which the director wishes to credit the reduction toward the satisfaction of the offender's minimum prison term. If the director recommends such a reduction for an offender, there shall be a presumption that the court shall grant the recommended reduction to the offender. The presumption established under this division is a rebuttable presumption that may be rebutted as provided in division (F)(4) of this section. 10192
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The director shall include with the notice sent to a court under this division an institutional summary report that covers the offender's participation while confined in a state correctional institution in rehabilitative programs and activities and any disciplinary action taken against the offender while so confined, and any other documentation requested by the court, if available. 10210
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The notice the director sends to a court under this 10217
division shall do all of the following: 10218

(a) Identify the offender; 10219

(b) Specify the length of the recommended reduction, which 10220
shall be for five to fifteen per cent of the offender's minimum 10221
term determined in accordance with rules adopted by the 10222
department under division (F)(7) of this section; 10223

(c) Specify the reason or reasons that qualify the 10224
offender for the recommended reduction; 10225

(d) Inform the court of the rebuttable presumption and 10226
that the court must either approve or, if the court finds that 10227
the presumption has been rebutted, disapprove of the recommended 10228
reduction, and that if it approves of the recommended reduction, 10229
it must grant the reduction; 10230

(e) Inform the court that it must notify the department of 10231
its decision as to approval or disapproval not later than sixty 10232
days after receipt of the notice from the director. 10233

(2) When the director, under division (F)(1) of this 10234
section, submits a notice to a sentencing court that the 10235
director is recommending that the court grant a reduction in the 10236
minimum prison term imposed on an offender serving a non-life 10237
felony indefinite prison term, the department promptly shall 10238
provide to the prosecuting attorney of the county in which the 10239
offender was indicted a copy of the written notice, a copy of 10240
the institutional summary report described in that division, and 10241
any other information provided to the court. 10242

(3) Upon receipt of a notice submitted by the director 10243
under division (F)(1) of this section, the court shall schedule 10244
a hearing to consider whether to grant the reduction in the 10245

minimum prison term imposed on the specified offender that was 10246
recommended by the director or to find that the presumption has 10247
been rebutted and disapprove the recommended reduction. Upon 10248
scheduling the hearing, the court promptly shall give notice of 10249
the hearing to the prosecuting attorney of the county in which 10250
the offender was indicted and to the department. The notice 10251
shall inform the prosecuting attorney that the prosecuting 10252
attorney may submit to the court, prior to the date of the 10253
hearing, written information relevant to the recommendation and 10254
may present at the hearing written information and oral 10255
information relevant to the recommendation. 10256

Upon receipt of the notice from the court, the prosecuting 10257
attorney shall notify the victim of the offender or the victim's 10258
representative of the recommendation by the director, the date, 10259
time, and place of the hearing, the fact that the victim may 10260
submit to the court, prior to the date of the hearing, written 10261
information relevant to the recommendation, and the address and 10262
procedure for submitting the information. 10263

(4) At the hearing scheduled under division (F) (3) of this 10264
section, the court shall afford the prosecuting attorney an 10265
opportunity to present written information and oral information 10266
relevant to the director's recommendation. In making its 10267
determination as to whether to grant or disapprove the reduction 10268
in the minimum prison term imposed on the specified offender 10269
that was recommended by the director, the court shall consider 10270
any report and other documentation submitted by the director, 10271
any information submitted by a victim, any information submitted 10272
or presented at the hearing by the prosecuting attorney, and all 10273
of the factors set forth in divisions (B) to (D) of section 10274
2929.12 of the Revised Code that are relevant to the offender's 10275
offense and to the offender. 10276

Unless the court, after considering at the hearing the 10277
specified reports, documentation, information, and relevant 10278
factors, finds that the presumption that the recommended 10279
reduction shall be granted has been rebutted and disapproves the 10280
recommended reduction, the court shall grant the recommended 10281
reduction. The court may disapprove the recommended reduction 10282
only if, after considering at the hearing the specified reports, 10283
documentation, information, and relevant factors, it finds that 10284
the presumption that the reduction shall be granted has been 10285
rebutted. The court may find that the presumption has been 10286
rebutted and disapprove the recommended reduction only if it 10287
determines at the hearing that one or more of the following 10288
applies: 10289

(a) Regardless of the security level in which the offender 10290
is classified at the time of the hearing, during the offender's 10291
incarceration, the offender committed institutional rule 10292
infractions that involved compromising the security of a state 10293
correctional institution, compromising the safety of the staff 10294
of a state correctional institution or its inmates, or physical 10295
harm or the threat of physical harm to the staff of a state 10296
correctional institution or its inmates, or committed a 10297
violation of law that was not prosecuted, and the infractions or 10298
violations demonstrate that the offender has not been 10299
rehabilitated. 10300

(b) The offender's behavior while incarcerated, including, 10301
but not limited to, the infractions and violations specified in 10302
division (F) (4) (a) of this section, demonstrates that the 10303
offender continues to pose a threat to society. 10304

(c) At the time of the hearing, the offender is classified 10305
by the department as a security level three, four, or five, or 10306

at a higher security level. 10307

(d) During the offender's incarceration, the offender did 10308
not productively participate in a majority of the rehabilitative 10309
programs and activities recommended by the department for the 10310
offender, or the offender participated in a majority of such 10311
recommended programs or activities but did not successfully 10312
complete a reasonable number of the programs or activities in 10313
which the offender participated. 10314

(e) After release, the offender will not be residing in a 10315
halfway house, reentry center, or community residential center 10316
licensed under division (C) of section 2967.14 of the Revised 10317
Code and, after release, does not have any other place to reside 10318
at a fixed residence address. 10319

(5) If the court pursuant to division (F)(4) of this 10320
section finds that the presumption that the recommended 10321
reduction in the offender's minimum prison term has been 10322
rebutted and disapproves the recommended reduction, the court 10323
shall notify the department of the disapproval not later than 10324
sixty days after receipt of the notice from the director. The 10325
court shall specify in the notification the reason or reasons 10326
for which it found that the presumption was rebutted and 10327
disapproved the recommended reduction. The court shall not 10328
reduce the offender's minimum prison term, and the department 10329
shall not credit the amount of the disapproved reduction toward 10330
satisfaction of the offender's minimum prison term. 10331

If the court pursuant to division (F)(4) of this section 10332
grants the recommended reduction of the offender's minimum 10333
prison term, the court shall notify the department of the grant 10334
of the reduction not later than sixty days after receipt of the 10335
notice from the director, the court shall reduce the offender's 10336

minimum prison term in accordance with the recommendation 10337
submitted by the director, and the department shall credit the 10338
amount of the reduction toward satisfaction of the offender's 10339
minimum prison term. 10340

Upon deciding whether to disapprove or grant the 10341
recommended reduction of the offender's minimum prison term, the 10342
court shall notify the prosecuting attorney of the decision and 10343
the prosecuting attorney shall notify the victim or victim's 10344
representative of the court's decision. 10345

(6) If the court under division (F) (5) of this section 10346
grants the reduction in the minimum prison term imposed on an 10347
offender that was recommended by the director and reduces the 10348
offender's minimum prison term, the date determined by the 10349
department's crediting of the reduction toward satisfaction of 10350
the offender's minimum prison term is the offender's presumptive 10351
earned early release date. 10352

(7) The department of rehabilitation and correction by 10353
rule shall specify both of the following for offenders serving a 10354
non-life felony indefinite prison term: 10355

(a) The type of exceptional conduct while incarcerated and 10356
the type of adjustment to incarceration that will qualify an 10357
offender serving such a prison term for a reduction under 10358
divisions (F) (1) to (6) of this section of the minimum prison 10359
term imposed on the offender under the non-life felony 10360
indefinite prison term. 10361

(b) The per cent of reduction that it may recommend for, 10362
and that may be granted to, an offender serving such a prison 10363
term under divisions (F) (1) to (6) of this section, based on the 10364
offense level of the offense for which the prison term was 10365

imposed, with the department specifying the offense levels used 10366
for purposes of this division and assigning a specific 10367
percentage reduction within the range of five to fifteen per 10368
cent for each such offense level. 10369

(8) Divisions (F) (1) to (6) of this section do not apply 10370
with respect to an offender serving a non-life felony indefinite 10371
prison term for a sexually oriented offense, and no offender 10372
-serving such a prison term for a sexually oriented offense is 10373
eligible to be recommended for or granted, or may be recommended 10374
for or granted, a reduction under those divisions in the 10375
offender's minimum prison term imposed under that non-life 10376
felony indefinite prison term. 10377

(G) If an offender is sentenced to a non-life felony 10378
indefinite prison term, any reference in a section of the 10379
Revised Code to a definite prison term shall be construed as 10380
referring to the offender's minimum term under that sentence 10381
plus any additional period of time of incarceration specified by 10382
the department under division (D) (1) or (2) of this section, 10383
except to the extent otherwise specified in the section or to 10384
the extent that that construction clearly would be 10385
inappropriate. 10386

Sec. 2967.28. (A) As used in this section: 10387

(1) "Monitored time" means the monitored time sanction 10388
specified in section 2929.17 of the Revised Code. 10389

(2) "Deadly weapon" and "dangerous ordnance" have the same 10390
meanings as in section 2923.11 of the Revised Code. 10391

(3) "Felony sex offense" means a violation of a section 10392
contained in Chapter 2907. of the Revised Code that is a felony. 10393

(4) "Risk reduction sentence" means a prison term imposed 10394

by a court, when the court recommends pursuant to section 10395
2929.143 of the Revised Code that the offender serve the 10396
sentence under section 5120.036 of the Revised Code, and the 10397
offender may potentially be released from imprisonment prior to 10398
the expiration of the prison term if the offender successfully 10399
completes all assessment and treatment or programming required 10400
by the department of rehabilitation and correction under section 10401
5120.036 of the Revised Code. 10402

(5) "Victim's immediate family" has the same meaning as in 10403
section 2967.12 of the Revised Code. 10404

(6) "Minor drug possession offense" has the same meaning 10405
as in section 2925.11 of the Revised Code. 10406

(B) Each sentence to a prison term, other than a term of 10407
life imprisonment, for a felony of the first degree, for a 10408
felony of the second degree, for a felony sex offense, or for a 10409
felony of the third degree that is an offense of violence and is 10410
not a felony sex offense shall include a requirement that the 10411
offender be subject to a period of post-release control imposed 10412
by the parole board after the offender's release from 10413
imprisonment. This division applies with respect to all prison 10414
terms of a type described in this division, including a term of 10415
any such type that is a risk reduction sentence. If a court 10416
imposes a sentence including a prison term of a type described 10417
in this division on or after July 11, 2006, the failure of a 10418
sentencing court to notify the offender pursuant to division (B) 10419
(2) ~~(e)~~ (d) of section 2929.19 of the Revised Code of this 10420
requirement or to include in the judgment of conviction entered 10421
on the journal a statement that the offender's sentence includes 10422
this requirement does not negate, limit, or otherwise affect the 10423
mandatory period of supervision that is required for the 10424

offender under this division. This division applies with respect 10425
to all prison terms of a type described in this division, 10426
including a non-life felony indefinite prison term. Section 10427
2929.191 of the Revised Code applies if, prior to July 11, 2006, 10428
a court imposed a sentence including a prison term of a type 10429
described in this division and failed to notify the offender 10430
pursuant to division (B) (2) ~~(e)~~ (d) of section 2929.19 of the 10431
Revised Code regarding post-release control or to include in the 10432
judgment of conviction entered on the journal or in the sentence 10433
pursuant to division (D) (1) of section 2929.14 of the Revised 10434
Code a statement regarding post-release control. Unless reduced 10435
by the parole board pursuant to division (D) of this section 10436
when authorized under that division, a period of post-release 10437
control required by this division for an offender shall be of 10438
one of the following periods: 10439

(1) For a felony of the first degree or for a felony sex 10440
offense, five years; 10441

(2) For a felony of the second degree that is not a felony 10442
sex offense, three years; 10443

(3) For a felony of the third degree that is an offense of 10444
violence and is not a felony sex offense, three years. 10445

(C) Any sentence to a prison term for a felony of the 10446
third, fourth, or fifth degree that is not subject to division 10447
(B) (1) or (3) of this section shall include a requirement that 10448
the offender be subject to a period of post-release control of 10449
up to three years after the offender's release from 10450
imprisonment, if the parole board, in accordance with division 10451
(D) of this section, determines that a period of post-release 10452
control is necessary for that offender. This division applies 10453
with respect to all prison terms of a type described in this 10454

division, including a term of any such type that is a risk 10455
reduction sentence. Section 2929.191 of the Revised Code applies 10456
if, prior to July 11, 2006, a court imposed a sentence including 10457
a prison term of a type described in this division and failed to 10458
notify the offender pursuant to division (B) (2) ~~(d)~~ (e) of section 10459
2929.19 of the Revised Code regarding post-release control or to 10460
include in the judgment of conviction entered on the journal or 10461
in the sentence pursuant to division (D) (2) of section 2929.14 10462
of the Revised Code a statement regarding post-release control. 10463
Pursuant to an agreement entered into under section 2967.29 of 10464
the Revised Code, a court of common pleas or parole board may 10465
impose sanctions or conditions on an offender who is placed on 10466
post-release control under this division. 10467

(D) (1) Before the prisoner is released from imprisonment, 10468
the parole board or, pursuant to an agreement under section 10469
2967.29 of the Revised Code, the court shall impose upon a 10470
prisoner described in division (B) of this section, shall impose 10471
upon a prisoner described in division (C) of this section who is 10472
to be released before the expiration of the prisoner's stated 10473
prison term under a risk reduction sentence, may impose upon a 10474
prisoner described in division (C) of this section who is not to 10475
be released before the expiration of the prisoner's stated 10476
prison term under a risk reduction sentence, and shall impose 10477
upon a prisoner described in division (B) (2) (b) of section 10478
5120.031 or in division (B) (1) of section 5120.032 of the 10479
Revised Code, one or more post-release control sanctions to 10480
apply during the prisoner's period of post-release control. 10481
Whenever the board or court imposes one or more post-release 10482
control sanctions upon a prisoner, the board or court, in 10483
addition to imposing the sanctions, also shall include as a 10484
condition of the post-release control that the offender not 10485

leave the state without permission of the court or the 10486
offender's parole or probation officer and that the offender 10487
abide by the law. The board or court may impose any other 10488
conditions of release under a post-release control sanction that 10489
the board or court considers appropriate, and the conditions of 10490
release may include any community residential sanction, 10491
community nonresidential sanction, or financial sanction that 10492
the sentencing court was authorized to impose pursuant to 10493
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 10494
Prior to the release of a prisoner for whom it will impose one 10495
or more post-release control sanctions under this division, the 10496
parole board or court shall review the prisoner's criminal 10497
history, results from the single validated risk assessment tool 10498
selected by the department of rehabilitation and correction 10499
under section 5120.114 of the Revised Code, all juvenile court 10500
adjudications finding the prisoner, while a juvenile, to be a 10501
delinquent child, and the record of the prisoner's conduct while 10502
imprisoned. The parole board or court shall consider any 10503
recommendation regarding post-release control sanctions for the 10504
prisoner made by the office of victims' services. After 10505
considering those materials, the board or court shall determine, 10506
for a prisoner described in division (B) of this section, 10507
division (B) (2) (b) of section 5120.031, or division (B) (1) of 10508
section 5120.032 of the Revised Code and for a prisoner 10509
described in division (C) of this section who is to be released 10510
before the expiration of the prisoner's stated prison term under 10511
a risk reduction sentence, which post-release control sanction 10512
or combination of post-release control sanctions is reasonable 10513
under the circumstances or, for a prisoner described in division 10514
(C) of this section who is not to be released before the 10515
expiration of the prisoner's stated prison term under a risk 10516
reduction sentence, whether a post-release control sanction is 10517

necessary and, if so, which post-release control sanction or 10518
combination of post-release control sanctions is reasonable 10519
under the circumstances. In the case of a prisoner convicted of 10520
a felony of the fourth or fifth degree other than a felony sex 10521
offense, the board or court shall presume that monitored time is 10522
the appropriate post-release control sanction unless the board 10523
or court determines that a more restrictive sanction is 10524
warranted. A post-release control sanction imposed under this 10525
division takes effect upon the prisoner's release from 10526
imprisonment. 10527

Regardless of whether the prisoner was sentenced to the 10528
prison term prior to, on, or after July 11, 2006, prior to the 10529
release of a prisoner for whom it will impose one or more post- 10530
release control sanctions under this division, the parole board 10531
shall notify the prisoner that, if the prisoner violates any 10532
sanction so imposed or any condition of post-release control 10533
described in division (B) of section 2967.131 of the Revised 10534
Code that is imposed on the prisoner, the parole board may 10535
impose a prison term of up to one-half of the stated prison term 10536
originally imposed upon the prisoner. 10537

At least thirty days before the prisoner is released from 10538
imprisonment under post-release control, except as otherwise 10539
provided in this paragraph, the department of rehabilitation and 10540
correction shall notify the victim and the victim's immediate 10541
family of the date on which the prisoner will be released, the 10542
period for which the prisoner will be under post-release control 10543
supervision, and the terms and conditions of the prisoner's 10544
post-release control regardless of whether the victim or 10545
victim's immediate family has requested the notification. The 10546
notice described in this paragraph shall not be given to a 10547
victim or victim's immediate family if the victim or the 10548

victim's immediate family has requested pursuant to division (B) 10549
(2) of section 2930.03 of the Revised Code that the notice not 10550
be provided to the victim or the victim's immediate family. At 10551
least thirty days before the prisoner is released from 10552
imprisonment and regardless of whether the victim or victim's 10553
immediate family has requested that the notice described in this 10554
paragraph be provided or not be provided to the victim or the 10555
victim's immediate family, the department also shall provide 10556
notice of that nature to the prosecuting attorney in the case 10557
and the law enforcement agency that arrested the prisoner if any 10558
officer of that agency was a victim of the offense. 10559

If the notice given under the preceding paragraph to the 10560
victim or the victim's immediate family is based on an offense 10561
committed prior to March 22, 2013, and if the department of 10562
rehabilitation and correction has not previously successfully 10563
provided any notice to the victim or the victim's immediate 10564
family under division (B), (C), or (D) of section 2930.16 of the 10565
Revised Code with respect to that offense and the offender who 10566
committed it, the notice also shall inform the victim or the 10567
victim's immediate family that the victim or the victim's 10568
immediate family may request that the victim or the victim's 10569
immediate family not be provided any further notices with 10570
respect to that offense and the offender who committed it and 10571
shall describe the procedure for making that request. The 10572
department may give the notices to which the preceding paragraph 10573
applies by any reasonable means, including regular mail, 10574
telephone, and electronic mail. If the department attempts to 10575
provide notice to any specified person under the preceding 10576
paragraph but the attempt is unsuccessful because the department 10577
is unable to locate the specified person, is unable to provide 10578
the notice by its chosen method because it cannot determine the 10579

mailing address, electronic mail address, or telephone number at 10580
which to provide the notice, or, if the notice is sent by mail, 10581
the notice is returned, the department shall make another 10582
attempt to provide the notice to the specified person. If the 10583
second attempt is unsuccessful, the department shall make at 10584
least one more attempt to provide the notice. If the notice is 10585
based on an offense committed prior to March 22, 2013, in each 10586
attempt to provide the notice to the victim or victim's 10587
immediate family, the notice shall include the opt-out 10588
information described in this paragraph. The department, in the 10589
manner described in division (D) (2) of section 2930.16 of the 10590
Revised Code, shall keep a record of all attempts to provide the 10591
notice, and of all notices provided, under this paragraph and 10592
the preceding paragraph. The record shall be considered as if it 10593
was kept under division (D) (2) of section 2930.16 of the Revised 10594
Code. This paragraph, the preceding paragraph, and the notice- 10595
related provisions of divisions (E) (2) and (K) of section 10596
2929.20, division (D) (1) of section 2930.16, division (H) of 10597
section 2967.12, division (E) (1) (b) of section 2967.19, division 10598
(A) (3) (b) of section 2967.26, and division (A) (2) of section 10599
5149.101 of the Revised Code enacted in the act in which this 10600
paragraph and the preceding paragraph were enacted, shall be 10601
known as "Roberta's Law." 10602

(2) If a prisoner who is placed on post-release control 10603
under this section is released before the expiration of the 10604
definite term that is the prisoner's stated prison term or the 10605
expiration of the minimum term that is part of the prisoner's 10606
indefinite prison term imposed under a non-life felony 10607
indefinite prison term by reason of credit earned under section 10608
2967.193 or a reduction under division (F) of section 2967.271 10609
of the Revised Code and if the prisoner earned sixty or more 10610

days of credit, the adult parole authority shall supervise the 10611
offender with an active global positioning system device for the 10612
first fourteen days after the offender's release from 10613
imprisonment. This division does not prohibit or limit the 10614
imposition of any post-release control sanction otherwise 10615
authorized by this section. 10616

(3) At any time after a prisoner is released from 10617
imprisonment and during the period of post-release control 10618
applicable to the releasee, the adult parole authority or, 10619
pursuant to an agreement under section 2967.29 of the Revised 10620
Code, the court may review the releasee's behavior under the 10621
post-release control sanctions imposed upon the releasee under 10622
this section. The authority or court may determine, based upon 10623
the review and in accordance with the standards established 10624
under division (E) of this section, that a more restrictive or a 10625
less restrictive sanction is appropriate and may impose a 10626
different sanction. The authority also may recommend that the 10627
parole board or court increase or reduce the duration of the 10628
period of post-release control imposed by the court. If the 10629
authority recommends that the board or court increase the 10630
duration of post-release control, the board or court shall 10631
review the releasee's behavior and may increase the duration of 10632
the period of post-release control imposed by the court up to 10633
eight years. If the authority recommends that the board or court 10634
reduce the duration of control for an offense described in 10635
division (B) or (C) of this section, the board or court shall 10636
review the releasee's behavior and, subject to divisions (D) (3) 10637
(a) to (c) of this section, may reduce the duration of the 10638
period of control imposed by the court or, if the period of 10639
control was imposed for a non-life felony indefinite prison 10640
term, reduce the duration of or terminate the period of control 10641

imposed by the court. In no case shall the board or court ~~reduce~~ 10642
do any of the following: 10643

(a) Reduce the duration of the period of control imposed 10644
for an offense described in division (B)(1) of this section to a 10645
period less than the length of the ~~stated definite~~ prison term 10646
included in the stated prison term originally imposed, and in no 10647
case shall the board or court permit on the offender as part of 10648
the sentence or, with respect to a stated non-life felony 10649
indefinite prison term, to a period less than the length of the 10650
minimum prison term imposed as part of that stated prison term; 10651

(b) Consider any reduction or termination of the duration 10652
of the period of control imposed on a releasee prior to the 10653
expiration of one year after the commencement of the period of 10654
control, if the period of control was imposed for a non-life 10655
felony indefinite prison term and the releasee's minimum prison 10656
term or presumptive earned early release date under that term 10657
was extended for any length of time under division (C) or (D) of 10658
section 2967.271 of the Revised Code. 10659

(c) Permit the releasee to leave the state without 10660
permission of the court or the releasee's parole or probation 10661
officer. 10662

(4) The department of rehabilitation and correction shall 10663
develop factors that the parole board or court shall consider in 10664
determining under division (D)(3) of this section whether to 10665
terminate the period of control imposed on a releasee for a non- 10666
life felony indefinite prison term. 10667

(E) The department of rehabilitation and correction, in 10668
accordance with Chapter 119. of the Revised Code, shall adopt 10669
rules that do all of the following: 10670

(1) Establish standards for the imposition by the parole board of post-release control sanctions under this section that are consistent with the overriding purposes and sentencing principles set forth in section 2929.11 of the Revised Code and that are appropriate to the needs of releasees; 10671
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(2) Establish standards that provide for a period of post-release control of up to three years for all prisoners described in division (C) of this section who are to be released before the expiration of their stated prison term under a risk reduction sentence and standards by which the parole board can determine which prisoners described in division (C) of this section who are not to be released before the expiration of their stated prison term under a risk reduction sentence should be placed under a period of post-release control; 10676
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(3) Establish standards to be used by the parole board in reducing the duration of the period of post-release control imposed by the court when authorized under division (D) of this section, in imposing a more restrictive post-release control sanction than monitored time upon a prisoner convicted of a felony of the fourth or fifth degree other than a felony sex offense, or in imposing a less restrictive control sanction upon a releasee based on the releasee's activities including, but not limited to, remaining free from criminal activity and from the abuse of alcohol or other drugs, successfully participating in approved rehabilitation programs, maintaining employment, and paying restitution to the victim or meeting the terms of other financial sanctions; 10685
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(4) Establish standards to be used by the adult parole authority in modifying a releasee's post-release control sanctions pursuant to division (D) (2) of this section; 10698
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(5) Establish standards to be used by the adult parole authority or parole board in imposing further sanctions under division (F) of this section on releasees who violate post-release control sanctions, including standards that do the following: 10701
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(a) Classify violations according to the degree of seriousness; 10706
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(b) Define the circumstances under which formal action by the parole board is warranted; 10708
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(c) Govern the use of evidence at violation hearings; 10710

(d) Ensure procedural due process to an alleged violator; 10711

(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations; 10712
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(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control. 10714
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(F) (1) Whenever the parole board imposes one or more post-release control sanctions upon an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the field services section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation directly to the adult parole authority or to the 10716
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officer of the authority who supervises the offender. The 10730
authority's officers may treat the offender as if the offender 10731
were on parole and in violation of the parole, and otherwise 10732
shall comply with this section. 10733

(2) If the adult parole authority or, pursuant to an 10734
agreement under section 2967.29 of the Revised Code, the court 10735
determines that a releasee has violated a post-release control 10736
sanction or any conditions described in division (A) of section 10737
2967.131 of the Revised Code imposed upon the releasee and that 10738
a more restrictive sanction is appropriate, the authority or 10739
court may impose a more restrictive sanction upon the releasee, 10740
in accordance with the standards established under division (E) 10741
of this section or in accordance with the agreement made under 10742
section 2967.29 of the Revised Code, or may report the violation 10743
to the parole board for a hearing pursuant to division (F)(3) of 10744
this section. The authority or court may not, pursuant to this 10745
division, increase the duration of the releasee's post-release 10746
control or impose as a post-release control sanction a 10747
residential sanction that includes a prison term, but the 10748
authority or court may impose on the releasee any other 10749
residential sanction, nonresidential sanction, or financial 10750
sanction that the sentencing court was authorized to impose 10751
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 10752
Revised Code. 10753

(3) The parole board or, pursuant to an agreement under 10754
section 2967.29 of the Revised Code, the court may hold a 10755
hearing on any alleged violation by a releasee of a post-release 10756
control sanction or any conditions described in division (A) of 10757
section 2967.131 of the Revised Code that are imposed upon the 10758
releasee. If after the hearing the board or court finds that the 10759
releasee violated the sanction or condition, the board or court 10760

may increase the duration of the releasee's post-release control 10761
up to the maximum duration authorized by division (B) or (C) of 10762
this section or impose a more restrictive post-release control 10763
sanction. If a releasee was acting pursuant to division (B) (2) 10764
(b) of section 2925.11 of the Revised Code and in so doing 10765
violated the conditions of a post-release control sanction based 10766
on a minor drug possession offense as defined in that section, 10767
the board or the court may consider the releasee's conduct in 10768
seeking or obtaining medical assistance for another in good 10769
faith or for self or may consider the releasee being the subject 10770
of another person seeking or obtaining medical assistance in 10771
accordance with that division as a mitigating factor before 10772
imposing any of the penalties described in this division. When 10773
appropriate, the board or court may impose as a post-release 10774
control sanction a residential sanction that includes a prison 10775
term. The board or court shall consider a prison term as a post- 10776
release control sanction imposed for a violation of post-release 10777
control when the violation involves a deadly weapon or dangerous 10778
ordnance, physical harm or attempted serious physical harm to a 10779
person, or sexual misconduct, or when the releasee committed 10780
repeated violations of post-release control sanctions. Unless a 10781
releasee's stated prison term was reduced pursuant to section 10782
5120.032 of the Revised Code, the period of a prison term that 10783
is imposed as a post-release control sanction under this 10784
division shall not exceed nine months, and the maximum 10785
cumulative prison term for all violations under this division 10786
shall not exceed one-half of the ~~stated definite~~ prison term 10787
that was the stated prison term originally imposed upon the 10788
offender as part of this sentence or, with respect to a stated 10789
non-life felony indefinite prison term, one-half of the minimum 10790
prison term that was imposed as part of that stated prison term 10791
originally imposed upon the offender. If a releasee's stated 10792

prison term was reduced pursuant to section 5120.032 of the Revised Code, the period of a prison term that is imposed as a post-release control sanction under this division and the maximum cumulative prison term for all violations under this division shall not exceed the period of time not served in prison under the sentence imposed by the court. The period of a prison term that is imposed as a post-release control sanction under this division shall not count as, or be credited toward, the remaining period of post-release control.

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

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

(a) If a period of post-release control is imposed upon the offender and if the offender also is subject to a period of parole under a life sentence or an indefinite sentence, and if the period of post-release control ends prior to the period of parole, the offender shall be supervised on parole. The offender shall receive credit for post-release control supervision during the period of parole. The offender is not eligible for final

release under section 2967.16 of the Revised Code until the 10823
post-release control period otherwise would have ended. 10824

(b) If a period of post-release control is imposed upon 10825
the offender and if the offender also is subject to a period of 10826
parole under an indefinite sentence, and if the period of parole 10827
ends prior to the period of post-release control, the offender 10828
shall be supervised on post-release control. The requirements of 10829
parole supervision shall be satisfied during the post-release 10830
control period. 10831

(c) If an offender is subject to more than one period of 10832
post-release control, the period of post-release control for all 10833
of the sentences shall be the period of post-release control 10834
that expires last, as determined by the parole board or court. 10835
Periods of post-release control shall be served concurrently and 10836
shall not be imposed consecutively to each other. 10837

(d) The period of post-release control for a releasee who 10838
commits a felony while under post-release control for an earlier 10839
felony shall be the longer of the period of post-release control 10840
specified for the new felony under division (B) or (C) of this 10841
section or the time remaining under the period of post-release 10842
control imposed for the earlier felony as determined by the 10843
parole board or court. 10844

Sec. 2971.03. (A) Notwithstanding divisions (A) and (D) of 10845
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 10846
another section of the Revised Code, other than divisions (B) 10847
and (C) of section 2929.14 of the Revised Code, that authorizes 10848
or requires a specified prison term or a mandatory prison term 10849
for a person who is convicted of or pleads guilty to a felony or 10850
that specifies the manner and place of service of a prison term 10851
or term of imprisonment, the court shall impose a sentence upon 10852

a person who is convicted of or pleads guilty to a violent sex offense and who also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that offense, and upon a person who is convicted of or pleads guilty to a designated homicide, assault, or kidnapping offense and also is convicted of or pleads guilty to both a sexual motivation specification and a sexually violent predator specification that were included in the indictment, count in the indictment, or information charging that offense, as follows:

(1) If the offense for which the sentence is being imposed is aggravated murder and if the court does not impose upon the offender a sentence of death, it shall impose upon the offender a term of life imprisonment without parole. If the court sentences the offender to death and the sentence of death is vacated, overturned, or otherwise set aside, the court shall impose upon the offender a term of life imprisonment without parole.

(2) If the offense for which the sentence is being imposed is murder; or if the offense is rape committed in violation of division (A) (1) (b) of section 2907.02 of the Revised Code when the offender purposely compelled the victim to submit by force or threat of force, when the victim was less than ten years of age, when the offender previously has been convicted of or pleaded guilty to either rape committed in violation of that division or a violation of an existing or former law of this state, another state, or the United States that is substantially similar to division (A) (1) (b) of section 2907.02 of the Revised Code, or when the offender during or immediately after the commission of the rape caused serious physical harm to the victim; or if the offense is an offense other than aggravated

murder or murder for which a term of life imprisonment may be 10884
imposed, it shall impose upon the offender a term of life 10885
imprisonment without parole. 10886

(3) (a) Except as otherwise provided in division (A) (3) (b), 10887
(c), (d), or (e) or (A) (4) of this section, if the offense for 10888
which the sentence is being imposed is an offense other than 10889
aggravated murder, murder, or rape and other than an offense for 10890
which a term of life imprisonment may be imposed, it shall 10891
impose an indefinite prison term consisting of a minimum term 10892
fixed by the court ~~from among the range of terms available as a~~ 10893
~~definite term for the offense as described in this division,~~ but 10894
not less than two years, and a maximum term of life 10895
imprisonment. Except as otherwise specified in this division, 10896
the minimum term shall be fixed by the court from among the 10897
range of terms available as a definite term for the offense. If 10898
the offense is a felony of the first or second degree committed 10899
on or after the effective date of this amendment or a felony of 10900
the third degree that is described in division (A) (3) (a) of 10901
section 2929.14 of the Revised Code and committed on or after 10902
that effective date, the minimum term shall be fixed by the 10903
court from among the range of terms available as a minimum term 10904
for the offense under division (A) (1) (a), (2) (a), or (3) (a) (i) 10905
of that section. 10906

(b) Except as otherwise provided in division (A) (4) of 10907
this section, if the offense for which the sentence is being 10908
imposed is kidnapping that is a felony of the first degree, it 10909
shall impose an indefinite prison term as follows: 10910

(i) If the kidnapping is committed on or after January 1, 10911
2008, and the victim of the offense is less than thirteen years 10912
of age, except as otherwise provided in this division, it shall 10913

impose an indefinite prison term consisting of a minimum term of 10914
fifteen years and a maximum term of life imprisonment. If the 10915
kidnapping is committed on or after January 1, 2008, the victim 10916
of the offense is less than thirteen years of age, and the 10917
offender released the victim in a safe place unharmed, it shall 10918
impose an indefinite prison term consisting of a minimum term of 10919
ten years and a maximum term of life imprisonment. 10920

(ii) If the kidnapping is committed prior to January 1, 10921
2008, or division (A) (3) (b) (i) of this section does not apply, 10922
it shall impose an indefinite term consisting of a minimum term 10923
fixed by the court that is not less than ten years and a maximum 10924
term of life imprisonment. 10925

(c) Except as otherwise provided in division (A) (4) of 10926
this section, if the offense for which the sentence is being 10927
imposed is kidnapping that is a felony of the second degree, it 10928
shall impose an indefinite prison term consisting of a minimum 10929
term fixed by the court that is not less than eight years, and a 10930
maximum term of life imprisonment. 10931

(d) Except as otherwise provided in division (A) (4) of 10932
this section, if the offense for which the sentence is being 10933
imposed is rape for which a term of life imprisonment is not 10934
imposed under division (A) (2) of this section or division (B) of 10935
section 2907.02 of the Revised Code, it shall impose an 10936
indefinite prison term as follows: 10937

(i) If the rape is committed on or after January 2, 2007, 10938
in violation of division (A) (1) (b) of section 2907.02 of the 10939
Revised Code, it shall impose an indefinite prison term 10940
consisting of a minimum term of twenty-five years and a maximum 10941
term of life imprisonment. 10942

(ii) If the rape is committed prior to January 2, 2007, or 10943
the rape is committed on or after January 2, 2007, other than in 10944
violation of division (A) (1) (b) of section 2907.02 of the 10945
Revised Code, it shall impose an indefinite prison term 10946
consisting of a minimum term fixed by the court that is not less 10947
than ten years, and a maximum term of life imprisonment. 10948

(e) Except as otherwise provided in division (A) (4) of 10949
this section, if the offense for which sentence is being imposed 10950
is attempted rape, it shall impose an indefinite prison term as 10951
follows: 10952

(i) Except as otherwise provided in division (A) (3) (e) 10953
(ii), (iii), or (iv) of this section, it shall impose an 10954
indefinite prison term pursuant to division (A) (3) (a) of this 10955
section. 10956

(ii) If the attempted rape for which sentence is being 10957
imposed was committed on or after January 2, 2007, and if the 10958
offender also is convicted of or pleads guilty to a 10959
specification of the type described in section 2941.1418 of the 10960
Revised Code, it shall impose an indefinite prison term 10961
consisting of a minimum term of five years and a maximum term of 10962
twenty-five years. 10963

(iii) If the attempted rape for which sentence is being 10964
imposed was committed on or after January 2, 2007, and if the 10965
offender also is convicted of or pleads guilty to a 10966
specification of the type described in section 2941.1419 of the 10967
Revised Code, it shall impose an indefinite prison term 10968
consisting of a minimum term of ten years and a maximum of life 10969
imprisonment. 10970

(iv) If the attempted rape for which sentence is being 10971

imposed was committed on or after January 2, 2007, and if the 10972
offender also is convicted of or pleads guilty to a 10973
specification of the type described in section 2941.1420 of the 10974
Revised Code, it shall impose an indefinite prison term 10975
consisting of a minimum term of fifteen years and a maximum of 10976
life imprisonment. 10977

(4) For any offense for which the sentence is being 10978
imposed, if the offender previously has been convicted of or 10979
pleaded guilty to a violent sex offense and also to a sexually 10980
violent predator specification that was included in the 10981
indictment, count in the indictment, or information charging 10982
that offense, or previously has been convicted of or pleaded 10983
guilty to a designated homicide, assault, or kidnapping offense 10984
and also to both a sexual motivation specification and a 10985
sexually violent predator specification that were included in 10986
the indictment, count in the indictment, or information charging 10987
that offense, it shall impose upon the offender a term of life 10988
imprisonment without parole. 10989

(B) (1) Notwithstanding section 2929.13, division (A) or 10990
(D) of section 2929.14, or another section of the Revised Code 10991
other than division (B) of section 2907.02 or divisions (B) and 10992
(C) of section 2929.14 of the Revised Code that authorizes or 10993
requires a specified prison term or a mandatory prison term for 10994
a person who is convicted of or pleads guilty to a felony or 10995
that specifies the manner and place of service of a prison term 10996
or term of imprisonment, if a person is convicted of or pleads 10997
guilty to a violation of division (A) (1) (b) of section 2907.02 10998
of the Revised Code committed on or after January 2, 2007, if 10999
division (A) of this section does not apply regarding the 11000
person, and if the court does not impose a sentence of life 11001
without parole when authorized pursuant to division (B) of 11002

section 2907.02 of the Revised Code, the court shall impose upon 11003
the person an indefinite prison term consisting of one of the 11004
following: 11005

(a) Except as otherwise required in division (B) (1) (b) or 11006
(c) of this section, a minimum term of ten years and a maximum 11007
term of life imprisonment. 11008

(b) If the victim was less than ten years of age, a 11009
minimum term of fifteen years and a maximum of life 11010
imprisonment. 11011

(c) If the offender purposely compels the victim to submit 11012
by force or threat of force, or if the offender previously has 11013
been convicted of or pleaded guilty to violating division (A) (1) 11014
(b) of section 2907.02 of the Revised Code or to violating an 11015
existing or former law of this state, another state, or the 11016
United States that is substantially similar to division (A) (1) 11017
(b) of that section, or if the offender during or immediately 11018
after the commission of the offense caused serious physical harm 11019
to the victim, a minimum term of twenty-five years and a maximum 11020
of life imprisonment. 11021

(2) Notwithstanding section 2929.13, division (A) or (D) 11022
of section 2929.14, or another section of the Revised Code other 11023
than divisions (B) and (C) of section 2929.14 of the Revised 11024
Code that authorizes or requires a specified prison term or a 11025
mandatory prison term for a person who is convicted of or pleads 11026
guilty to a felony or that specifies the manner and place of 11027
service of a prison term or term of imprisonment and except as 11028
otherwise provided in division (B) of section 2907.02 of the 11029
Revised Code, if a person is convicted of or pleads guilty to 11030
attempted rape committed on or after January 2, 2007, and if 11031
division (A) of this section does not apply regarding the 11032

person, the court shall impose upon the person an indefinite 11033
prison term consisting of one of the following: 11034

(a) If the person also is convicted of or pleads guilty to 11035
a specification of the type described in section 2941.1418 of 11036
the Revised Code, the court shall impose upon the person an 11037
indefinite prison term consisting of a minimum term of five 11038
years and a maximum term of twenty-five years. 11039

(b) If the person also is convicted of or pleads guilty to 11040
a specification of the type described in section 2941.1419 of 11041
the Revised Code, the court shall impose upon the person an 11042
indefinite prison term consisting of a minimum term of ten years 11043
and a maximum term of life imprisonment. 11044

(c) If the person also is convicted of or pleads guilty to 11045
a specification of the type described in section 2941.1420 of 11046
the Revised Code, the court shall impose upon the person an 11047
indefinite prison term consisting of a minimum term of fifteen 11048
years and a maximum term of life imprisonment. 11049

(3) Notwithstanding section 2929.13, division (A) or (D) 11050
of section 2929.14, or another section of the Revised Code other 11051
than divisions (B) and (C) of section 2929.14 of the Revised 11052
Code that authorizes or requires a specified prison term or a 11053
mandatory prison term for a person who is convicted of or pleads 11054
guilty to a felony or that specifies the manner and place of 11055
service of a prison term or term of imprisonment, if a person is 11056
convicted of or pleads guilty to an offense described in 11057
division (B) (3) (a), (b), (c), or (d) of this section committed 11058
on or after January 1, 2008, if the person also is convicted of 11059
or pleads guilty to a sexual motivation specification that was 11060
included in the indictment, count in the indictment, or 11061
information charging that offense, and if division (A) of this 11062

section does not apply regarding the person, the court shall 11063
impose upon the person an indefinite prison term consisting of 11064
one of the following: 11065

(a) An indefinite prison term consisting of a minimum of 11066
ten years and a maximum term of life imprisonment if the offense 11067
for which the sentence is being imposed is kidnapping, the 11068
victim of the offense is less than thirteen years of age, and 11069
the offender released the victim in a safe place unharmed; 11070

(b) An indefinite prison term consisting of a minimum of 11071
fifteen years and a maximum term of life imprisonment if the 11072
offense for which the sentence is being imposed is kidnapping 11073
when the victim of the offense is less than thirteen years of 11074
age and division (B) (3) (a) of this section does not apply; 11075

(c) An indefinite term consisting of a minimum of thirty 11076
years and a maximum term of life imprisonment if the offense for 11077
which the sentence is being imposed is aggravated murder, when 11078
the victim of the offense is less than thirteen years of age, a 11079
sentence of death or life imprisonment without parole is not 11080
imposed for the offense, and division (A) (2) (b) (ii) of section 11081
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 11082
(2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or 11083
division (A) or (B) of section 2929.06 of the Revised Code 11084
requires that the sentence for the offense be imposed pursuant 11085
to this division; 11086

(d) An indefinite prison term consisting of a minimum of 11087
thirty years and a maximum term of life imprisonment if the 11088
offense for which the sentence is being imposed is murder when 11089
the victim of the offense is less than thirteen years of age. 11090

(C) (1) If the offender is sentenced to a prison term 11091

pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the parole board shall have control over the offender's service of the term during the entire term unless the parole board terminates its control in accordance with section 2971.04 of the Revised Code.

(2) Except as provided in division (C) (3) of this section, an offender sentenced to a prison term or term of life imprisonment without parole pursuant to division (A) of this section shall serve the entire prison term or term of life imprisonment in a state correctional institution. The offender is not eligible for judicial release under section 2929.20 of the Revised Code.

(3) For a prison term imposed pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the court, in accordance with section 2971.05 of the Revised Code, may terminate the prison term or modify the requirement that the offender serve the entire term in a state correctional institution if all of the following apply:

(a) The offender has served at least the minimum term imposed as part of that prison term.

(b) The parole board, pursuant to section 2971.04 of the Revised Code, has terminated its control over the offender's service of that prison term.

(c) The court has held a hearing and found, by clear and convincing evidence, one of the following:

(i) In the case of termination of the prison term, that the offender is unlikely to commit a sexually violent offense in

the future; 11121

(ii) In the case of modification of the requirement, that 11122
the offender does not represent a substantial risk of physical 11123
harm to others. 11124

(4) An offender who has been sentenced to a term of life 11125
imprisonment without parole pursuant to division (A)(1), (2), or 11126
(4) of this section shall not be released from the term of life 11127
imprisonment or be permitted to serve a portion of it in a place 11128
other than a state correctional institution. 11129

(D) If a court sentences an offender to a prison term or 11130
term of life imprisonment without parole pursuant to division 11131
(A) of this section and the court also imposes on the offender 11132
one or more additional prison terms pursuant to division (B) of 11133
section 2929.14 of the Revised Code, all of the additional 11134
prison terms shall be served consecutively with, and prior to, 11135
the prison term or term of life imprisonment without parole 11136
imposed upon the offender pursuant to division (A) of this 11137
section. 11138

(E) If the offender is convicted of or pleads guilty to 11139
two or more offenses for which a prison term or term of life 11140
imprisonment without parole is required to be imposed pursuant 11141
to division (A) of this section, divisions (A) to (D) of this 11142
section shall be applied for each offense. All minimum terms 11143
imposed upon the offender pursuant to division (A)(3) or (B) of 11144
this section for those offenses shall be aggregated and served 11145
consecutively, as if they were a single minimum term imposed 11146
under that division. 11147

(F)(1) If an offender is convicted of or pleads guilty to 11148
a violent sex offense and also is convicted of or pleads guilty 11149

to a sexually violent predator specification that was included 11150
in the indictment, count in the indictment, or information 11151
charging that offense, or is convicted of or pleads guilty to a 11152
designated homicide, assault, or kidnapping offense and also is 11153
convicted of or pleads guilty to both a sexual motivation 11154
specification and a sexually violent predator specification that 11155
were included in the indictment, count in the indictment, or 11156
information charging that offense, the conviction of or plea of 11157
guilty to the offense and the sexually violent predator 11158
specification automatically classifies the offender as a tier 11159
III sex offender/child-victim offender for purposes of Chapter 11160
2950. of the Revised Code. 11161

(2) If an offender is convicted of or pleads guilty to 11162
committing on or after January 2, 2007, a violation of division 11163
(A) (1) (b) of section 2907.02 of the Revised Code and either the 11164
offender is sentenced under section 2971.03 of the Revised Code 11165
or a sentence of life without parole is imposed under division 11166
(B) of section 2907.02 of the Revised Code, the conviction of or 11167
plea of guilty to the offense automatically classifies the 11168
offender as a tier III sex offender/child-victim offender for 11169
purposes of Chapter 2950. of the Revised Code. 11170

(3) If a person is convicted of or pleads guilty to 11171
committing on or after January 2, 2007, attempted rape and also 11172
is convicted of or pleads guilty to a specification of the type 11173
described in section 2941.1418, 2941.1419, or 2941.1420 of the 11174
Revised Code, the conviction of or plea of guilty to the offense 11175
and the specification automatically classify the offender as a 11176
tier III sex offender/child-victim offender for purposes of 11177
Chapter 2950. of the Revised Code. 11178

(4) If a person is convicted of or pleads guilty to one of 11179

the offenses described in division (B) (3) (a), (b), (c), or (d) 11180
of this section and a sexual motivation specification related to 11181
the offense and the victim of the offense is less than thirteen 11182
years of age, the conviction of or plea of guilty to the offense 11183
automatically classifies the offender as a tier III sex 11184
offender/child-victim offender for purposes of Chapter 2950. of 11185
the Revised Code. 11186

Sec. 3719.99. (A) Whoever violates section 3719.16 or 11187
3719.161 of the Revised Code is guilty of a felony of the fifth 11188
degree. If the offender previously has been convicted of a 11189
violation of section 3719.16 or 3719.161 of the Revised Code or 11190
a drug abuse offense, a violation of section 3719.16 or 3719.161 11191
of the Revised Code is a felony of the fourth degree. If the 11192
violation involves the sale, offer to sell, or possession of a 11193
schedule I or II controlled substance, with the exception of 11194
marihuana, and if the offender, as a result of the violation, is 11195
a major drug offender, division (D) of this section applies. 11196

(B) Whoever violates division (C) or (D) of section 11197
3719.172 of the Revised Code is guilty of a felony of the fifth 11198
degree. If the offender previously has been convicted of a 11199
violation of division (C) or (D) of section 3719.172 of the 11200
Revised Code or a drug abuse offense, a violation of division 11201
(C) or (D) of section 3719.172 of the Revised Code is a felony 11202
of the fourth degree. If the violation involves the sale, offer 11203
to sell, or possession of a schedule I or II controlled 11204
substance, with the exception of marihuana, and if the offender, 11205
as a result of the violation, is a major drug offender, division 11206
(D) of this section applies. 11207

(C) Whoever violates section 3719.07 or 3719.08 of the 11208
Revised Code is guilty of a misdemeanor of the first degree. If 11209

the offender previously has been convicted of a violation of 11210
section 3719.07 or 3719.08 of the Revised Code or a drug abuse 11211
offense, a violation of section 3719.07 or 3719.08 of the 11212
Revised Code is a felony of the fifth degree. If the violation 11213
involves the sale, offer to sell, or possession of a schedule I 11214
or II controlled substance, with the exception of marihuana, and 11215
if the offender, as a result of the violation, is a major drug 11216
offender, division (D) of this section applies. 11217

(D) (1) If an offender is convicted of or pleads guilty to 11218
a felony violation of section 3719.07, 3719.08, 3719.16, or 11219
3719.161 or of division (C) or (D) of section 3719.172 of the 11220
Revised Code, if the violation involves the sale, offer to sell, 11221
or possession of a schedule I or II controlled substance, with 11222
the exception of marihuana, and if the court imposing sentence 11223
upon the offender finds that the offender as a result of the 11224
violation is a major drug offender and is guilty of a 11225
specification of the type described in section 2941.1410 of the 11226
Revised Code, the court, in lieu of the prison term authorized 11227
or required by division (A), (B), or (C) of this section and 11228
sections 2929.13 and 2929.14 of the Revised Code and in addition 11229
to any other sanction imposed for the offense under sections 11230
2929.11 to 2929.18 of the Revised Code, shall impose upon the 11231
offender, in accordance with division (B) (3) ~~(a)~~ of section 11232
2929.14 of the Revised Code, the mandatory prison term specified 11233
in that division ~~and may impose an additional prison term under~~ 11234
~~division (B) (3) (b) of that section.~~ 11235

(2) Notwithstanding any contrary provision of section 11236
3719.21 of the Revised Code, the clerk of the court shall pay 11237
any fine imposed for a felony violation of section 3719.07, 11238
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 11239
section 3719.172 of the Revised Code pursuant to division (A) of 11240

section 2929.18 of the Revised Code in accordance with and 11241
subject to the requirements of division (F) of section 2925.03 11242
of the Revised Code. The agency that receives the fine shall use 11243
the fine as specified in division (F) of section 2925.03 of the 11244
Revised Code. 11245

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 11246
3719.31 or division (B) of section 3719.172 of the Revised Code 11247
is guilty of a misdemeanor of the third degree. If the offender 11248
previously has been convicted of a violation of section 3719.05, 11249
3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 11250
of the Revised Code or a drug abuse offense, a violation of 11251
section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of 11252
section 3719.172 of the Revised Code is a misdemeanor of the 11253
first degree. 11254

(F) Whoever violates section 3719.30 of the Revised Code 11255
is guilty of a misdemeanor of the fourth degree. If the offender 11256
previously has been convicted of a violation of section 3719.30 11257
of the Revised Code or a drug abuse offense, a violation of 11258
section 3719.30 of the Revised Code is a misdemeanor of the 11259
third degree. 11260

(G) Whoever violates section 3719.32 or 3719.33 of the 11261
Revised Code is guilty of a minor misdemeanor. 11262

(H) Whoever violates division (K) (2) (b) of section 3719.44 11263
of the Revised Code is guilty of a felony of the fifth degree. 11264

(I) Whoever violates division (K) (2) (c) of section 3719.44 11265
of the Revised Code is guilty of a misdemeanor of the second 11266
degree. 11267

(J) As used in this section, "major drug offender" has the 11268
same meaning as in section 2929.01 of the Revised Code. 11269

Sec. 5120.53. (A) If a treaty between the United States 11270
and a foreign country provides for the transfer or exchange, 11271
from one of the signatory countries to the other signatory 11272
country, of convicted offenders who are citizens or nationals of 11273
the other signatory country, the governor, subject to and in 11274
accordance with the terms of the treaty, may authorize the 11275
director of rehabilitation and correction to allow the transfer 11276
or exchange of convicted offenders and to take any action 11277
necessary to initiate participation in the treaty. If the 11278
governor grants the director the authority described in this 11279
division, the director may take the necessary action to initiate 11280
participation in the treaty and, subject to and in accordance 11281
with division (B) of this section and the terms of the treaty, 11282
may allow the transfer or exchange to a foreign country that has 11283
signed the treaty of any convicted offender who is a citizen or 11284
national of that signatory country. 11285

(B) (1) No convicted offender who is serving a term of 11286
imprisonment in this state for aggravated murder, murder, or a 11287
felony of the first or second degree, who is serving a mandatory 11288
prison term imposed under section 2925.03 or 2925.11 of the 11289
Revised Code in circumstances in which the court was required to 11290
impose as the mandatory prison term the maximum definite prison 11291
term or longest minimum prison term authorized for the degree of 11292
offense committed, who is serving a term of imprisonment in this 11293
state imposed for an offense committed prior to ~~the effective~~ 11294
~~date of this amendment~~ July 1, 1996, that was an aggravated 11295
felony of the first or second degree or that was aggravated 11296
trafficking in violation of division (A) (9) or (10) of section 11297
2925.03 of the Revised Code, or who has been sentenced to death 11298
in this state shall be transferred or exchanged to another 11299
country pursuant to a treaty of the type described in division 11300

(A) of this section. 11301

(2) If a convicted offender is serving a term of 11302
imprisonment in this state and the offender is a citizen or 11303
national of a foreign country that has signed a treaty of the 11304
type described in division (A) of this section, if the governor 11305
has granted the director of rehabilitation and correction the 11306
authority described in that division, and if the transfer or 11307
exchange of the offender is not barred by division (B) (1) of 11308
this section, the director or the director's designee may 11309
approve the offender for transfer or exchange pursuant to the 11310
treaty if the director or the designee, after consideration of 11311
the factors set forth in the rules adopted by the department 11312
under division (D) of this section and all other relevant 11313
factors, determines that the transfer or exchange of the 11314
offender is appropriate. 11315

(C) Notwithstanding any provision of the Revised Code 11316
regarding the parole eligibility of, or the duration or 11317
calculation of a sentence of imprisonment imposed upon, an 11318
offender, if a convicted offender is serving a term of 11319
imprisonment in this state and the offender is a citizen or 11320
national of a foreign country that has signed a treaty of the 11321
type described in division (A) of this section, if the offender 11322
is serving an indefinite term of imprisonment, if the offender 11323
is barred from being transferred or exchanged pursuant to the 11324
treaty due to the indefinite nature of the offender's term of 11325
imprisonment, and if in accordance with division (B) (2) of this 11326
section the director of rehabilitation and correction or the 11327
director's designee approves the offender for transfer or 11328
exchange pursuant to the treaty, the parole board, pursuant to 11329
rules adopted by the director, shall set a date certain for the 11330
release of the offender. To the extent possible, the date 11331

certain that is set shall be reasonably proportionate to the 11332
indefinite term of imprisonment that the offender is serving. 11333
The date certain that is set for the release of the offender 11334
shall be considered only for purposes of facilitating the 11335
international transfer or exchange of the offender, shall not be 11336
viable or actionable for any other purpose, and shall not create 11337
any expectation or guarantee of release. If an offender for whom 11338
a date certain for release is set under this division is not 11339
transferred to or exchanged with the foreign country pursuant to 11340
the treaty, the date certain is null and void, and the 11341
offender's release shall be determined pursuant to the laws and 11342
rules of this state pertaining to parole eligibility and the 11343
duration and calculation of an indefinite sentence of 11344
imprisonment. 11345

(D) If the governor, pursuant to division (A) of this 11346
section, authorizes the director of rehabilitation and 11347
correction to allow any transfer or exchange of convicted 11348
offenders as described in that division, the director shall 11349
adopt rules under Chapter 119. of the Revised Code to implement 11350
the provisions of this section. The rules shall include a rule 11351
that requires the director or the director's designee, in 11352
determining whether to approve a convicted offender who is 11353
serving a term of imprisonment in this state for transfer or 11354
exchange pursuant to a treaty of the type described in division 11355
(A) of this section, to consider all of the following factors: 11356

(1) The nature of the offense for which the offender is 11357
serving the term of imprisonment in this state; 11358

(2) The likelihood that, if the offender is transferred or 11359
exchanged to a foreign country pursuant to the treaty, the 11360
offender will serve a shorter period of time in imprisonment in 11361

the foreign country than the offender would serve if the 11362
offender is not transferred or exchanged to the foreign country 11363
pursuant to the treaty; 11364

(3) The likelihood that, if the offender is transferred or 11365
exchanged to a foreign country pursuant to the treaty, the 11366
offender will return or attempt to return to this state after 11367
the offender has been released from imprisonment in the foreign 11368
country; 11369

(4) The degree of any shock to the conscience of justice 11370
and society that will be experienced in this state if the 11371
offender is transferred or exchanged to a foreign country 11372
pursuant to the treaty; 11373

(5) All other factors that the department determines are 11374
relevant to the determination. 11375

Sec. 5120.66. (A) Within ninety days after November 23, 11376
2005, but not before January 1, 2006, the department of 11377
rehabilitation and correction shall establish and operate on the 11378
internet a database that contains all of the following: 11379

(1) For each inmate in the custody of the department under 11380
a sentence imposed for a conviction of or plea of guilty to any 11381
offense, all of the following information: 11382

(a) The inmate's name; 11383

(b) For each offense for which the inmate was sentenced to 11384
a prison term or term of imprisonment and is in the department's 11385
custody, the name of the offense, the Revised Code section of 11386
which the offense is a violation, the gender of each victim of 11387
the offense if those facts are known, whether each victim of the 11388
offense was an adult or child if those facts are known, whether 11389
any victim of the offense was a law enforcement officer if that 11390

fact is known, the range of the possible prison terms or term of imprisonment that could have been imposed for the offense, the actual prison term or term of imprisonment imposed for the offense, the county in which the offense was committed, the date on which the inmate began serving the prison term or term of imprisonment imposed for the offense, and ~~either the~~ whichever of the following is applicable:

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

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

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

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

(i) If known to the department prior to the conduct of any hearing for judicial release of the defendant pursuant to section 2929.20 of the Revised Code in relation to any prison term or term of imprisonment the inmate is serving for any offense or any hearing for release of the defendant pursuant to section 2967.19 of the Revised Code in relation to any such term, notice of the fact that the inmate will be having a hearing regarding a possible grant of judicial release or release, the date of the hearing, and the right of any person pursuant to division (J) of section 2929.20 or division (H) of

section 2967.19 of the Revised Code, whichever is applicable, to 11420
submit to the court a written statement regarding the possible 11421
judicial release or release. The department also shall post 11422
notice of the submission to a sentencing court of any 11423
recommendation for early release of the inmate pursuant to 11424
section 2967.19 of the Revised Code, as required by division (E) 11425
of that section. 11426

(ii) If the inmate is serving a prison term pursuant to 11427
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 11428
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 11429
Code, prior to the conduct of any hearing pursuant to section 11430
2971.05 of the Revised Code to determine whether to modify the 11431
requirement that the inmate serve the entire prison term in a 11432
state correctional facility in accordance with division (C) of 11433
that section, whether to continue, revise, or revoke any 11434
existing modification of that requirement, or whether to 11435
terminate the prison term in accordance with division (D) of 11436
that section, notice of the fact that the inmate will be having 11437
a hearing regarding those determinations and the date of the 11438
hearing; 11439

(iii) At least sixty days before the adult parole 11440
authority recommends a pardon or commutation of sentence for the 11441
inmate ~~or~~, at least sixty days prior to a hearing before the 11442
adult parole authority regarding a grant of parole to the inmate 11443
in relation to any prison term or term of imprisonment the 11444
inmate is serving for any offense, or at least sixty days prior 11445
to a hearing before the department regarding a determination of 11446
whether the inmate must be released under division (C) or (D) (2) 11447
of section 2967.271 of the Revised Code if the inmate is serving 11448
a non-life felony indefinite prison term, notice of the fact 11449
that the inmate might be under consideration for a pardon or 11450

commutation of sentence or will be having a hearing regarding a 11451
possible grant of parole or release, the date of any hearing 11452
regarding a possible grant of parole or release, and the right 11453
of any person to submit a written statement regarding the 11454
pending action; 11455

(iv) At least sixty days before the inmate is transferred 11456
to transitional control under section 2967.26 of the Revised 11457
Code in relation to any prison term or term of imprisonment the 11458
inmate is serving for any offense, notice of the pendency of the 11459
transfer, the date of the possible transfer, and the right of 11460
any person to submit a statement regarding the possible 11461
transfer; 11462

(v) Prompt notice of the inmate's escape from any facility 11463
in which the inmate was incarcerated and of the capture of the 11464
inmate after an escape; 11465

(vi) Notice of the inmate's death while in confinement; 11466

(vii) Prior to the release of the inmate from confinement, 11467
notice of the fact that the inmate will be released, of the date 11468
of the release, and, if applicable, of the standard terms and 11469
conditions of the release; 11470

(viii) Notice of the inmate's judicial release pursuant to 11471
section 2929.20 of the Revised Code or release pursuant to 11472
section 2967.19 of the Revised Code. 11473

(2) Information as to where a person can send written 11474
statements of the types referred to in divisions (A) (1) (c) (i), 11475
(iii), and (iv) of this section. 11476

(B) (1) The department shall update the database required 11477
under division (A) of this section every twenty-four hours to 11478
ensure that the information it contains is accurate and current. 11479

(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.

Section 2. That existing sections 109.42, 121.22, 149.43, 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, 11509
2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 11510
2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 11511
2967.03, 2967.13, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 11512
2971.03, 3719.99, 5120.53, and 5120.66 of the Revised Code are 11513
hereby repealed. 11514

Section 3. The General Assembly, applying the principle 11515
stated in division (B) of section 1.52 of the Revised Code that 11516
amendments are to be harmonized if reasonably capable of 11517
simultaneous operation, finds that the following sections, 11518
presented in this act as composites of the sections as amended 11519
by the acts indicated, are the resulting versions of the 11520
sections in effect prior to the effective date of the sections 11521
as presented in this act: 11522

Section 121.22 of the Revised Code as amended by both Sub. 11523
H.B. 158 and Sub. H.B. 413 of the 131st General Assembly. 11524

Section 2903.06 of the Revised Code as amended by both 11525
Sub. H.B. 300 and Sub. H.B. 388 of the 131st General Assembly. 11526

Section 2925.03 of the Revised Code as amended by Am. Sub. 11527
H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 131st General 11528
Assembly. 11529

Section 2925.11 of the Revised Code as amended by Sub. 11530
H.B. 110, H.B. 171, and Sub. S.B. 204, all of the 131st General 11531
Assembly. 11532

Section 2929.19 of the Revised Code as amended by both Am. 11533
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General 11534
Assembly. 11535

Section 2953.08 of the Revised Code as amended by Sub. 11536
H.B. 247, Am. Sub. S.B. 160, and Am. Sub. S.B. 337, all of the 11537

129th General Assembly.	11538
Section 2967.03 of the Revised Code as amended by Am. Sub.	11539
H.B. 487, Am. Sub. S.B. 160, and Am. Sub. S.B. 337, all of the	11540
129th General Assembly.	11541
Section 2967.191 of the Revised Code as amended by both	11542
Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General	11543
Assembly.	11544
Section 5120.66 of the Revised Code as amended by both Am.	11545
Sub. H.B. 487 and Am. Sub. S.B. 160 of the 129th General	11546
Assembly.	11547