

As Introduced

134th General Assembly

Regular Session

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H. B. No. 166

Representatives Boggs, Carfagna

Cosponsors: Representatives Russo, Leland, Brown, Ghanbari, O'Brien, Sweeney, Seitz, Weinstein, Lightbody, Gross, Smith, K., Young, T., Liston, Plummer, Miranda, Galonski, Crossman, Crawley, Miller, J., Sheehy

A BILL

To amend sections 181.21, 2152.13, 2152.14, 1
2901.011, 2929.01, 2929.14, 2929.144, 2929.19, 2
2929.20, 2930.16, 2945.37, 2945.401, 2949.08, 3
2951.03, 2953.07, 2953.08, 2967.14, 2967.191, 4
2967.193, 2967.271, 5120.021, 5120.038, 5
5120.113, 5120.66, and 5149.04 and to enact 6
section 181.26 of the Revised Code to modify the 7
Criminal Sentencing Law with respect to non-life 8
felony indefinite sentencing, to modify the 9
process for felony appeals as a matter of right, 10
to modify the Corrections Law regarding a 11
Department of Rehabilitation and Correction 12
reentry program for certain offenders, maximum 13
workload and caseload standards for parole and 14
field officers, GPS monitoring of offenders 15
released from prison, and entry into LEADS of 16
specified information about GPS-monitored 17
offenders, and to require the Ohio Criminal 18
Sentencing Commission to appoint an Offender 19
Supervision Study Committee. 20

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

Section 1. That sections 181.21, 2152.13, 2152.14, 21
2901.011, 2929.01, 2929.14, 2929.144, 2929.19, 2929.20, 2930.16, 22
2945.37, 2945.401, 2949.08, 2951.03, 2953.07, 2953.08, 2967.14, 23
2967.191, 2967.193, 2967.271, 5120.021, 5120.038, 5120.113, 24
5120.66, and 5149.04 be amended and section 181.26 of the 25
Revised Code be enacted to read as follows: 26

Sec. 181.21. (A) There is hereby created within the 27
supreme court the state criminal sentencing commission, 28
consisting of thirty-one members. One member shall be the chief 29
justice of the supreme court, who shall be the chairperson of 30
the commission. The following ten members of the commission, no 31
more than six of whom shall be members of the same political 32
party, shall be appointed by the chief justice: one judge of a 33
court of appeals, three judges of courts of common pleas who are 34
not juvenile court judges, three judges of juvenile courts, and 35
three judges of municipal courts or county courts. Four members 36
shall be the superintendent of the state highway patrol, the 37
state public defender, the director of youth services, and the 38
director of rehabilitation and correction, or their individual 39
designees. The following twelve members, no more than seven of 40
whom shall be members of the same political party, shall be 41
appointed by the governor after consulting with the appropriate 42
state associations, if any, that are represented by these 43
members: one sheriff; two county prosecuting attorneys, at least 44
one of whom shall be experienced in the prosecution of cases in 45
juvenile court involving alleged delinquent children, unruly 46
children, and juvenile traffic offenders; two peace officers of 47
a municipal corporation or township, at least one of whom shall 48

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

The chief justice shall become a member of the commission 65
on August 22, 1990, and the chief justice's successors in office 66
shall become members of the commission on the day that they 67
assume the office of chief justice. The term of office of the 68
chief justice as a member of the commission shall continue for 69
as long as that person holds the office of chief justice. The 70
term of office of the member who is an attorney whose practice 71
of law primarily involves the representation of criminal 72
defendants, the term of office of the member who is an attorney 73
whose practice of law primarily involves the representation in 74
juvenile court of alleged delinquent children, unruly children, 75
and juvenile traffic offenders, and the term of office of the 76
former victim of a violation of Title XXIX of the Revised Code 77
shall be four years. The term of office of the superintendent of 78
the state highway patrol, the state public defender, the 79

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

When the chief justice and governor make their 98
appointments to the commission, they shall consider adequate 99
representation by race and gender. 100

(B) The commission shall select a vice-chairperson and any 101
other necessary officers and adopt rules to govern its 102
proceedings. The commission shall meet as necessary at the call 103
of the chairperson or on the written request of eight or more of 104
its members. Sixteen members of the commission constitute a 105
quorum, and the votes of a majority of the quorum present shall 106
be required to validate any action of the commission. All 107
business of the commission shall be conducted in public 108
meetings. 109

The members of the commission shall serve without 110
compensation, but each member shall be reimbursed for the 111
member's actual and necessary expenses incurred in the 112
performance of the member's official duties on the commission. 113
In the absence of the chairperson, the vice-chairperson shall 114
perform the duties of the chairperson. 115

(C) The commission shall establish an office and shall 116
appoint and fix the compensation of a project director and any 117
other employees necessary to assist the commission in the 118
execution of its authority under sections 181.21 to ~~181.25-~~ 119
181.26 of the Revised Code. The project director shall have a 120
thorough understanding of the criminal laws of this state and 121
experience in committee-oriented research. The other employees 122
may include a research coordinator with experience and training 123
in policy-oriented research; professional staff employees with 124
backgrounds in criminal law, criminal justice, political 125
science, or related fields of expertise; administrative 126
assistants; and secretaries. The commission also may appoint and 127
fix the compensation of part-time data collectors, clerical 128
employees, and other temporary employees as needed to enable the 129
commission to execute its authority under sections 181.21 to 130
~~181.25-181.26~~ of the Revised Code. 131

(D) (1) The sentencing commission shall establish an ad 132
hoc, standing offender supervision study committee. The 133
committee shall consist of one member who is a person appointed 134
by the governor and the following twelve members appointed by 135
the commission: one active parole line officer who is a member 136
of the exclusive representative, as defined in section 4117.01 137
of the Revised Code, with which the state has entered into a 138
collective bargaining agreement that is in effect at the time of 139
the appointment and who has been recommended by the exclusive 140

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

The members of the committee who are not members of the 164
commission shall serve without compensation, but each such 165
member shall be reimbursed for the member's actual and necessary 166
expenses incurred in the performance of the member's official 167
duties on the commission. Section 181.21 of the Revised Code 168
applies to the members of the committee who are members of the 169
commission. 170

(2) The offender supervision study committee shall study 171

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

The commission shall comply with division (D) of section 181
181.26 of the Revised Code with respect to the reports submitted 182
to it under this division. 183

(3) The sentencing commission may appoint persons who are 184
experts in issues related to the supervision of offenders to 185
assist the committee in the performance of its duties under 186
division (D) (2) of this section. No person appointed in a 187
capacity under this division may vote on any action of the 188
committee, including the content of any report or recommendation 189
to the commission. 190

Sec. 181.26. (A) In addition to its duties set forth in 191
sections 181.23 to 181.25 and 181.27 of the Revised Code, the 192
state criminal sentencing commission shall review all reports 193
submitted to it by the offender supervision study committee 194
under division (D) (2) of section 181.21 of the Revised Code and, 195
for each report so received, not later than ninety days after 196
receiving the report, shall submit a report to the general 197
assembly that contains the commission's recommendations 198
regarding possible changes in the law based on the findings of 199
the committee that are set forth in the report. In preparing its 200
report to the general assembly, the commission shall consider 201

all findings and recommendations of the committee contained in 202
the report the committee submitted to the commission, and the 203
commission's report to the general assembly may be, but is not 204
required to be, the same as the report of the committee 205
submitted to the commission. 206

(B) The state criminal sentencing commission, within 207
ninety days after the effective date of this section, pursuant 208
to section 181.23 of the Revised Code, shall study the impact of 209
sections relevant to the Reagan Tokes Law, including those 210
listed in section 2901.011 of the Revised Code as constituting 211
the Reagan Tokes Law. The commission shall submit a report to 212
the general assembly and the governor that contains the results 213
of the study and recommendations on the thirty-first day of 214
December in every even-numbered year beginning on December 31, 215
2022. 216

Sec. 2152.13. (A) A juvenile court shall impose a serious 217
youthful dispositional sentence on a child when required under 218
division (B) (3) of section 2152.121 of the Revised Code. In such 219
a case, the remaining provisions of this division and divisions 220
(B) and (C) do not apply to the child, and the court shall 221
impose the mandatory serious youthful dispositional sentence 222
under division (D) (1) of this section. 223

In all other cases, a juvenile court may impose a serious 224
youthful offender dispositional sentence on a child only if the 225
prosecuting attorney of the county in which the delinquent act 226
allegedly occurred initiates the process against the child in 227
accordance with this division, and the child is an alleged 228
delinquent child who is eligible for the dispositional sentence. 229
The prosecuting attorney may initiate the process in any of the 230
following ways: 231

(1) Obtaining an indictment of the child as a serious youthful offender;	232 233
(2) The child waives the right to indictment, charging the child in a bill of information as a serious youthful offender;	234 235
(3) Until an indictment or information is obtained, requesting a serious youthful offender dispositional sentence in the original complaint alleging that the child is a delinquent child;	236 237 238 239
(4) Until an indictment or information is obtained, if the original complaint does not request a serious youthful offender dispositional sentence, filing with the juvenile court a written notice of intent to seek a serious youthful offender dispositional sentence within twenty days after the later of the following, unless the time is extended by the juvenile court for good cause shown:	240 241 242 243 244 245 246
(a) The date of the child's first juvenile court hearing regarding the complaint;	247 248
(b) The date the juvenile court determines not to transfer the case under section 2152.12 of the Revised Code.	249 250
After a written notice is filed under division (A) (4) of this section, the juvenile court shall serve a copy of the notice on the child and advise the child of the prosecuting attorney's intent to seek a serious youthful offender dispositional sentence in the case.	251 252 253 254 255
(B) If an alleged delinquent child is not indicted or charged by information as described in division (A) (1) or (2) of this section and if a notice or complaint as described in division (A) (3) or (4) of this section indicates that the prosecuting attorney intends to pursue a serious youthful	256 257 258 259 260

offender dispositional sentence in the case, the juvenile court 261
shall hold a preliminary hearing to determine if there is 262
probable cause that the child committed the act charged and is 263
by age eligible for, or required to receive, a serious youthful 264
offender dispositional sentence. 265

(C) (1) A child for whom a serious youthful offender 266
dispositional sentence is sought by a prosecuting attorney has 267
the right to a grand jury determination of probable cause that 268
the child committed the act charged and that the child is 269
eligible by age for a serious youthful offender dispositional 270
sentence. The grand jury may be impaneled by the court of common 271
pleas or the juvenile court. 272

Once a child is indicted, or charged by information or the 273
juvenile court determines that the child is eligible for a 274
serious youthful offender dispositional sentence, the child is 275
entitled to an open and speedy trial by jury in juvenile court 276
and to be provided with a transcript of the proceedings. The 277
time within which the trial is to be held under Title XXIX of 278
the Revised Code commences on whichever of the following dates 279
is applicable: 280

(a) If the child is indicted or charged by information, on 281
the date of the filing of the indictment or information. 282

(b) If the child is charged by an original complaint that 283
requests a serious youthful offender dispositional sentence, on 284
the date of the filing of the complaint. 285

(c) If the child is not charged by an original complaint 286
that requests a serious youthful offender dispositional 287
sentence, on the date that the prosecuting attorney files the 288
written notice of intent to seek a serious youthful offender 289

dispositional sentence.	290
(2) If the child is detained awaiting adjudication, upon indictment or being charged by information, the child has the same right to bail as an adult charged with the offense the alleged delinquent act would be if committed by an adult. Except as provided in division (D) of section 2152.14 of the Revised Code, all provisions of Title XXIX of the Revised Code and the Criminal Rules shall apply in the case and to the child. The juvenile court shall afford the child all rights afforded a person who is prosecuted for committing a crime including the right to counsel and the right to raise the issue of competency. The child may not waive the right to counsel.	291 292 293 294 295 296 297 298 299 300 301
(D) (1) If a child is adjudicated a delinquent child for committing an act under circumstances that require the juvenile court to impose upon the child a serious youthful offender dispositional sentence under section 2152.11 of the Revised Code, all of the following apply:	302 303 304 305 306
(a) The juvenile court shall impose upon the child a sentence available for the violation, as if the child were an adult, under Chapter 2929. of the Revised Code, except that the juvenile court shall not impose on the child a sentence of death or life imprisonment without parole.	307 308 309 310 311
(b) The juvenile court also shall impose upon the child one or more traditional juvenile dispositions under sections 2152.16, 2152.19, and 2152.20, and, if applicable, section 2152.17 of the Revised Code.	312 313 314 315
(c) The juvenile court shall stay the adult portion of the serious youthful offender dispositional sentence pending the successful completion of the traditional juvenile dispositions	316 317 318

imposed. 319

(2) (a) If a child is adjudicated a delinquent child for 320
committing an act under circumstances that allow, but do not 321
require, the juvenile court to impose on the child a serious 322
youthful offender dispositional sentence under section 2152.11 323
of the Revised Code, all of the following apply: 324

(i) If the juvenile court on the record makes a finding 325
that, given the nature and circumstances of the violation and 326
the history of the child, the length of time, level of security, 327
and types of programming and resources available in the juvenile 328
system alone are not adequate to provide the juvenile court with 329
a reasonable expectation that the purposes set forth in section 330
2152.01 of the Revised Code will be met, the juvenile court may 331
impose upon the child a sentence available for the violation, as 332
if the child were an adult, under Chapter 2929. of the Revised 333
Code, except that the juvenile court shall not impose on the 334
child a sentence of death or life imprisonment without parole. 335

(ii) If a sentence is imposed under division (D) (2) (a) (i) 336
of this section, the juvenile court also shall impose upon the 337
child one or more traditional juvenile dispositions under 338
sections 2152.16, 2152.19, and 2152.20 and, if applicable, 339
section 2152.17 of the Revised Code. 340

(iii) The juvenile court shall stay the adult portion of 341
the serious youthful offender dispositional sentence pending the 342
successful completion of the traditional juvenile dispositions 343
imposed. 344

(b) If the juvenile court does not find that a sentence 345
should be imposed under division (D) (2) (a) (i) of this section, 346
the juvenile court may impose one or more traditional juvenile 347

dispositions under sections 2152.16, 2152.19, 2152.20, and, if 348
applicable, section 2152.17 of the Revised Code. 349

(3) A child upon whom a serious youthful offender 350
dispositional sentence is imposed under division (D) (1) or (2) 351
of this section has a right to appeal under division ~~(A) (1)~~ (B) 352
(1), (3), (4), or (5) of section 2953.08 of the Revised Code the 353
adult portion of the serious youthful offender dispositional 354
sentence when any of those divisions apply. The child may appeal 355
the adult portion, and the court shall consider the appeal as if 356
the adult portion were not stayed. 357

Sec. 2152.14. (A) (1) The director of youth services may 358
request the prosecuting attorney of the county in which is 359
located the juvenile court that imposed a serious youthful 360
offender dispositional sentence upon a person under section 361
2152.121 or 2152.13 of the Revised Code to file a motion with 362
that juvenile court to invoke the adult portion of the 363
dispositional sentence if all of the following apply to the 364
person: 365

(a) The person is at least fourteen years of age. 366

(b) The person is in the institutional custody, or an 367
escapee from the custody, of the department of youth services. 368

(c) The person is serving the juvenile portion of the 369
serious youthful offender dispositional sentence. 370

(2) The motion shall state that there is reasonable cause 371
to believe that either of the following misconduct has occurred 372
and shall state that at least one incident of misconduct of that 373
nature occurred after the person reached fourteen years of age: 374

(a) The person committed an act that is a violation of the 375
rules of the institution and that could be charged as any felony 376

or as a first degree misdemeanor offense of violence if 377
committed by an adult. 378

(b) The person has engaged in conduct that creates a 379
substantial risk to the safety or security of the institution, 380
the community, or the victim. 381

(B) If a person is at least fourteen years of age, is 382
serving the juvenile portion of a serious youthful offender 383
dispositional sentence imposed under section 2152.121 or 2152.13 384
of the Revised Code, and is on parole or aftercare from a 385
department of youth services facility, or on community control, 386
the director of youth services, the juvenile court that imposed 387
the serious youthful offender dispositional sentence on the 388
person, or the probation department supervising the person may 389
request the prosecuting attorney of the county in which is 390
located the juvenile court to file a motion with the juvenile 391
court to invoke the adult portion of the dispositional sentence. 392
The prosecuting attorney may file a motion to invoke the adult 393
portion of the dispositional sentence even if no request is 394
made. The motion shall state that there is reasonable cause to 395
believe that either of the following occurred and shall state 396
that at least one incident of misconduct of that nature occurred 397
after the person reached fourteen years of age: 398

(1) The person committed an act that is a violation of the 399
conditions of supervision and that could be charged as any 400
felony or as a first degree misdemeanor offense of violence if 401
committed by an adult. 402

(2) The person has engaged in conduct that creates a 403
substantial risk to the safety or security of the community or 404
of the victim. 405

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

(D) Upon the filing of a motion described in division (A), (B), or (C) of this section, the juvenile court may hold a hearing to determine whether to invoke the adult portion of a person's serious juvenile offender dispositional sentence. The juvenile court shall not invoke the adult portion of the dispositional sentence without a hearing. At the hearing the person who is the subject of the serious youthful offender disposition has the right to be present, to receive notice of the grounds upon which the adult sentence portion is sought to be invoked, to be represented by counsel including counsel appointed under Juvenile Rule 4(A), to be advised on the procedures and protections set forth in the Juvenile Rules, and to present evidence on the person's own behalf, including evidence that the person has a mental illness or intellectual disability. The person may not waive the right to counsel. The hearing shall be open to the public. If the person presents

evidence that the person has a mental illness or intellectual disability, the juvenile court shall consider that evidence in determining whether to invoke the adult portion of the serious youthful offender dispositional sentence.

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

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

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

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

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

(F) If a juvenile court issues an order invoking the adult portion of a serious youthful offender dispositional sentence under division (E) of this section, the juvenile portion of the dispositional sentence shall terminate, and the department of youth services shall transfer the person to the department of

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

Any community control imposed as part of the adult 487
sentence or as a condition of a judicial release from prison 488
shall be under the supervision of the entity that provides adult 489
probation services in the county. Any post-release control 490
imposed after the offender otherwise is released from prison 491
shall be supervised by the adult parole authority. 492

(G) As used in division (F) of this section, "minimum 493
prison term" and "maximum prison term" have the same meanings as 494
in section 2929.01 of the Revised Code. 495

Sec. 2901.011. The amendments to sections 109.42, 121.22, 496
149.43, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 497
2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 498
2921.36, 2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 499
2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 500
2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 501
2967.03, 2967.13, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 502
2971.03, 3719.99, 5120.021, 5120.53, 5120.66, and 5120.80 and 503
the enactment of sections 2901.011, 2929.144, 2967.271, and 504
5120.038 of the Revised Code by S.B. 201 of the 132nd general 505
assembly and amendments to those sections made by the act in 506
which this amendment was made constitute the Reagan Tokes Law. 507

The amendments to sections 2901.01, 2929.011, 2929.14, 508
2929.144, 2929.19, 2930.16, 2945.37, 2945.401, 2949.08, 509
2967.191, 2967.193, and 2967.271 of the Revised Code by the act 510
in which this amendment was made are intended to be remedial in 511
nature and apply to any individual sentenced for an offense 512
committed on or after March 22, 2019. 513

Sec. 2929.01. As used in this chapter: 514

(A) (1) "Alternative residential facility" means, subject 515
to division (A) (2) of this section, any facility other than an 516
offender's home or residence in which an offender is assigned to 517
live and that satisfies all of the following criteria: 518

(a) It provides programs through which the offender may 519
seek or maintain employment or may receive education, training, 520
treatment, or habilitation. 521

(b) It has received the appropriate license or certificate 522
for any specialized education, training, treatment, 523
habilitation, or other service that it provides from the 524

government agency that is responsible for licensing or 525
certifying that type of education, training, treatment, 526
habilitation, or service. 527

(2) "Alternative residential facility" does not include a 528
community-based correctional facility, jail, halfway house, or 529
prison. 530

(B) "Basic probation supervision" means a requirement that 531
the offender maintain contact with a person appointed to 532
supervise the offender in accordance with sanctions imposed by 533
the court or imposed by the parole board pursuant to section 534
2967.28 of the Revised Code. "Basic probation supervision" 535
includes basic parole supervision and basic post-release control 536
supervision. 537

(C) "Cocaine," "fentanyl-related compound," "hashish," 538
"L.S.D.," and "unit dose" have the same meanings as in section 539
2925.01 of the Revised Code. 540

(D) "Community-based correctional facility" means a 541
community-based correctional facility and program or district 542
community-based correctional facility and program developed 543
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 544

(E) "Community control sanction" means a sanction that is 545
not a prison term and that is described in section 2929.15, 546
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 547
that is not a jail term and that is described in section 548
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 549
control sanction" includes probation if the sentence involved 550
was imposed for a felony that was committed prior to July 1, 551
1996, or if the sentence involved was imposed for a misdemeanor 552
that was committed prior to January 1, 2004. 553

(F) "Controlled substance," "marihuana," "schedule I," and 554
"schedule II" have the same meanings as in section 3719.01 of 555
the Revised Code. 556

(G) "Curfew" means a requirement that an offender during a 557
specified period of time be at a designated place. 558

(H) "Day reporting" means a sanction pursuant to which an 559
offender is required each day to report to and leave a center or 560
other approved reporting location at specified times in order to 561
participate in work, education or training, treatment, and other 562
approved programs at the center or outside the center. 563

(I) "Deadly weapon" has the same meaning as in section 564
2923.11 of the Revised Code. 565

(J) "Drug and alcohol use monitoring" means a program 566
under which an offender agrees to submit to random chemical 567
analysis of the offender's blood, breath, or urine to determine 568
whether the offender has ingested any alcohol or other drugs. 569

(K) "Drug treatment program" means any program under which 570
a person undergoes assessment and treatment designed to reduce 571
or completely eliminate the person's physical or emotional 572
reliance upon alcohol, another drug, or alcohol and another drug 573
and under which the person may be required to receive assessment 574
and treatment on an outpatient basis or may be required to 575
reside at a facility other than the person's home or residence 576
while undergoing assessment and treatment. 577

(L) "Economic loss" means any economic detriment suffered 578
by a victim as a direct and proximate result of the commission 579
of an offense and includes any loss of income due to lost time 580
at work because of any injury caused to the victim, any property 581
loss, medical cost, or funeral expense incurred as a result of 582

the commission of the offense, and the cost of any accounting or 583
auditing done to determine the extent of loss if the cost is 584
incurred and payable by the victim. "Economic loss" does not 585
include non-economic loss or any punitive or exemplary damages. 586

(M) "Education or training" includes study at, or in 587
conjunction with a program offered by, a university, college, or 588
technical college or vocational study and also includes the 589
completion of primary school, secondary school, and literacy 590
curricula or their equivalent. 591

(N) "Firearm" has the same meaning as in section 2923.11 592
of the Revised Code. 593

(O) "Halfway house" means a facility licensed by the 594
division of parole and community services of the department of 595
rehabilitation and correction pursuant to section 2967.14 of the 596
Revised Code as a suitable facility for the care and treatment 597
of adult offenders. 598

(P) "House arrest" means a period of confinement of an 599
offender that is in the offender's home or in other premises 600
specified by the sentencing court or by the parole board 601
pursuant to section 2967.28 of the Revised Code and during which 602
all of the following apply: 603

(1) The offender is required to remain in the offender's 604
home or other specified premises for the specified period of 605
confinement, except for periods of time during which the 606
offender is at the offender's place of employment or at other 607
premises as authorized by the sentencing court or by the parole 608
board. 609

(2) The offender is required to report periodically to a 610
person designated by the court or parole board. 611

(3) The offender is subject to any other restrictions and 612
requirements that may be imposed by the sentencing court or by 613
the parole board. 614

(Q) "Intensive probation supervision" means a requirement 615
that an offender maintain frequent contact with a person 616
appointed by the court, or by the parole board pursuant to 617
section 2967.28 of the Revised Code, to supervise the offender 618
while the offender is seeking or maintaining necessary 619
employment and participating in training, education, and 620
treatment programs as required in the court's or parole board's 621
order. "Intensive probation supervision" includes intensive 622
parole supervision and intensive post-release control 623
supervision. 624

(R) "Jail" means a jail, workhouse, minimum security jail, 625
or other residential facility used for the confinement of 626
alleged or convicted offenders that is operated by a political 627
subdivision or a combination of political subdivisions of this 628
state. 629

(S) "Jail term" means the term in a jail that a sentencing 630
court imposes or is authorized to impose pursuant to section 631
2929.24 or 2929.25 of the Revised Code or pursuant to any other 632
provision of the Revised Code that authorizes a term in a jail 633
for a misdemeanor conviction. 634

(T) "Mandatory jail term" means the term in a jail that a 635
sentencing court is required to impose pursuant to division (G) 636
of section 1547.99 of the Revised Code, division (E) of section 637
2903.06 or division (D) of section 2903.08 of the Revised Code, 638
division (E) or (G) of section 2929.24 of the Revised Code, 639
division (B) of section 4510.14 of the Revised Code, or division 640
(G) of section 4511.19 of the Revised Code or pursuant to any 641

other provision of the Revised Code that requires a term in a 642
jail for a misdemeanor conviction. 643

(U) "Delinquent child" has the same meaning as in section 644
2152.02 of the Revised Code. 645

(V) "License violation report" means a report that is made 646
by a sentencing court, or by the parole board pursuant to 647
section 2967.28 of the Revised Code, to the regulatory or 648
licensing board or agency that issued an offender a professional 649
license or a license or permit to do business in this state and 650
that specifies that the offender has been convicted of or 651
pleaded guilty to an offense that may violate the conditions 652
under which the offender's professional license or license or 653
permit to do business in this state was granted or an offense 654
for which the offender's professional license or license or 655
permit to do business in this state may be revoked or suspended. 656

(W) "Major drug offender" means an offender who is 657
convicted of or pleads guilty to the possession of, sale of, or 658
offer to sell any drug, compound, mixture, preparation, or 659
substance that consists of or contains at least one thousand 660
grams of hashish; at least one hundred grams of cocaine; at 661
least one thousand unit doses or one hundred grams of heroin; at 662
least five thousand unit doses of L.S.D. or five hundred grams 663
of L.S.D. in a liquid concentrate, liquid extract, or liquid 664
distillate form; at least fifty grams of a controlled substance 665
analog; at least one thousand unit doses or one hundred grams of 666
a fentanyl-related compound; or at least one hundred times the 667
amount of any other schedule I or II controlled substance other 668
than marihuana that is necessary to commit a felony of the third 669
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 670
of the Revised Code that is based on the possession of, sale of, 671

or offer to sell the controlled substance. 672

(X) "Mandatory prison term" means any of the following: 673

(1) Subject to division (X) (2) of this section, the term 674
in prison that must be imposed for the offenses or circumstances 675
set forth in divisions (F) (1) to (8) or (F) (12) to (21) of 676
section 2929.13 and division (B) of section 2929.14 of the 677
Revised Code. Except as provided in sections 2925.02, 2925.03, 678
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 679
maximum or another specific term is required under section 680
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 681
described in this division may be any prison term authorized for 682
the level of offense except that if the offense is a felony of 683
the first or second degree committed on or after March 22, 2019, 684
a mandatory prison term described in this division may be one of 685
the terms prescribed in division (A) (1) (a) or (2) (a) of section 686
2929.14 of the Revised Code, whichever is applicable, that is 687
authorized as the minimum prison term for the offense. 688

(2) The term of sixty or one hundred twenty days in prison 689
that a sentencing court is required to impose for a third or 690
fourth degree felony OVI offense pursuant to division (G) (2) of 691
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 692
of the Revised Code or the term of one, two, three, four, or 693
five years in prison that a sentencing court is required to 694
impose pursuant to division (G) (2) of section 2929.13 of the 695
Revised Code. 696

(3) The term in prison imposed pursuant to division (A) of 697
section 2971.03 of the Revised Code for the offenses and in the 698
circumstances described in division (F) (11) of section 2929.13 699
of the Revised Code or pursuant to division (B) (1) (a), (b), or 700
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 701

section 2971.03 of the Revised Code and that term as modified or 702
terminated pursuant to section 2971.05 of the Revised Code. 703

(Y) "Monitored time" means a period of time during which 704
an offender continues to be under the control of the sentencing 705
court or parole board, subject to no conditions other than 706
leading a law-abiding life. 707

(Z) "Offender" means a person who, in this state, is 708
convicted of or pleads guilty to a felony or a misdemeanor. 709

(AA) "Prison" means a residential facility used for the 710
confinement of convicted felony offenders that is under the 711
control of the department of rehabilitation and correction and 712
includes a violation sanction center operated under authority of 713
section 2967.141 of the Revised Code. 714

(BB) (1) "Prison term" includes either of the following 715
sanctions for an offender: 716

(a) A stated prison term; 717

(b) A term in a prison shortened by, or with the approval 718
of, the sentencing court pursuant to section 2929.143, 2929.20, 719
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 720

(2) With respect to a non-life felony indefinite prison 721
term, references in any provision of law to a reduction of, or 722
deduction from, the prison term mean a reduction in, or 723
deduction from, the minimum prison term imposed as part of the 724
indefinite term. 725

(CC) "Repeat violent offender" means a person about whom 726
both of the following apply: 727

(1) The person is being sentenced for committing or for 728
complicity in committing any of the following: 729

(a) Aggravated murder, murder, any felony of the first or 730
second degree that is an offense of violence, or an attempt to 731
commit any of these offenses if the attempt is a felony of the 732
first or second degree; 733

(b) An offense under an existing or former law of this 734
state, another state, or the United States that is or was 735
substantially equivalent to an offense described in division 736
(CC) (1) (a) of this section. 737

(2) The person previously was convicted of or pleaded 738
guilty to an offense described in division (CC) (1) (a) or (b) of 739
this section. 740

(DD) "Sanction" means any penalty imposed upon an offender 741
who is convicted of or pleads guilty to an offense, as 742
punishment for the offense. "Sanction" includes any sanction 743
imposed pursuant to any provision of sections 2929.14 to 2929.18 744
or 2929.24 to 2929.28 of the Revised Code. 745

(EE) "Sentence" means the sanction or combination of 746
sanctions imposed by the sentencing court on an offender who is 747
convicted of or pleads guilty to an offense. 748

(FF) (1) "Stated prison term" means the prison term, 749
mandatory prison term, or combination of all prison terms and 750
mandatory prison terms imposed by the sentencing court pursuant 751
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 752
under section 2919.25 of the Revised Code. "Stated prison term" 753
includes any credit received by the offender for time spent in 754
jail awaiting trial, sentencing, or transfer to prison for the 755
offense and any time spent under house arrest or house arrest 756
with electronic monitoring imposed after earning credits 757
pursuant to section 2967.193 of the Revised Code. If an offender 758

is serving a prison term as a risk reduction sentence under 759
sections 2929.143 and 5120.036 of the Revised Code, "stated 760
prison term" includes any period of time by which the prison 761
term imposed upon the offender is shortened by the offender's 762
successful completion of all assessment and treatment or 763
programming pursuant to those sections. 764

(2) As used in the definition of "stated prison term" set 765
forth in division (FF) (1) of this section, a prison term is a 766
definite prison term imposed under section 2929.14 of the 767
Revised Code or any other provision of law, ~~is the a minimum and~~ 768
prison term imposed under section 2929.14 of the Revised Code 769
for a non-life felony indefinite prison term plus any maximum 770
prison terms under a term imposed as part of the non-life felony 771
indefinite prison term under section 2929.144 of the Revised 772
Code, or is a term of life imprisonment except to the extent 773
that the use of that definition in a section of the Revised Code 774
clearly is not intended to include a term of life imprisonment. 775
With respect to an offender sentenced to a non-life felony 776
indefinite prison term, references in section 2967.191 or 777
2967.193 of the Revised Code or any other provision of law to a 778
reduction of, or deduction from, the offender's stated prison 779
term or to release of the offender before the expiration of the 780
offender's stated prison term mean a reduction in, or deduction 781
from, the minimum prison term imposed as part of the indefinite 782
term or a release of the offender before the expiration of that 783
minimum prison term, references in section 2929.19 or 2967.28 of 784
the Revised Code to a stated prison term with respect to a 785
prison term imposed for a violation of a post-release control 786
sanction mean the minimum prison term so imposed, and references 787
in any provision of law to an offender's service of the 788
offender's stated prison term or the expiration of the 789

offender's stated prison term mean service or expiration of the 790
minimum prison term so imposed plus any additional period of 791
incarceration under the sentence that is required under section 792
2967.271 of the Revised Code. 793

(GG) "Victim-offender mediation" means a reconciliation or 794
mediation program that involves an offender and the victim of 795
the offense committed by the offender and that includes a 796
meeting in which the offender and the victim may discuss the 797
offense, discuss restitution, and consider other sanctions for 798
the offense. 799

(HH) "Fourth degree felony OVI offense" means a violation 800
of division (A) of section 4511.19 of the Revised Code that, 801
under division (G) of that section, is a felony of the fourth 802
degree. 803

(II) "Mandatory term of local incarceration" means the 804
term of sixty or one hundred twenty days in a jail, a community- 805
based correctional facility, a halfway house, or an alternative 806
residential facility that a sentencing court may impose upon a 807
person who is convicted of or pleads guilty to a fourth degree 808
felony OVI offense pursuant to division (G) (1) of section 809
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 810
section 4511.19 of the Revised Code. 811

(JJ) "Designated homicide, assault, or kidnapping 812
offense," "violent sex offense," "sexual motivation 813
specification," "sexually violent offense," "sexually violent 814
predator," and "sexually violent predator specification" have 815
the same meanings as in section 2971.01 of the Revised Code. 816

(KK) "Sexually oriented offense," "child-victim oriented 817
offense," and "tier III sex offender/child-victim offender" have 818

the same meanings as in section 2950.01 of the Revised Code. 819

(LL) An offense is "committed in the vicinity of a child" 820
if the offender commits the offense within thirty feet of or 821
within the same residential unit as a child who is under 822
eighteen years of age, regardless of whether the offender knows 823
the age of the child or whether the offender knows the offense 824
is being committed within thirty feet of or within the same 825
residential unit as the child and regardless of whether the 826
child actually views the commission of the offense. 827

(MM) "Family or household member" has the same meaning as 828
in section 2919.25 of the Revised Code. 829

(NN) "Motor vehicle" and "manufactured home" have the same 830
meanings as in section 4501.01 of the Revised Code. 831

(OO) "Detention" and "detention facility" have the same 832
meanings as in section 2921.01 of the Revised Code. 833

(PP) "Third degree felony OVI offense" means a violation 834
of division (A) of section 4511.19 of the Revised Code that, 835
under division (G) of that section, is a felony of the third 836
degree. 837

(QQ) "Random drug testing" has the same meaning as in 838
section 5120.63 of the Revised Code. 839

(RR) "Felony sex offense" has the same meaning as in 840
section 2967.28 of the Revised Code. 841

(SS) "Body armor" has the same meaning as in section 842
2941.1411 of the Revised Code. 843

(TT) "Electronic monitoring" means monitoring through the 844
use of an electronic monitoring device. 845

(UU) "Electronic monitoring device" means any of the 846
following: 847

(1) Any device that can be operated by electrical or 848
battery power and that conforms with all of the following: 849

(a) The device has a transmitter that can be attached to a 850
person, that will transmit a specified signal to a receiver of 851
the type described in division (UU) (1) (b) of this section if the 852
transmitter is removed from the person, turned off, or altered 853
in any manner without prior court approval in relation to 854
electronic monitoring or without prior approval of the 855
department of rehabilitation and correction in relation to the 856
use of an electronic monitoring device for an inmate on 857
transitional control or otherwise is tampered with, that can 858
transmit continuously and periodically a signal to that receiver 859
when the person is within a specified distance from the 860
receiver, and that can transmit an appropriate signal to that 861
receiver if the person to whom it is attached travels a 862
specified distance from that receiver. 863

(b) The device has a receiver that can receive 864
continuously the signals transmitted by a transmitter of the 865
type described in division (UU) (1) (a) of this section, can 866
transmit continuously those signals by a wireless or landline 867
telephone connection to a central monitoring computer of the 868
type described in division (UU) (1) (c) of this section, and can 869
transmit continuously an appropriate signal to that central 870
monitoring computer if the device has been turned off or altered 871
without prior court approval or otherwise tampered with. The 872
device is designed specifically for use in electronic 873
monitoring, is not a converted wireless phone or another 874
tracking device that is clearly not designed for electronic 875

monitoring, and provides a means of text-based or voice 876
communication with the person. 877

(c) The device has a central monitoring computer that can 878
receive continuously the signals transmitted by a wireless or 879
landline telephone connection by a receiver of the type 880
described in division (UU) (1) (b) of this section and can monitor 881
continuously the person to whom an electronic monitoring device 882
of the type described in division (UU) (1) (a) of this section is 883
attached. 884

(2) Any device that is not a device of the type described 885
in division (UU) (1) of this section and that conforms with all 886
of the following: 887

(a) The device includes a transmitter and receiver that 888
can monitor and determine the location of a subject person at 889
any time, or at a designated point in time, through the use of a 890
central monitoring computer or through other electronic means. 891

(b) The device includes a transmitter and receiver that 892
can determine at any time, or at a designated point in time, 893
through the use of a central monitoring computer or other 894
electronic means the fact that the transmitter is turned off or 895
altered in any manner without prior approval of the court in 896
relation to the electronic monitoring or without prior approval 897
of the department of rehabilitation and correction in relation 898
to the use of an electronic monitoring device for an inmate on 899
transitional control or otherwise is tampered with. 900

(3) Any type of technology that can adequately track or 901
determine the location of a subject person at any time and that 902
is approved by the director of rehabilitation and correction, 903
including, but not limited to, any satellite technology, voice 904

tracking system, or retinal scanning system that is so approved. 905

(VV) "Non-economic loss" means nonpecuniary harm suffered 906
by a victim of an offense as a result of or related to the 907
commission of the offense, including, but not limited to, pain 908
and suffering; loss of society, consortium, companionship, care, 909
assistance, attention, protection, advice, guidance, counsel, 910
instruction, training, or education; mental anguish; and any 911
other intangible loss. 912

(WW) "Prosecutor" has the same meaning as in section 913
2935.01 of the Revised Code. 914

(XX) "Continuous alcohol monitoring" means the ability to 915
automatically test and periodically transmit alcohol consumption 916
levels and tamper attempts at least every hour, regardless of 917
the location of the person who is being monitored. 918

(YY) A person is "adjudicated a sexually violent predator" 919
if the person is convicted of or pleads guilty to a violent sex 920
offense and also is convicted of or pleads guilty to a sexually 921
violent predator specification that was included in the 922
indictment, count in the indictment, or information charging 923
that violent sex offense or if the person is convicted of or 924
pleads guilty to a designated homicide, assault, or kidnapping 925
offense and also is convicted of or pleads guilty to both a 926
sexual motivation specification and a sexually violent predator 927
specification that were included in the indictment, count in the 928
indictment, or information charging that designated homicide, 929
assault, or kidnapping offense. 930

(ZZ) An offense is "committed in proximity to a school" if 931
the offender commits the offense in a school safety zone or 932
within five hundred feet of any school building or the 933

boundaries of any school premises, regardless of whether the 934
offender knows the offense is being committed in a school safety 935
zone or within five hundred feet of any school building or the 936
boundaries of any school premises. 937

(AAA) "Human trafficking" means a scheme or plan to which 938
all of the following apply: 939

(1) Its object is one or both of the following: 940

(a) To subject a victim or victims to involuntary 941
servitude, as defined in section 2905.31 of the Revised Code or 942
to compel a victim or victims to engage in sexual activity for 943
hire, to engage in a performance that is obscene, sexually 944
oriented, or nudity oriented, or to be a model or participant in 945
the production of material that is obscene, sexually oriented, 946
or nudity oriented; 947

(b) To facilitate, encourage, or recruit a victim who is a 948
minor or is a person with a developmental disability, or victims 949
who are minors or are persons with developmental disabilities, 950
for any purpose listed in divisions (A) (2) (a) to (c) of section 951
2905.32 of the Revised Code. 952

(2) It involves at least two felony offenses, whether or 953
not there has been a prior conviction for any of the felony 954
offenses, to which all of the following apply: 955

(a) Each of the felony offenses is a violation of section 956
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 957
division (A) (1) or (2) of section 2907.323, or division (B) (1), 958
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 959
is a violation of a law of any state other than this state that 960
is substantially similar to any of the sections or divisions of 961
the Revised Code identified in this division. 962

(b) At least one of the felony offenses was committed in this state.	963 964
(c) The felony offenses are related to the same scheme or plan and are not isolated instances.	965 966
(BBB) "Material," "nudity," "obscene," "performance," and "sexual activity" have the same meanings as in section 2907.01 of the Revised Code.	967 968 969
(CCC) "Material that is obscene, sexually oriented, or nudity oriented" means any material that is obscene, that shows a person participating or engaging in sexual activity, masturbation, or bestiality, or that shows a person in a state of nudity.	970 971 972 973 974
(DDD) "Performance that is obscene, sexually oriented, or nudity oriented" means any performance that is obscene, that shows a person participating or engaging in sexual activity, masturbation, or bestiality, or that shows a person in a state of nudity.	975 976 977 978 979
(EEE) "Accelerant" means a fuel or oxidizing agent, such as an ignitable liquid, used to initiate a fire or increase the rate of growth or spread of a fire.	980 981 982
(FFF) "Permanent disabling harm" means serious physical harm that results in permanent injury to the intellectual, physical, or sensory functions and that permanently and substantially impairs a person's ability to meet one or more of the ordinary demands of life, including the functions of caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.	983 984 985 986 987 988 989
(GGG) "Non-life felony indefinite prison term" means a prison term imposed under division (A) (1) (a) or (2) (a) of	990 991

section 2929.14 and section 2929.144 of the Revised Code for a 992
felony of the first or second degree committed on or after March 993
22, 2019 that consists of both a minimum prison term and a 994
maximum prison term. 995

(HHH) "Minimum prison term" means the minimum term of 996
years imposed under division (A) (1) (a) or (2) (a) of section 997
2929.14 of the Revised Code as part of a non-life felony 998
indefinite prison term. 999

(III) "Maximum prison term" means the potential additional 1000
prison term imposed as part of a non-life felony indefinite 1001
prison term as calculated under section 2929.144 of the Revised 1002
Code that must be served by the offender at the conclusion of 1003
the offender's minimum prison term or aggregate minimum prison 1004
term, to the extent that the presumption of release under 1005
division (C) of section 2967.271 of the Revised Code has been 1006
rebutted. 1007

(JJJ) "Aggregate minimum prison term" means the sum of all 1008
minimum prison terms and definite terms sentenced to be served 1009
consecutively to one another or combined under division (C) (10) 1010
of section 2929.14 of the Revised Code as part of a non-life 1011
felony indefinite sentence. 1012

Sec. 2929.14. (A) Except as provided in division (B) (1), 1013
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 1014
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 1015
in division (D) (6) of section 2919.25 of the Revised Code and 1016
except in relation to an offense for which a sentence of death 1017
or life imprisonment is to be imposed, if the court imposing a 1018
sentence upon an offender for a felony elects or is required to 1019
impose a prison term on the offender pursuant to this chapter, 1020
the court shall impose a prison term that shall be one of the 1021

following: 1022

~~(1)(a) For (1)(a)(i) Except as provided in division (A)(1)~~ 1023
~~(a)(ii) of this section, for a felony of the first degree~~ 1024
~~committed on or after the effective date of this amendment March~~ 1025
~~22, 2019, the prison term shall be an a non-life felony~~ 1026
~~indefinite prison term with that consists of a stated minimum~~ 1027
~~prison term selected by the court of three, four, five, six,~~ 1028
~~seven, eight, nine, ten, or eleven years and followed by a~~ 1029
~~single maximum prison term that is shall be determined pursuant~~ 1030
~~to section 2929.144 of the Revised Code, except that if.~~ 1031

(ii) If the section that criminalizes the conduct 1032
constituting the felony specifies a different minimum prison 1033
term or penalty for the offense, the specific language of that 1034
section shall control over division (A)(1)(a)(i) of this section 1035
in determining the minimum prison term or otherwise sentencing 1036
the offender but the minimum prison term or sentence imposed 1037
under that specific language shall be considered for purposes of 1038
the Revised Code as if it had been imposed under this division 1039
(A)(1)(a)(i) of this section. 1040

(b) For a felony of the first degree committed prior to 1041
~~the effective date of this amendment March 22, 2019,~~ 1042
the prison term shall be a definite prison term of three, four, five, six, 1043
seven, eight, nine, ten, or eleven years. 1044

~~(2)(a) For (2)(a)(i) Except as provided in division (A)(2)~~ 1045
~~(a)(ii) of this section, for a felony of the second degree~~ 1046
~~committed on or after the effective date of this amendment March~~ 1047
~~22, 2019, the prison term shall be an a non-life felony~~ 1048
~~indefinite prison term with that consists of a stated minimum~~ 1049
~~prison term selected by the court of two, three, four, five,~~ 1050
~~six, seven, or eight years and followed by a single maximum~~ 1051

prison term that ~~is shall be~~ determined pursuant to section 1052
2929.144 of the Revised Code, ~~except that if~~. 1053

(ii) If the section that criminalizes the conduct 1054
constituting the felony specifies a different minimum prison 1055
term or penalty for the offense, the specific language of that 1056
section shall control over division (A) (2) (a) (i) of this section 1057
in determining the minimum prison term or otherwise sentencing 1058
the offender but the minimum prison term or sentence imposed 1059
under that specific language shall be considered for purposes of 1060
the Revised Code as if it had been imposed under ~~this~~ division 1061
(A) (2) (a) (i) of this section. 1062

(b) For a felony of the second degree committed prior to 1063
~~the effective date of this amendment~~ March 22, 2019, the prison 1064
term shall be a definite term of two, three, four, five, six, 1065
seven, or eight years. 1066

(3) (a) For a felony of the third degree that is a 1067
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 1068
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 1069
Code or that is a violation of section 2911.02 or 2911.12 of the 1070
Revised Code if the offender previously has been convicted of or 1071
pleaded guilty in two or more separate proceedings to two or 1072
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 1073
of the Revised Code, the prison term shall be a definite term of 1074
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 1075
forty-eight, fifty-four, or sixty months. 1076

(b) For a felony of the third degree that is not an 1077
offense for which division (A) (3) (a) of this section applies, 1078
the prison term shall be a definite term of nine, twelve, 1079
eighteen, twenty-four, thirty, or thirty-six months. 1080

(4) For a felony of the fourth degree, the prison term 1081
shall be a definite term of six, seven, eight, nine, ten, 1082
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 1083
or eighteen months. 1084

(5) For a felony of the fifth degree, the prison term 1085
shall be a definite term of six, seven, eight, nine, ten, 1086
eleven, or twelve months. 1087

(B) (1) (a) Except as provided in division (B) (1) (e) of this 1088
section, if an offender who is convicted of or pleads guilty to 1089
a felony also is convicted of or pleads guilty to a 1090
specification of the type described in section 2941.141, 1091
2941.144, or 2941.145 of the Revised Code, the court shall 1092
impose on the offender one of the following prison terms: 1093

(i) A prison term of six years if the specification is of 1094
the type described in division (A) of section 2941.144 of the 1095
Revised Code that charges the offender with having a firearm 1096
that is an automatic firearm or that was equipped with a firearm 1097
muffler or suppressor on or about the offender's person or under 1098
the offender's control while committing the offense; 1099

(ii) A prison term of three years if the specification is 1100
of the type described in division (A) of section 2941.145 of the 1101
Revised Code that charges the offender with having a firearm on 1102
or about the offender's person or under the offender's control 1103
while committing the offense and displaying the firearm, 1104
brandishing the firearm, indicating that the offender possessed 1105
the firearm, or using it to facilitate the offense; 1106

(iii) A prison term of one year if the specification is of 1107
the type described in division (A) of section 2941.141 of the 1108
Revised Code that charges the offender with having a firearm on 1109

or about the offender's person or under the offender's control 1110
while committing the offense; 1111

(iv) A prison term of nine years if the specification is 1112
of the type described in division (D) of section 2941.144 of the 1113
Revised Code that charges the offender with having a firearm 1114
that is an automatic firearm or that was equipped with a firearm 1115
muffler or suppressor on or about the offender's person or under 1116
the offender's control while committing the offense and 1117
specifies that the offender previously has been convicted of or 1118
pleaded guilty to a specification of the type described in 1119
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1120
the Revised Code; 1121

(v) A prison term of fifty-four months if the 1122
specification is of the type described in division (D) of 1123
section 2941.145 of the Revised Code that charges the offender 1124
with having a firearm on or about the offender's person or under 1125
the offender's control while committing the offense and 1126
displaying the firearm, brandishing the firearm, indicating that 1127
the offender possessed the firearm, or using the firearm to 1128
facilitate the offense and that the offender previously has been 1129
convicted of or pleaded guilty to a specification of the type 1130
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1131
2941.1412 of the Revised Code; 1132

(vi) A prison term of eighteen months if the specification 1133
is of the type described in division (D) of section 2941.141 of 1134
the Revised Code that charges the offender with having a firearm 1135
on or about the offender's person or under the offender's 1136
control while committing the offense and that the offender 1137
previously has been convicted of or pleaded guilty to a 1138
specification of the type described in section 2941.141, 1139

2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1140

(b) If a court imposes a prison term on an offender under 1141
division (B) (1) (a) of this section, the prison term shall not be 1142
reduced pursuant to section 2967.19, section 2929.20, section 1143
2967.193, or any other provision of Chapter 2967. or Chapter 1144
5120. of the Revised Code. Except as provided in division (B) (1) 1145
(g) of this section, a court shall not impose more than one 1146
prison term on an offender under division (B) (1) (a) of this 1147
section for felonies committed as part of the same act or 1148
transaction. 1149

(c) (i) Except as provided in division (B) (1) (e) of this 1150
section, if an offender who is convicted of or pleads guilty to 1151
a violation of section 2923.161 of the Revised Code or to a 1152
felony that includes, as an essential element, purposely or 1153
knowingly causing or attempting to cause the death of or 1154
physical harm to another, also is convicted of or pleads guilty 1155
to a specification of the type described in division (A) of 1156
section 2941.146 of the Revised Code that charges the offender 1157
with committing the offense by discharging a firearm from a 1158
motor vehicle other than a manufactured home, the court, after 1159
imposing a prison term on the offender for the violation of 1160
section 2923.161 of the Revised Code or for the other felony 1161
offense under division (A), (B) (2), or (B) (3) of this section, 1162
shall impose an additional prison term of five years upon the 1163
offender that shall not be reduced pursuant to section 2929.20, 1164
section 2967.19, section 2967.193, or any other provision of 1165
Chapter 2967. or Chapter 5120. of the Revised Code. 1166

(ii) Except as provided in division (B) (1) (e) of this 1167
section, if an offender who is convicted of or pleads guilty to 1168
a violation of section 2923.161 of the Revised Code or to a 1169

felony that includes, as an essential element, purposely or 1170
knowingly causing or attempting to cause the death of or 1171
physical harm to another, also is convicted of or pleads guilty 1172
to a specification of the type described in division (C) of 1173
section 2941.146 of the Revised Code that charges the offender 1174
with committing the offense by discharging a firearm from a 1175
motor vehicle other than a manufactured home and that the 1176
offender previously has been convicted of or pleaded guilty to a 1177
specification of the type described in section 2941.141, 1178
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1179
the court, after imposing a prison term on the offender for the 1180
violation of section 2923.161 of the Revised Code or for the 1181
other felony offense under division (A), (B) (2), or (3) of this 1182
section, shall impose an additional prison term of ninety months 1183
upon the offender that shall not be reduced pursuant to section 1184
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1185
2967. or Chapter 5120. of the Revised Code. 1186

(iii) A court shall not impose more than one additional 1187
prison term on an offender under division (B) (1) (c) of this 1188
section for felonies committed as part of the same act or 1189
transaction. If a court imposes an additional prison term on an 1190
offender under division (B) (1) (c) of this section relative to an 1191
offense, the court also shall impose a prison term under 1192
division (B) (1) (a) of this section relative to the same offense, 1193
provided the criteria specified in that division for imposing an 1194
additional prison term are satisfied relative to the offender 1195
and the offense. 1196

(d) If an offender who is convicted of or pleads guilty to 1197
an offense of violence that is a felony also is convicted of or 1198
pleads guilty to a specification of the type described in 1199
section 2941.1411 of the Revised Code that charges the offender 1200

with wearing or carrying body armor while committing the felony 1201
offense of violence, the court shall impose on the offender an 1202
additional prison term of two years. The prison term so imposed, 1203
subject to divisions (C) to (I) of section 2967.19 of the 1204
Revised Code, shall not be reduced pursuant to section 2929.20, 1205
section 2967.19, section 2967.193, or any other provision of 1206
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1207
shall not impose more than one prison term on an offender under 1208
division (B) (1) (d) of this section for felonies committed as 1209
part of the same act or transaction. If a court imposes an 1210
additional prison term under division (B) (1) (a) or (c) of this 1211
section, the court is not precluded from imposing an additional 1212
prison term under division (B) (1) (d) of this section. 1213

(e) The court shall not impose any of the prison terms 1214
described in division (B) (1) (a) of this section or any of the 1215
additional prison terms described in division (B) (1) (c) of this 1216
section upon an offender for a violation of section 2923.12 or 1217
2923.123 of the Revised Code. The court shall not impose any of 1218
the prison terms described in division (B) (1) (a) or (b) of this 1219
section upon an offender for a violation of section 2923.122 1220
that involves a deadly weapon that is a firearm other than a 1221
dangerous ordnance, section 2923.16, or section 2923.121 of the 1222
Revised Code. The court shall not impose any of the prison terms 1223
described in division (B) (1) (a) of this section or any of the 1224
additional prison terms described in division (B) (1) (c) of this 1225
section upon an offender for a violation of section 2923.13 of 1226
the Revised Code unless all of the following apply: 1227

(i) The offender previously has been convicted of 1228
aggravated murder, murder, or any felony of the first or second 1229
degree. 1230

(ii) Less than five years have passed since the offender 1231
was released from prison or post-release control, whichever is 1232
later, for the prior offense. 1233

(f)(i) If an offender is convicted of or pleads guilty to 1234
a felony that includes, as an essential element, causing or 1235
attempting to cause the death of or physical harm to another and 1236
also is convicted of or pleads guilty to a specification of the 1237
type described in division (A) of section 2941.1412 of the 1238
Revised Code that charges the offender with committing the 1239
offense by discharging a firearm at a peace officer as defined 1240
in section 2935.01 of the Revised Code or a corrections officer, 1241
as defined in section 2941.1412 of the Revised Code, the court, 1242
after imposing a prison term on the offender for the felony 1243
offense under division (A), (B)(2), or (B)(3) of this section, 1244
shall impose an additional prison term of seven years upon the 1245
offender that shall not be reduced pursuant to section 2929.20, 1246
section 2967.19, section 2967.193, or any other provision of 1247
Chapter 2967. or Chapter 5120. of the Revised Code. 1248

(ii) If an offender is convicted of or pleads guilty to a 1249
felony that includes, as an essential element, causing or 1250
attempting to cause the death of or physical harm to another and 1251
also is convicted of or pleads guilty to a specification of the 1252
type described in division (B) of section 2941.1412 of the 1253
Revised Code that charges the offender with committing the 1254
offense by discharging a firearm at a peace officer, as defined 1255
in section 2935.01 of the Revised Code, or a corrections 1256
officer, as defined in section 2941.1412 of the Revised Code, 1257
and that the offender previously has been convicted of or 1258
pleaded guilty to a specification of the type described in 1259
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1260
the Revised Code, the court, after imposing a prison term on the 1261

offender for the felony offense under division (A), (B) (2), or 1262
(3) of this section, shall impose an additional prison term of 1263
one hundred twenty-six months upon the offender that shall not 1264
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1265
any other provision of Chapter 2967. or 5120. of the Revised 1266
Code. 1267

(iii) If an offender is convicted of or pleads guilty to 1268
two or more felonies that include, as an essential element, 1269
causing or attempting to cause the death or physical harm to 1270
another and also is convicted of or pleads guilty to a 1271
specification of the type described under division (B) (1) (f) of 1272
this section in connection with two or more of the felonies of 1273
which the offender is convicted or to which the offender pleads 1274
guilty, the sentencing court shall impose on the offender the 1275
prison term specified under division (B) (1) (f) of this section 1276
for each of two of the specifications of which the offender is 1277
convicted or to which the offender pleads guilty and, in its 1278
discretion, also may impose on the offender the prison term 1279
specified under that division for any or all of the remaining 1280
specifications. If a court imposes an additional prison term on 1281
an offender under division (B) (1) (f) of this section relative to 1282
an offense, the court shall not impose a prison term under 1283
division (B) (1) (a) or (c) of this section relative to the same 1284
offense. 1285

(g) If an offender is convicted of or pleads guilty to two 1286
or more felonies, if one or more of those felonies are 1287
aggravated murder, murder, attempted aggravated murder, 1288
attempted murder, aggravated robbery, felonious assault, or 1289
rape, and if the offender is convicted of or pleads guilty to a 1290
specification of the type described under division (B) (1) (a) of 1291
this section in connection with two or more of the felonies, the 1292

sentencing court shall impose on the offender the prison term 1293
specified under division (B) (1) (a) of this section for each of 1294
the two most serious specifications of which the offender is 1295
convicted or to which the offender pleads guilty and, in its 1296
discretion, also may impose on the offender the prison term 1297
specified under that division for any or all of the remaining 1298
specifications. 1299

(2) (a) If division (B) (2) (b) of this section does not 1300
apply, the court may impose on an offender, in addition to the 1301
longest prison term authorized or required for the offense or, 1302
for offenses for which division (A) (1) (a) or (2) (a) of this 1303
section applies, in addition to the longest minimum prison term 1304
authorized or required for the offense, an additional definite 1305
prison term of one, two, three, four, five, six, seven, eight, 1306
nine, or ten years if all of the following criteria are met: 1307

(i) The offender is convicted of or pleads guilty to a 1308
specification of the type described in section 2941.149 of the 1309
Revised Code that the offender is a repeat violent offender. 1310

(ii) The offense of which the offender currently is 1311
convicted or to which the offender currently pleads guilty is 1312
aggravated murder and the court does not impose a sentence of 1313
death or life imprisonment without parole, murder, terrorism and 1314
the court does not impose a sentence of life imprisonment 1315
without parole, any felony of the first degree that is an 1316
offense of violence and the court does not impose a sentence of 1317
life imprisonment without parole, or any felony of the second 1318
degree that is an offense of violence and the trier of fact 1319
finds that the offense involved an attempt to cause or a threat 1320
to cause serious physical harm to a person or resulted in 1321
serious physical harm to a person. 1322

(iii) The court imposes the longest prison term for the 1323
offense or the longest minimum prison term for the offense, 1324
whichever is applicable, that is not life imprisonment without 1325
parole. 1326

(iv) The court finds that the prison terms imposed 1327
pursuant to division (B) (2) (a) (iii) of this section and, if 1328
applicable, division (B) (1) or (3) of this section are 1329
inadequate to punish the offender and protect the public from 1330
future crime, because the applicable factors under section 1331
2929.12 of the Revised Code indicating a greater likelihood of 1332
recidivism outweigh the applicable factors under that section 1333
indicating a lesser likelihood of recidivism. 1334

(v) The court finds that the prison terms imposed pursuant 1335
to division (B) (2) (a) (iii) of this section and, if applicable, 1336
division (B) (1) or (3) of this section are demeaning to the 1337
seriousness of the offense, because one or more of the factors 1338
under section 2929.12 of the Revised Code indicating that the 1339
offender's conduct is more serious than conduct normally 1340
constituting the offense are present, and they outweigh the 1341
applicable factors under that section indicating that the 1342
offender's conduct is less serious than conduct normally 1343
constituting the offense. 1344

(b) The court shall impose on an offender the longest 1345
prison term authorized or required for the offense or, for 1346
offenses for which division (A) (1) (a) or (2) (a) of this section 1347
applies, the longest minimum prison term authorized or required 1348
for the offense, and shall impose on the offender an additional 1349
definite prison term of one, two, three, four, five, six, seven, 1350
eight, nine, or ten years if all of the following criteria are 1351
met: 1352

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

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

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

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

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

section 2967.19, or section 2967.193, or any other provision of 1383
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1384
shall serve an additional prison term imposed under division (B) 1385
(2) (a) or (b) of this section consecutively to and prior to the 1386
prison term imposed for the underlying offense. 1387

(e) When imposing a sentence pursuant to division (B) (2) 1388
(a) or (b) of this section, the court shall state its findings 1389
explaining the imposed sentence. 1390

(3) Except when an offender commits a violation of section 1391
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1392
for the violation is life imprisonment or commits a violation of 1393
section 2903.02 of the Revised Code, if the offender commits a 1394
violation of section 2925.03 or 2925.11 of the Revised Code and 1395
that section classifies the offender as a major drug offender, 1396
if the offender commits a violation of section 2925.05 of the 1397
Revised Code and division (E) (1) of that section classifies the 1398
offender as a major drug offender, if the offender commits a 1399
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1400
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1401
division (C) or (D) of section 3719.172, division (E) of section 1402
4729.51, or division (J) of section 4729.54 of the Revised Code 1403
that includes the sale, offer to sell, or possession of a 1404
schedule I or II controlled substance, with the exception of 1405
marihuana, and the court imposing sentence upon the offender 1406
finds that the offender is guilty of a specification of the type 1407
described in division (A) of section 2941.1410 of the Revised 1408
Code charging that the offender is a major drug offender, if the 1409
court imposing sentence upon an offender for a felony finds that 1410
the offender is guilty of corrupt activity with the most serious 1411
offense in the pattern of corrupt activity being a felony of the 1412
first degree, or if the offender is guilty of an attempted 1413

violation of section 2907.02 of the Revised Code and, had the 1414
offender completed the violation of section 2907.02 of the 1415
Revised Code that was attempted, the offender would have been 1416
subject to a sentence of life imprisonment or life imprisonment 1417
without parole for the violation of section 2907.02 of the 1418
Revised Code, the court shall impose upon the offender for the 1419
felony violation a mandatory prison term determined as described 1420
in this division that, subject to divisions (C) to (I) of 1421
section 2967.19 of the Revised Code, cannot be reduced pursuant 1422
to section 2929.20, section 2967.19, or any other provision of 1423
Chapter 2967. or 5120. of the Revised Code. The mandatory prison 1424
term shall be the maximum definite prison term prescribed in 1425
division (A) (1) (b) of this section for a felony of the first 1426
degree, except that for offenses for which division (A) (1) (a) of 1427
this section applies, the mandatory prison term shall be the 1428
longest minimum prison term prescribed in that division for the 1429
offense. 1430

(4) If the offender is being sentenced for a third or 1431
fourth degree felony OVI offense under division (G) (2) of 1432
section 2929.13 of the Revised Code, the sentencing court shall 1433
impose upon the offender a mandatory prison term in accordance 1434
with that division. In addition to the mandatory prison term, if 1435
the offender is being sentenced for a fourth degree felony OVI 1436
offense, the court, notwithstanding division (A) (4) of this 1437
section, may sentence the offender to a definite prison term of 1438
not less than six months and not more than thirty months, and if 1439
the offender is being sentenced for a third degree felony OVI 1440
offense, the sentencing court may sentence the offender to an 1441
additional prison term of any duration specified in division (A) 1442
(3) of this section. In either case, the additional prison term 1443
imposed shall be reduced by the sixty or one hundred twenty days 1444

imposed upon the offender as the mandatory prison term. The 1445
total of the additional prison term imposed under division (B) 1446
(4) of this section plus the sixty or one hundred twenty days 1447
imposed as the mandatory prison term shall equal a definite term 1448
in the range of six months to thirty months for a fourth degree 1449
felony OVI offense and shall equal one of the authorized prison 1450
terms specified in division (A) (3) of this section for a third 1451
degree felony OVI offense. If the court imposes an additional 1452
prison term under division (B) (4) of this section, the offender 1453
shall serve the additional prison term after the offender has 1454
served the mandatory prison term required for the offense. In 1455
addition to the mandatory prison term or mandatory and 1456
additional prison term imposed as described in division (B) (4) 1457
of this section, the court also may sentence the offender to a 1458
community control sanction under section 2929.16 or 2929.17 of 1459
the Revised Code, but the offender shall serve all of the prison 1460
terms so imposed prior to serving the community control 1461
sanction. 1462

If the offender is being sentenced for a fourth degree 1463
felony OVI offense under division (G) (1) of section 2929.13 of 1464
the Revised Code and the court imposes a mandatory term of local 1465
incarceration, the court may impose a prison term as described 1466
in division (A) (1) of that section. 1467

(5) If an offender is convicted of or pleads guilty to a 1468
violation of division (A) (1) or (2) of section 2903.06 of the 1469
Revised Code and also is convicted of or pleads guilty to a 1470
specification of the type described in section 2941.1414 of the 1471
Revised Code that charges that the victim of the offense is a 1472
peace officer, as defined in section 2935.01 of the Revised 1473
Code, or an investigator of the bureau of criminal 1474
identification and investigation, as defined in section 2903.11 1475

of the Revised Code, the court shall impose on the offender a 1476
prison term of five years. If a court imposes a prison term on 1477
an offender under division (B) (5) of this section, the prison 1478
term, subject to divisions (C) to (I) of section 2967.19 of the 1479
Revised Code, shall not be reduced pursuant to section 2929.20, 1480
section 2967.19, section 2967.193, or any other provision of 1481
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1482
shall not impose more than one prison term on an offender under 1483
division (B) (5) of this section for felonies committed as part 1484
of the same act. 1485

(6) If an offender is convicted of or pleads guilty to a 1486
violation of division (A) (1) or (2) of section 2903.06 of the 1487
Revised Code and also is convicted of or pleads guilty to a 1488
specification of the type described in section 2941.1415 of the 1489
Revised Code that charges that the offender previously has been 1490
convicted of or pleaded guilty to three or more violations of 1491
division (A) or (B) of section 4511.19 of the Revised Code or an 1492
equivalent offense, as defined in section 2941.1415 of the 1493
Revised Code, or three or more violations of any combination of 1494
those divisions and offenses, the court shall impose on the 1495
offender a prison term of three years. If a court imposes a 1496
prison term on an offender under division (B) (6) of this 1497
section, the prison term, subject to divisions (C) to (I) of 1498
section 2967.19 of the Revised Code, shall not be reduced 1499
pursuant to section 2929.20, section 2967.19, section 2967.193, 1500
or any other provision of Chapter 2967. or Chapter 5120. of the 1501
Revised Code. A court shall not impose more than one prison term 1502
on an offender under division (B) (6) of this section for 1503
felonies committed as part of the same act. 1504

(7) (a) If an offender is convicted of or pleads guilty to 1505
a felony violation of section 2905.01, 2905.02, 2907.21, 1506

2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1507
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1508
section 2919.22 of the Revised Code and also is convicted of or 1509
pleads guilty to a specification of the type described in 1510
section 2941.1422 of the Revised Code that charges that the 1511
offender knowingly committed the offense in furtherance of human 1512
trafficking, the court shall impose on the offender a mandatory 1513
prison term that is one of the following: 1514

(i) If the offense is a felony of the first degree, a 1515
definite prison term of not less than five years and not greater 1516
than eleven years, except that if the offense is a felony of the 1517
first degree committed on or after ~~the effective date of this~~ 1518
~~amendment~~ March 22, 2019, the court shall impose as the minimum 1519
prison term a mandatory term of not less than five years and not 1520
greater than eleven years; 1521

(ii) If the offense is a felony of the second or third 1522
degree, a definite prison term of not less than three years and 1523
not greater than the maximum prison term allowed for the offense 1524
by division (A) (2) (b) or (3) of this section, except that if the 1525
offense is a felony of the second degree committed on or after 1526
~~the effective date of this amendment~~ March 22, 2019, the court 1527
shall impose as the minimum prison term a mandatory term of not 1528
less than three years and not greater than eight years; 1529

(iii) If the offense is a felony of the fourth or fifth 1530
degree, a definite prison term that is the maximum prison term 1531
allowed for the offense by division (A) of section 2929.14 of 1532
the Revised Code. 1533

(b) Subject to divisions (C) to (I) of section 2967.19 of 1534
the Revised Code, the prison term imposed under division (B) (7) 1535
(a) of this section shall not be reduced pursuant to section 1536

2929.20, section 2967.19, section 2967.193, or any other 1537
provision of Chapter 2967. of the Revised Code. A court shall 1538
not impose more than one prison term on an offender under 1539
division (B) (7) (a) of this section for felonies committed as 1540
part of the same act, scheme, or plan. 1541

(8) If an offender is convicted of or pleads guilty to a 1542
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1543
Revised Code and also is convicted of or pleads guilty to a 1544
specification of the type described in section 2941.1423 of the 1545
Revised Code that charges that the victim of the violation was a 1546
woman whom the offender knew was pregnant at the time of the 1547
violation, notwithstanding the range prescribed in division (A) 1548
of this section as the definite prison term or minimum prison 1549
term for felonies of the same degree as the violation, the court 1550
shall impose on the offender a mandatory prison term that is 1551
either a definite prison term of six months or one of the prison 1552
terms prescribed in division (A) of this section for felonies of 1553
the same degree as the violation, except that if the violation 1554
is a felony of the first or second degree committed on or after 1555
~~the effective date of this amendment~~ March 22, 2019, the court 1556
shall impose as the minimum prison term under division (A) (1) (a) 1557
or (2) (a) of this section a mandatory term that is one of the 1558
terms prescribed in that division, whichever is applicable, for 1559
the offense. 1560

(9) (a) If an offender is convicted of or pleads guilty to 1561
a violation of division (A) (1) or (2) of section 2903.11 of the 1562
Revised Code and also is convicted of or pleads guilty to a 1563
specification of the type described in section 2941.1425 of the 1564
Revised Code, the court shall impose on the offender a mandatory 1565
prison term of six years if either of the following applies: 1566

(i) The violation is a violation of division (A) (1) of 1567
section 2903.11 of the Revised Code and the specification 1568
charges that the offender used an accelerant in committing the 1569
violation and the serious physical harm to another or to 1570
another's unborn caused by the violation resulted in a 1571
permanent, serious disfigurement or permanent, substantial 1572
incapacity; 1573

(ii) The violation is a violation of division (A) (2) of 1574
section 2903.11 of the Revised Code and the specification 1575
charges that the offender used an accelerant in committing the 1576
violation, that the violation caused physical harm to another or 1577
to another's unborn, and that the physical harm resulted in a 1578
permanent, serious disfigurement or permanent, substantial 1579
incapacity. 1580

(b) If a court imposes a prison term on an offender under 1581
division (B) (9) (a) of this section, the prison term shall not be 1582
reduced pursuant to section 2929.20, section 2967.19, section 1583
2967.193, or any other provision of Chapter 2967. or Chapter 1584
5120. of the Revised Code. A court shall not impose more than 1585
one prison term on an offender under division (B) (9) of this 1586
section for felonies committed as part of the same act. 1587

(c) The provisions of divisions (B) (9) and (C) (6) of this 1588
section and of division (D) (2) of section 2903.11, division (F) 1589
(20) of section 2929.13, and section 2941.1425 of the Revised 1590
Code shall be known as "Judy's Law." 1591

(10) If an offender is convicted of or pleads guilty to a 1592
violation of division (A) of section 2903.11 of the Revised Code 1593
and also is convicted of or pleads guilty to a specification of 1594
the type described in section 2941.1426 of the Revised Code that 1595
charges that the victim of the offense suffered permanent 1596

disabling harm as a result of the offense and that the victim 1597
was under ten years of age at the time of the offense, 1598
regardless of whether the offender knew the age of the victim, 1599
the court shall impose upon the offender an additional definite 1600
prison term of six years. A prison term imposed on an offender 1601
under division (B)(10) of this section shall not be reduced 1602
pursuant to section 2929.20, section 2967.193, or any other 1603
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1604
If a court imposes an additional prison term on an offender 1605
under this division relative to a violation of division (A) of 1606
section 2903.11 of the Revised Code, the court shall not impose 1607
any other additional prison term on the offender relative to the 1608
same offense. 1609

(11) If an offender is convicted of or pleads guilty to a 1610
felony violation of section 2925.03 or 2925.05 of the Revised 1611
Code or a felony violation of section 2925.11 of the Revised 1612
Code for which division (C)(11) of that section applies in 1613
determining the sentence for the violation, if the drug involved 1614
in the violation is a fentanyl-related compound or a compound, 1615
mixture, preparation, or substance containing a fentanyl-related 1616
compound, and if the offender also is convicted of or pleads 1617
guilty to a specification of the type described in division (B) 1618
of section 2941.1410 of the Revised Code that charges that the 1619
offender is a major drug offender, in addition to any other 1620
penalty imposed for the violation, the court shall impose on the 1621
offender a mandatory prison term of three, four, five, six, 1622
seven, or eight years. If a court imposes a prison term on an 1623
offender under division (B)(11) of this section, the prison 1624
term, subject to divisions (C) to (I) of section 2967.19 of the 1625
Revised Code, shall not be reduced pursuant to section 2929.20, 1626
2967.19, or 2967.193, or any other provision of Chapter 2967. or 1627

5120. of the Revised Code. A court shall not impose more than 1628
one prison term on an offender under division (B) (11) of this 1629
section for felonies committed as part of the same act. 1630

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1631
if a mandatory prison term is imposed upon an offender pursuant 1632
to division (B) (1) (a) of this section for having a firearm on or 1633
about the offender's person or under the offender's control 1634
while committing a felony, if a mandatory prison term is imposed 1635
upon an offender pursuant to division (B) (1) (c) of this section 1636
for committing a felony specified in that division by 1637
discharging a firearm from a motor vehicle, or if both types of 1638
mandatory prison terms are imposed, the offender shall serve any 1639
mandatory prison term imposed under either division 1640
consecutively to any other mandatory prison term imposed under 1641
either division or under division (B) (1) (d) of this section, 1642
consecutively to and prior to any prison term imposed for the 1643
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1644
this section or any other section of the Revised Code, and 1645
consecutively to any other prison term or mandatory prison term 1646
previously or subsequently imposed upon the offender. 1647

(b) If a mandatory prison term is imposed upon an offender 1648
pursuant to division (B) (1) (d) of this section for wearing or 1649
carrying body armor while committing an offense of violence that 1650
is a felony, the offender shall serve the mandatory term so 1651
imposed consecutively to any other mandatory prison term imposed 1652
under that division or under division (B) (1) (a) or (c) of this 1653
section, consecutively to and prior to any prison term imposed 1654
for the underlying felony under division (A), (B) (2), or (B) (3) 1655
of this section or any other section of the Revised Code, and 1656
consecutively to any other prison term or mandatory prison term 1657
previously or subsequently imposed upon the offender. 1658

(c) If a mandatory prison term is imposed upon an offender 1659
pursuant to division (B) (1) (f) of this section, the offender 1660
shall serve the mandatory prison term so imposed consecutively 1661
to and prior to any prison term imposed for the underlying 1662
felony under division (A), (B) (2), or (B) (3) of this section or 1663
any other section of the Revised Code, and consecutively to any 1664
other prison term or mandatory prison term previously or 1665
subsequently imposed upon the offender. 1666

(d) If a mandatory prison term is imposed upon an offender 1667
pursuant to division (B) (7) or (8) of this section, the offender 1668
shall serve the mandatory prison term so imposed consecutively 1669
to any other mandatory prison term imposed under that division 1670
or under any other provision of law and consecutively to any 1671
other prison term or mandatory prison term previously or 1672
subsequently imposed upon the offender. 1673

(e) If a mandatory prison term is imposed upon an offender 1674
pursuant to division (B) (11) of this section, the offender shall 1675
serve the mandatory prison term consecutively to any other 1676
mandatory prison term imposed under that division, consecutively 1677
to and prior to any prison term imposed for the underlying 1678
felony, and consecutively to any other prison term or mandatory 1679
prison term previously or subsequently imposed upon the 1680
offender. 1681

(2) If an offender who is an inmate in a jail, prison, or 1682
other residential detention facility violates section 2917.02, 1683
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1684
(2) of section 2921.34 of the Revised Code, if an offender who 1685
is under detention at a detention facility commits a felony 1686
violation of section 2923.131 of the Revised Code, or if an 1687
offender who is an inmate in a jail, prison, or other 1688

residential detention facility or is under detention at a 1689
detention facility commits another felony while the offender is 1690
an escapee in violation of division (A) (1) or (2) of section 1691
2921.34 of the Revised Code, any prison term imposed upon the 1692
offender for one of those violations shall be served by the 1693
offender consecutively to the prison term or term of 1694
imprisonment the offender was serving when the offender 1695
committed that offense and to any other prison term previously 1696
or subsequently imposed upon the offender. 1697

(3) If a prison term is imposed for a violation of 1698
division (B) of section 2911.01 of the Revised Code, a violation 1699
of division (A) of section 2913.02 of the Revised Code in which 1700
the stolen property is a firearm or dangerous ordnance, or a 1701
felony violation of division (B) of section 2921.331 of the 1702
Revised Code, the offender shall serve that prison term 1703
consecutively to any other prison term or mandatory prison term 1704
previously or subsequently imposed upon the offender. 1705

(4) If multiple prison terms are imposed on an offender 1706
for convictions of multiple offenses, the court may require the 1707
offender to serve the prison terms consecutively if the court 1708
finds that the consecutive service is necessary to protect the 1709
public from future crime or to punish the offender and that 1710
consecutive sentences are not disproportionate to the 1711
seriousness of the offender's conduct and to the danger the 1712
offender poses to the public, and if the court also finds any of 1713
the following: 1714

(a) The offender committed one or more of the multiple 1715
offenses while the offender was awaiting trial or sentencing, 1716
was under a sanction imposed pursuant to section 2929.16, 1717
2929.17, or 2929.18 of the Revised Code, or was under post- 1718

release control for a prior offense. 1719

(b) At least two of the multiple offenses were committed 1720
as part of one or more courses of conduct, and the harm caused 1721
by two or more of the multiple offenses so committed was so 1722
great or unusual that no single prison term for any of the 1723
offenses committed as part of any of the courses of conduct 1724
adequately reflects the seriousness of the offender's conduct. 1725

(c) The offender's history of criminal conduct 1726
demonstrates that consecutive sentences are necessary to protect 1727
the public from future crime by the offender. 1728

(5) If a mandatory prison term is imposed upon an offender 1729
pursuant to division (B) (5) or (6) of this section, the offender 1730
shall serve the mandatory prison term consecutively to and prior 1731
to any prison term imposed for the underlying violation of 1732
division (A) (1) or (2) of section 2903.06 of the Revised Code 1733
pursuant to division (A) of this section or section 2929.142 of 1734
the Revised Code. If a mandatory prison term is imposed upon an 1735
offender pursuant to division (B) (5) of this section, and if a 1736
mandatory prison term also is imposed upon the offender pursuant 1737
to division (B) (6) of this section in relation to the same 1738
violation, the offender shall serve the mandatory prison term 1739
imposed pursuant to division (B) (5) of this section 1740
consecutively to and prior to the mandatory prison term imposed 1741
pursuant to division (B) (6) of this section and consecutively to 1742
and prior to any prison term imposed for the underlying 1743
violation of division (A) (1) or (2) of section 2903.06 of the 1744
Revised Code pursuant to division (A) of this section or section 1745
2929.142 of the Revised Code. 1746

(6) If a mandatory prison term is imposed on an offender 1747
pursuant to division (B) (9) of this section, the offender shall 1748

serve the mandatory prison term consecutively to and prior to 1749
any prison term imposed for the underlying violation of division 1750
(A) (1) or (2) of section 2903.11 of the Revised Code and 1751
consecutively to and prior to any other prison term or mandatory 1752
prison term previously or subsequently imposed on the offender. 1753

(7) If a mandatory prison term is imposed on an offender 1754
pursuant to division (B) (10) of this section, the offender shall 1755
serve that mandatory prison term consecutively to and prior to 1756
any prison term imposed for the underlying felonious assault. 1757
Except as otherwise provided in division (C) of this section, 1758
any other prison term or mandatory prison term previously or 1759
subsequently imposed upon the offender may be served 1760
concurrently with, or consecutively to, the prison term imposed 1761
pursuant to division (B) (10) of this section. 1762

(8) Any prison term imposed for a violation of section 1763
2903.04 of the Revised Code that is based on a violation of 1764
section 2925.03 or 2925.11 of the Revised Code or on a violation 1765
of section 2925.05 of the Revised Code that is not funding of 1766
marihuana trafficking shall run consecutively to any prison term 1767
imposed for the violation of section 2925.03 or 2925.11 of the 1768
Revised Code or for the violation of section 2925.05 of the 1769
Revised Code that is not funding of marihuana trafficking. 1770

(9) When consecutive prison terms are imposed pursuant to 1771
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 1772
division (H) (1) or (2) of this section, subject to division (C) 1773
(10) of this section, the term to be served is the aggregate of 1774
all of the terms so imposed. 1775

(10) (a) When a court sentences an offender to a non-life 1776
felony indefinite prison term, to be served consecutively with 1777
any definite prison term or mandatory definite prison term 1778

previously ~~or, subsequently, or contemporaneously~~ imposed on the 1779
offender ~~in addition to that indefinite sentence that is~~ 1780
~~required to be served consecutively to that indefinite sentence~~ 1781
, the definite prison term or mandatory definite prison term 1782
shall be served prior to the non-life felony indefinite 1783
sentenceprison term. 1784

(b) When a court sentences an offender to a non-life 1785
felony indefinite prison term for an offense committed on or 1786
after March 22, 2019, to be served consecutively with any other 1787
non-life felony indefinite prison term previously, subsequently, 1788
or contemporaneously imposed on the offender in another case for 1789
an offense committed on or after March 22, 2019, the minimum 1790
prison term portions of each non-life felony indefinite prison 1791
term shall be aggregated and treated as one aggregate minimum 1792
prison term and the maximum prison term portions of each non- 1793
life felony indefinite prison term shall be aggregated and 1794
treated as one aggregate maximum prison term to be served in 1795
accordance with section 2967.271 of the Revised Code. 1796

(c) When a court sentences an offender to a non-life 1797
felony indefinite prison term for an offense committed on or 1798
after March 22, 2019, to be served consecutively to any 1799
indefinite prison term for an offense committed before July 1, 1800
1996, the non-life felony indefinite prison term for the offense 1801
committed on or after March 22, 2019, shall be served prior to 1802
the indefinite prison term for the offense committed prior to 1803
July 1, 1996. 1804

(11) If a court is sentencing an offender for a felony of 1805
the first or second degree, if division (A) (1) (a) or (2) (a) of 1806
this section applies with respect to the sentencing for the 1807
offense, and if the court is required under the Revised Code 1808

section that sets forth the offense or any other Revised Code 1809
provision to impose a mandatory prison term for the offense, the 1810
court shall impose the required mandatory prison term as the 1811
minimum prison term imposed under division (A) (1) (a) or (2) (a) 1812
of this section, whichever is applicable. 1813

(D) (1) If a court imposes a prison term, other than a term 1814
of life imprisonment, for a felony of the first degree, for a 1815
felony of the second degree, for a felony sex offense, or for a 1816
felony of the third degree that is an offense of violence and 1817
that is not a felony sex offense, it shall include in the 1818
sentence a requirement that the offender be subject to a period 1819
of post-release control after the offender's release from 1820
imprisonment, in accordance with section 2967.28 of the Revised 1821
Code. If a court imposes a sentence including a prison term of a 1822
type described in this division on or after July 11, 2006, the 1823
failure of a court to include a post-release control requirement 1824
in the sentence pursuant to this division does not negate, 1825
limit, or otherwise affect the mandatory period of post-release 1826
control that is required for the offender under division (B) of 1827
section 2967.28 of the Revised Code. Section 2929.191 of the 1828
Revised Code applies if, prior to July 11, 2006, a court imposed 1829
a sentence including a prison term of a type described in this 1830
division and failed to include in the sentence pursuant to this 1831
division a statement regarding post-release control. 1832

(2) If a court imposes a prison term for a felony of the 1833
third, fourth, or fifth degree that is not subject to division 1834
(D) (1) of this section, it shall include in the sentence a 1835
requirement that the offender be subject to a period of post- 1836
release control after the offender's release from imprisonment, 1837
in accordance with that division, if the parole board determines 1838
that a period of post-release control is necessary. Section 1839

2929.191 of the Revised Code applies if, prior to July 11, 2006, 1840
a court imposed a sentence including a prison term of a type 1841
described in this division and failed to include in the sentence 1842
pursuant to this division a statement regarding post-release 1843
control. 1844

(E) The court shall impose sentence upon the offender in 1845
accordance with section 2971.03 of the Revised Code, and Chapter 1846
2971. of the Revised Code applies regarding the prison term or 1847
term of life imprisonment without parole imposed upon the 1848
offender and the service of that term of imprisonment if any of 1849
the following apply: 1850

(1) A person is convicted of or pleads guilty to a violent 1851
sex offense or a designated homicide, assault, or kidnapping 1852
offense, and, in relation to that offense, the offender is 1853
adjudicated a sexually violent predator. 1854

(2) A person is convicted of or pleads guilty to a 1855
violation of division (A) (1) (b) of section 2907.02 of the 1856
Revised Code committed on or after January 2, 2007, and either 1857
the court does not impose a sentence of life without parole when 1858
authorized pursuant to division (B) of section 2907.02 of the 1859
Revised Code, or division (B) of section 2907.02 of the Revised 1860
Code provides that the court shall not sentence the offender 1861
pursuant to section 2971.03 of the Revised Code. 1862

(3) A person is convicted of or pleads guilty to attempted 1863
rape committed on or after January 2, 2007, and a specification 1864
of the type described in section 2941.1418, 2941.1419, or 1865
2941.1420 of the Revised Code. 1866

(4) A person is convicted of or pleads guilty to a 1867
violation of section 2905.01 of the Revised Code committed on or 1868

after January 1, 2008, and that section requires the court to 1869
sentence the offender pursuant to section 2971.03 of the Revised 1870
Code. 1871

(5) A person is convicted of or pleads guilty to 1872
aggravated murder committed on or after January 1, 2008, and 1873
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1874
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1875
(a) (iv) of section 2929.03, or division (A) or (B) of section 1876
2929.06 of the Revised Code requires the court to sentence the 1877
offender pursuant to division (B) (3) of section 2971.03 of the 1878
Revised Code. 1879

(6) A person is convicted of or pleads guilty to murder 1880
committed on or after January 1, 2008, and division (B) (2) of 1881
section 2929.02 of the Revised Code requires the court to 1882
sentence the offender pursuant to section 2971.03 of the Revised 1883
Code. 1884

(F) If a person who has been convicted of or pleaded 1885
guilty to a felony is sentenced to a prison term or term of 1886
imprisonment under this section, sections 2929.02 to 2929.06 of 1887
the Revised Code, section 2929.142 of the Revised Code, section 1888
2971.03 of the Revised Code, or any other provision of law, 1889
section 5120.163 of the Revised Code applies regarding the 1890
person while the person is confined in a state correctional 1891
institution. 1892

(G) If an offender who is convicted of or pleads guilty to 1893
a felony that is an offense of violence also is convicted of or 1894
pleads guilty to a specification of the type described in 1895
section 2941.142 of the Revised Code that charges the offender 1896
with having committed the felony while participating in a 1897
criminal gang, the court shall impose upon the offender an 1898

additional prison term of one, two, or three years. 1899

(H) (1) If an offender who is convicted of or pleads guilty 1900
to aggravated murder, murder, or a felony of the first, second, 1901
or third degree that is an offense of violence also is convicted 1902
of or pleads guilty to a specification of the type described in 1903
section 2941.143 of the Revised Code that charges the offender 1904
with having committed the offense in a school safety zone or 1905
towards a person in a school safety zone, the court shall impose 1906
upon the offender an additional prison term of two years. The 1907
offender shall serve the additional two years consecutively to 1908
and prior to the prison term imposed for the underlying offense. 1909

(2) (a) If an offender is convicted of or pleads guilty to 1910
a felony violation of section 2907.22, 2907.24, 2907.241, or 1911
2907.25 of the Revised Code and to a specification of the type 1912
described in section 2941.1421 of the Revised Code and if the 1913
court imposes a prison term on the offender for the felony 1914
violation, the court may impose upon the offender an additional 1915
prison term as follows: 1916

(i) Subject to division (H) (2) (a) (ii) of this section, an 1917
additional prison term of one, two, three, four, five, or six 1918
months; 1919

(ii) If the offender previously has been convicted of or 1920
pleaded guilty to one or more felony or misdemeanor violations 1921
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1922
the Revised Code and also was convicted of or pleaded guilty to 1923
a specification of the type described in section 2941.1421 of 1924
the Revised Code regarding one or more of those violations, an 1925
additional prison term of one, two, three, four, five, six, 1926
seven, eight, nine, ten, eleven, or twelve months. 1927

(b) In lieu of imposing an additional prison term under 1928
division (H) (2) (a) of this section, the court may directly 1929
impose on the offender a sanction that requires the offender to 1930
wear a real-time processing, continual tracking electronic 1931
monitoring device during the period of time specified by the 1932
court. The period of time specified by the court shall equal the 1933
duration of an additional prison term that the court could have 1934
imposed upon the offender under division (H) (2) (a) of this 1935
section. A sanction imposed under this division shall commence 1936
on the date specified by the court, provided that the sanction 1937
shall not commence until after the offender has served the 1938
prison term imposed for the felony violation of section 2907.22, 1939
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1940
residential sanction imposed for the violation under section 1941
2929.16 of the Revised Code. A sanction imposed under this 1942
division shall be considered to be a community control sanction 1943
for purposes of section 2929.15 of the Revised Code, and all 1944
provisions of the Revised Code that pertain to community control 1945
sanctions shall apply to a sanction imposed under this division, 1946
except to the extent that they would by their nature be clearly 1947
inapplicable. The offender shall pay all costs associated with a 1948
sanction imposed under this division, including the cost of the 1949
use of the monitoring device. 1950

(I) At the time of sentencing, the court may recommend the 1951
offender for placement in a program of shock incarceration under 1952
section 5120.031 of the Revised Code or for placement in an 1953
intensive program prison under section 5120.032 of the Revised 1954
Code, disapprove placement of the offender in a program of shock 1955
incarceration or an intensive program prison of that nature, or 1956
make no recommendation on placement of the offender. In no case 1957
shall the department of rehabilitation and correction place the 1958

offender in a program or prison of that nature unless the 1959
department determines as specified in section 5120.031 or 1960
5120.032 of the Revised Code, whichever is applicable, that the 1961
offender is eligible for the placement. 1962

If the court disapproves placement of the offender in a 1963
program or prison of that nature, the department of 1964
rehabilitation and correction shall not place the offender in 1965
any program of shock incarceration or intensive program prison. 1966

If the court recommends placement of the offender in a 1967
program of shock incarceration or in an intensive program 1968
prison, and if the offender is subsequently placed in the 1969
recommended program or prison, the department shall notify the 1970
court of the placement and shall include with the notice a brief 1971
description of the placement. 1972

If the court recommends placement of the offender in a 1973
program of shock incarceration or in an intensive program prison 1974
and the department does not subsequently place the offender in 1975
the recommended program or prison, the department shall send a 1976
notice to the court indicating why the offender was not placed 1977
in the recommended program or prison. 1978

If the court does not make a recommendation under this 1979
division with respect to an offender and if the department 1980
determines as specified in section 5120.031 or 5120.032 of the 1981
Revised Code, whichever is applicable, that the offender is 1982
eligible for placement in a program or prison of that nature, 1983
the department shall screen the offender and determine if there 1984
is an available program of shock incarceration or an intensive 1985
program prison for which the offender is suited. If there is an 1986
available program of shock incarceration or an intensive program 1987
prison for which the offender is suited, the department shall 1988

notify the court of the proposed placement of the offender as 1989
specified in section 5120.031 or 5120.032 of the Revised Code 1990
and shall include with the notice a brief description of the 1991
placement. The court shall have ten days from receipt of the 1992
notice to disapprove the placement. 1993

(J) If a person is convicted of or pleads guilty to 1994
aggravated vehicular homicide in violation of division (A) (1) of 1995
section 2903.06 of the Revised Code and division (B) (2) (c) of 1996
that section applies, the person shall be sentenced pursuant to 1997
section 2929.142 of the Revised Code. 1998

(K) (1) The court shall impose an additional mandatory 1999
prison term of two, three, four, five, six, seven, eight, nine, 2000
ten, or eleven years on an offender who is convicted of or 2001
pleads guilty to a violent felony offense if the offender also 2002
is convicted of or pleads guilty to a specification of the type 2003
described in section 2941.1424 of the Revised Code that charges 2004
that the offender is a violent career criminal and had a firearm 2005
on or about the offender's person or under the offender's 2006
control while committing the presently charged violent felony 2007
offense and displayed or brandished the firearm, indicated that 2008
the offender possessed a firearm, or used the firearm to 2009
facilitate the offense. The offender shall serve the prison term 2010
imposed under this division consecutively to and prior to the 2011
prison term imposed for the underlying offense. The prison term 2012
shall not be reduced pursuant to section 2929.20 or 2967.19 or 2013
any other provision of Chapter 2967. or 5120. of the Revised 2014
Code. A court may not impose more than one sentence under 2015
division (B) (2) (a) of this section and this division for acts 2016
committed as part of the same act or transaction. 2017

(2) As used in division (K) (1) of this section, "violent 2018

career criminal" and "violent felony offense" have the same 2019
meanings as in section 2923.132 of the Revised Code. 2020

(L) If an offender receives or received a sentence of life 2021
imprisonment without parole, a sentence of life imprisonment, a 2022
definite sentence, or a sentence to an indefinite prison term 2023
under this chapter for a felony offense that was committed when 2024
the offender was under eighteen years of age, the offender's 2025
parole eligibility shall be determined under section 2967.132 of 2026
the Revised Code. 2027

Sec. 2929.144. (A) As used in this section, ~~"qualifying:~~ 2028

(1) "Most serious qualifying felony being sentenced" 2029
means, with respect to an indictment, information, or complaint 2030
that contains more than one qualifying felony of the first or 2031
second degree, the qualifying felony of the first or second 2032
degree carrying the highest degree of felony of all the 2033
qualifying felonies of the first or second degree contained in 2034
the indictment, information, or complaint and for which sentence 2035
is being imposed. 2036

(2) "Qualifying felony of the first or second degree" 2037
means a felony of the first or second degree committed on or 2038
~~after the effective date of this section~~ March 22, 2019. 2039

(B) The court imposing a prison term on an offender under 2040
division (A) (1) (a) or (2) (a) of section 2929.14 of the Revised 2041
Code for ~~a one or more qualifying felony-felonies~~ of the first 2042
or second degree contained in a single indictment, information, 2043
or complaint shall determine ~~the a single~~ maximum prison term 2044
that is part of the sentence for all of the qualifying felonies 2045
of the first or second degree contained in the indictment, 2046
information, or complaint, in accordance with the following: 2047

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

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

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

~~(4)-(3)~~ Any mandatory prison term, or portion of a 2078
mandatory prison term, that is imposed or to be imposed on the 2079
offender under division (B), (G), or (H) of section 2929.14 of 2080
the Revised Code or under any other provision of the Revised 2081
Code, with respect to a conviction of or plea of guilty to a 2082
specification, and that is in addition to the sentence imposed 2083
for the underlying offense ~~is~~: 2084

(a) Is separate from the non-life felony indefinite 2085
sentence being imposed for the qualifying first or second degree 2086
felony committed on or after ~~the effective date of this section~~ 2087
~~and shall~~ March 22, 2019; 2088

(b) Shall not be considered or included in determining a 2089
maximum prison term for the offender under divisions (B) (1) to 2090
(3) of this section; and 2091

(c) Is to be imposed separately from the non-life felony 2092
indefinite sentence being imposed under this section. 2093

(C) The court imposing a prison term on an offender 2094
pursuant to division (A) (1) (a) or (2) (a) of section 2929.14 of 2095
the Revised Code for a qualifying felony of the first or second 2096
degree shall sentence the offender, as part of the sentence, to 2097
~~the~~ a maximum prison term determined under division (B) of this 2098
section. The court shall impose this maximum term at sentencing 2099
as part of the sentence it imposes under section 2929.14 of the 2100
Revised Code, and shall state the minimum prison term it imposes 2101
under division (A) (1) (a) or (2) (a) of that section for each 2102
qualifying felony of the first or second degree, and this 2103
maximum term, in the sentencing entry. 2104

(D) If a court imposes a prison term on an offender 2105
pursuant to division (A) (1) (a) or (2) (a) of section 2929.14 of 2106

the Revised Code for a qualifying felony of the first or second 2107
degree, section 2967.271 of the Revised Code applies with 2108
respect to the offender's service of the prison term. 2109

Sec. 2929.19. (A) The court shall hold a sentencing 2110
hearing before imposing a sentence under this chapter upon an 2111
offender who was convicted of or pleaded guilty to a felony and 2112
before resentencing an offender who was convicted of or pleaded 2113
guilty to a felony and whose case was remanded pursuant to 2114
section 2953.07 or 2953.08 of the Revised Code. At the hearing, 2115
the offender, the prosecuting attorney, the victim or the 2116
victim's representative in accordance with section 2930.14 of 2117
the Revised Code, and, with the approval of the court, any other 2118
person may present information relevant to the imposition of 2119
sentence in the case. The court shall inform the offender of the 2120
verdict of the jury or finding of the court and ask the offender 2121
whether the offender has anything to say as to why sentence 2122
should not be imposed upon the offender. 2123

(B) (1) At the sentencing hearing, the court, before 2124
imposing sentence, shall do all of the following: 2125

(a) Consider the record, any information presented at the 2126
hearing by any person pursuant to division (A) of this section, 2127
and, if one was prepared, the presentence investigation report 2128
made pursuant to section 2951.03 of the Revised Code or Criminal 2129
Rule 32.2, and any victim impact statement made pursuant to 2130
section 2947.051 of the Revised Code; 2131

(b) If the offense was committed when the offender was 2132
under eighteen years of age, in addition to other factors 2133
considered, consider youth and its characteristics as mitigating 2134
factors, including: 2135

(i) The chronological age of the offender at the time of 2136
the offense and that age's hallmark features, including 2137
intellectual capacity, immaturity, impetuosity, and a failure to 2138
appreciate risks and consequences; 2139

(ii) The family and home environment of the offender at 2140
the time of the offense, the offender's inability to control the 2141
offender's surroundings, a history of trauma regarding the 2142
offender, and the offender's school and special education 2143
history; 2144

(iii) The circumstances of the offense, including the 2145
extent of the offender's participation in the conduct and the 2146
way familial and peer pressures may have impacted the offender's 2147
conduct; 2148

(iv) Whether the offender might have been charged and 2149
convicted of a lesser offense if not for the incompetencies 2150
associated with youth, such as the offender's inability to deal 2151
with police officers and prosecutors during the offender's 2152
interrogation or possible plea agreement or the offender's 2153
inability to assist the offender's own attorney; 2154

(v) Examples of the offender's rehabilitation, including 2155
any subsequent growth or increase in maturity during 2156
confinement. 2157

(2) Subject to division (B)(3) of this section, if the 2158
sentencing court determines at the sentencing hearing that a 2159
prison term is necessary or required, the court shall do all of 2160
the following: 2161

(a) Impose a stated prison term and, if the court imposes 2162
a mandatory prison term, notify the offender that the prison 2163
term is a mandatory prison term; 2164

(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
sentence or sentences contain mandatory prison terms, if
sentences are imposed for multiple counts whether the sentences
are to be served concurrently or consecutively, and the name and
section reference of any specification or specifications for
which sentence is imposed and the sentence or sentences imposed
for the specification or specifications;

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

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

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

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

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

specified determinations and rebuts the presumption, the 2194
department may maintain the offender's incarceration after the 2195
expiration of that minimum term or after that presumptive earned 2196
early release date for the length of time the department 2197
determines to be reasonable, subject to the limitation specified 2198
in section 2967.271 of the Revised Code; 2199

~~(iv)~~ (v) That the department may make the specified 2200
determinations and maintain the offender's incarceration under 2201
the provisions described in divisions ~~(B) (2) (e) (i) and (ii)~~ and 2202
(iii) of this section more than one time, subject to the 2203
limitation specified in section 2967.271 of the Revised Code; 2204

~~(v)~~ (vi) That if the offender has not been released prior 2205
to the expiration of the offender's maximum prison term imposed 2206
as part of the sentence, the offender must be released upon the 2207
expiration of that term. 2208

(d) Notify the offender that the offender will be 2209
supervised under section 2967.28 of the Revised Code after the 2210
offender leaves prison if the offender is being sentenced, other 2211
than to a sentence of life imprisonment, for a felony of the 2212
first degree or second degree, for a felony sex offense, or for 2213
a felony of the third degree that is an offense of violence and 2214
is not a felony sex offense. This division applies with respect 2215
to all prison terms imposed for an offense of a type described 2216
in this division, including a non-life felony indefinite prison 2217
term and including a term imposed for any offense of a type 2218
described in this division that is a risk reduction sentence, as 2219
defined in section 2967.28 of the Revised Code. If a court 2220
imposes a sentence including a prison term of a type described 2221
in division (B) (2) (d) of this section on or after July 11, 2006, 2222
the failure of a court to notify the offender pursuant to 2223

division (B) (2) (d) of this section that the offender will be 2224
supervised under section 2967.28 of the Revised Code after the 2225
offender leaves prison or to include in the judgment of 2226
conviction entered on the journal a statement to that effect 2227
does not negate, limit, or otherwise affect the mandatory period 2228
of supervision that is required for the offender under division 2229
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 2230
the Revised Code applies if, prior to July 11, 2006, a court 2231
imposed a sentence including a prison term of a type described 2232
in division (B) (2) (d) of this section and failed to notify the 2233
offender pursuant to division (B) (2) (d) of this section 2234
regarding post-release control or to include in the judgment of 2235
conviction entered on the journal or in the sentence a statement 2236
regarding post-release control. 2237

(e) Notify the offender that the offender may be 2238
supervised under section 2967.28 of the Revised Code after the 2239
offender leaves prison if the offender is being sentenced for a 2240
felony of the third, fourth, or fifth degree that is not subject 2241
to division (B) (2) (d) of this section. This division applies 2242
with respect to all prison terms imposed for an offense of a 2243
type described in this division, including a term imposed for 2244
any such offense that is a risk reduction sentence, as defined 2245
in section 2967.28 of the Revised Code. Section 2929.191 of the 2246
Revised Code applies if, prior to July 11, 2006, a court imposed 2247
a sentence including a prison term of a type described in 2248
division (B) (2) (e) of this section and failed to notify the 2249
offender pursuant to division (B) (2) (e) of this section 2250
regarding post-release control or to include in the judgment of 2251
conviction entered on the journal or in the sentence a statement 2252
regarding post-release control. 2253

(f) Notify the offender that, if a period of supervision 2254

is imposed following the offender's release from prison, as 2255
described in division (B) (2) (d) or (e) of this section, and if 2256
the offender violates that supervision or a condition of post- 2257
release control imposed under division (B) of section 2967.131 2258
of the Revised Code, the parole board may impose a prison term, 2259
as part of the sentence, of up to one-half of the definite 2260
prison term originally imposed upon the offender as the 2261
offender's stated prison term or up to one-half of the minimum 2262
prison term originally imposed upon the offender as part of the 2263
offender's stated non-life felony indefinite prison term. If a 2264
court imposes a sentence including a prison term on or after 2265
July 11, 2006, the failure of a court to notify the offender 2266
pursuant to division (B) (2) (f) of this section that the parole 2267
board may impose a prison term as described in division (B) (2) 2268
(f) of this section for a violation of that supervision or a 2269
condition of post-release control imposed under division (B) of 2270
section 2967.131 of the Revised Code or to include in the 2271
judgment of conviction entered on the journal a statement to 2272
that effect does not negate, limit, or otherwise affect the 2273
authority of the parole board to so impose a prison term for a 2274
violation of that nature if, pursuant to division (D) (1) of 2275
section 2967.28 of the Revised Code, the parole board notifies 2276
the offender prior to the offender's release of the board's 2277
authority to so impose a prison term. Section 2929.191 of the 2278
Revised Code applies if, prior to July 11, 2006, a court imposed 2279
a sentence including a prison term and failed to notify the 2280
offender pursuant to division (B) (2) (f) of this section 2281
regarding the possibility of the parole board imposing a prison 2282
term for a violation of supervision or a condition of post- 2283
release control. 2284

(g) (i) Determine, notify the offender of, and include in 2285

the sentencing entry the total number of days, including the 2286
sentencing date but excluding conveyance time, that the offender 2287
has been confined for any reason arising out of the offense for 2288
which the offender is being sentenced and by which the 2289
department of rehabilitation and correction must reduce the 2290
definite prison term imposed on the offender as the offender's 2291
stated prison term or, if the offense is an offense for which a 2292
non-life felony indefinite prison term is imposed under division 2293
(A) (1) (a) or (2) (a) of section 2929.14 of the Revised Code, the 2294
minimum ~~and maximum~~ ~~prison terms~~ term imposed on the offender as 2295
part of that non-life felony indefinite prison term, under 2296
section 2967.191 of the Revised Code. The court's calculation 2297
shall not include the number of days, if any, that the offender 2298
served in the custody of the department of rehabilitation and 2299
correction arising out of any prior offense for which the 2300
prisoner was convicted and sentenced. 2301

(ii) In making a determination under division (B) (2) (g) (i) 2302
of this section, the court shall consider the arguments of the 2303
parties and conduct a hearing if one is requested. 2304

(iii) The sentencing court retains continuing jurisdiction 2305
to correct any error not previously raised at sentencing in 2306
making a determination under division (B) (2) (g) (i) of this 2307
section. The offender may, at any time after sentencing, file a 2308
motion in the sentencing court to correct any error made in 2309
making a determination under division (B) (2) (g) (i) of this 2310
section, and the court may in its discretion grant or deny that 2311
motion. If the court changes the number of days in its 2312
determination or redetermination, the court shall cause the 2313
entry granting that change to be delivered to the department of 2314
rehabilitation and correction without delay. Sections 2931.15 2315
and 2953.21 of the Revised Code do not apply to a motion made 2316

under this section. 2317

(iv) An inaccurate determination under division (B) (2) (g) 2318
(i) of this section is not grounds for setting aside the 2319
offender's conviction or sentence and does not otherwise render 2320
the sentence void or voidable. 2321

(v) The department of rehabilitation and correction shall 2322
rely upon the latest journal entry of the court in determining 2323
the total days of local confinement for purposes of division (B) 2324
(2) (f) (i) to (iii) of this section and section 2967.191 of the 2325
Revised Code. 2326

(3) (a) The court shall include in the offender's sentence 2327
a statement that the offender is a tier III sex offender/child- 2328
victim offender, and the court shall comply with the 2329
requirements of section 2950.03 of the Revised Code if any of 2330
the following apply: 2331

(i) The offender is being sentenced for a violent sex 2332
offense or designated homicide, assault, or kidnapping offense 2333
that the offender committed on or after January 1, 1997, and the 2334
offender is adjudicated a sexually violent predator in relation 2335
to that offense. 2336

(ii) The offender is being sentenced for a sexually 2337
oriented offense that the offender committed on or after January 2338
1, 1997, and the offender is a tier III sex offender/child- 2339
victim offender relative to that offense. 2340

(iii) The offender is being sentenced on or after July 31, 2341
2003, for a child-victim oriented offense, and the offender is a 2342
tier III sex offender/child-victim offender relative to that 2343
offense. 2344

(iv) The offender is being sentenced under section 2971.03 2345

of the Revised Code for a violation of division (A) (1) (b) of 2346
section 2907.02 of the Revised Code committed on or after 2347
January 2, 2007. 2348

(v) The offender is sentenced to a term of life without 2349
parole under division (B) of section 2907.02 of the Revised 2350
Code. 2351

(vi) The offender is being sentenced for attempted rape 2352
committed on or after January 2, 2007, and a specification of 2353
the type described in section 2941.1418, 2941.1419, or 2941.1420 2354
of the Revised Code. 2355

(vii) The offender is being sentenced under division (B) 2356
(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code 2357
for an offense described in those divisions committed on or 2358
after January 1, 2008. 2359

(b) Additionally, if any criterion set forth in divisions 2360
(B) (3) (a) (i) to (vii) of this section is satisfied, in the 2361
circumstances described in division (E) of section 2929.14 of 2362
the Revised Code, the court shall impose sentence on the 2363
offender as described in that division. 2364

(4) If the sentencing court determines at the sentencing 2365
hearing that a community control sanction should be imposed and 2366
the court is not prohibited from imposing a community control 2367
sanction, the court shall impose a community control sanction. 2368
The court shall notify the offender that, if the conditions of 2369
the sanction are violated, if the offender commits a violation 2370
of any law, or if the offender leaves this state without the 2371
permission of the court or the offender's probation officer, the 2372
court may impose a longer time under the same sanction, may 2373
impose a more restrictive sanction, or may impose a prison term 2374

on the offender and shall indicate the specific prison term that 2375
may be imposed as a sanction for the violation, as selected by 2376
the court from the range of prison terms for the offense 2377
pursuant to section 2929.14 of the Revised Code and as described 2378
in section 2929.15 of the Revised Code. 2379

(5) Before imposing a financial sanction under section 2380
2929.18 of the Revised Code or a fine under section 2929.32 of 2381
the Revised Code, the court shall consider the offender's 2382
present and future ability to pay the amount of the sanction or 2383
fine. 2384

(6) If the sentencing court sentences the offender to a 2385
sanction of confinement pursuant to section 2929.14 or 2929.16 2386
of the Revised Code that is to be served in a local detention 2387
facility, as defined in section 2929.36 of the Revised Code, and 2388
if the local detention facility is covered by a policy adopted 2389
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 2390
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 2391
and section 2929.37 of the Revised Code, both of the following 2392
apply: 2393

(a) The court shall specify both of the following as part 2394
of the sentence: 2395

(i) If the offender is presented with an itemized bill 2396
pursuant to section 2929.37 of the Revised Code for payment of 2397
the costs of confinement, the offender is required to pay the 2398
bill in accordance with that section. 2399

(ii) If the offender does not dispute the bill described 2400
in division (B) (6) (a) (i) of this section and does not pay the 2401
bill by the times specified in section 2929.37 of the Revised 2402
Code, the clerk of the court may issue a certificate of judgment 2403

against the offender as described in that section. 2404

(b) The sentence automatically includes any certificate of 2405
judgment issued as described in division (B) (6) (a) (ii) of this 2406
section. 2407

(7) The failure of the court to notify the offender that a 2408
prison term is a mandatory prison term pursuant to division (B) 2409
(2) (a) of this section or to include in the sentencing entry any 2410
information required by division (B) (2) (b) of this section does 2411
not affect the validity of the imposed sentence or sentences. If 2412
the sentencing court notifies the offender at the sentencing 2413
hearing that a prison term is mandatory but the sentencing entry 2414
does not specify that the prison term is mandatory, the court 2415
may complete a corrected journal entry and send copies of the 2416
corrected entry to the offender and the department of 2417
rehabilitation and correction, or, at the request of the state, 2418
the court shall complete a corrected journal entry and send 2419
copies of the corrected entry to the offender and department of 2420
rehabilitation and correction. 2421

(C) (1) If the offender is being sentenced for a fourth 2422
degree felony OVI offense under division (G) (1) of section 2423
2929.13 of the Revised Code, the court shall impose the 2424
mandatory term of local incarceration in accordance with that 2425
division, shall impose a mandatory fine in accordance with 2426
division (B) (3) of section 2929.18 of the Revised Code, and, in 2427
addition, may impose additional sanctions as specified in 2428
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 2429
Code. The court shall not impose a prison term on the offender 2430
except that the court may impose a prison term upon the offender 2431
as provided in division (A) (1) of section 2929.13 of the Revised 2432
Code. 2433

(2) If the offender is being sentenced for a third or 2434
fourth degree felony OVI offense under division (G) (2) of 2435
section 2929.13 of the Revised Code, the court shall impose the 2436
mandatory prison term in accordance with that division, shall 2437
impose a mandatory fine in accordance with division (B) (3) of 2438
section 2929.18 of the Revised Code, and, in addition, may 2439
impose an additional prison term as specified in section 2929.14 2440
of the Revised Code. In addition to the mandatory prison term or 2441
mandatory prison term and additional prison term the court 2442
imposes, the court also may impose a community control sanction 2443
on the offender, but the offender shall serve all of the prison 2444
terms so imposed prior to serving the community control 2445
sanction. 2446

(D) The sentencing court, pursuant to division (I) (1) of 2447
section 2929.14 of the Revised Code, may recommend placement of 2448
the offender in a program of shock incarceration under section 2449
5120.031 of the Revised Code or an intensive program prison 2450
under section 5120.032 of the Revised Code, disapprove placement 2451
of the offender in a program or prison of that nature, or make 2452
no recommendation. If the court recommends or disapproves 2453
placement, it shall make a finding that gives its reasons for 2454
its recommendation or disapproval. 2455

Sec. 2929.20. (A) As used in this section: 2456

(1) (a) Except as provided in division (A) (1) (b) of this 2457
section, "eligible offender" means any person who, on or after 2458
April 7, 2009, is serving a stated prison term that includes one 2459
or more nonmandatory prison terms. 2460

(b) "Eligible offender" does not include any person who, 2461
on or after the effective date of this amendment, is serving a 2462
stated prison term for a non-life felony indefinite prison term 2463

or who, on or after April 7, 2009, is serving a stated prison term for any of the following criminal offenses that was a felony and was committed while the person held a public office in this state:

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

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

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

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

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

(vi) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A) (1) (b) (ii) or described in division (A) (1) (b) (iv) of this section,

if the conduct constituting the offense that was the subject of 2493
the conspiracy, that would have constituted the offense 2494
attempted, or constituting the offense in which the offender was 2495
complicit was or would have been related to the duties of the 2496
offender's public office or to the offender's actions as a 2497
public official holding that public office. 2498

(2) "Nonmandatory prison term" means a prison term that is 2499
not a mandatory prison term. 2500

(3) "Public office" means any elected federal, state, or 2501
local government office in this state. 2502

(4) "Victim's representative" has the same meaning as in 2503
section 2930.01 of the Revised Code. 2504

(5) "Imminent danger of death," "medically incapacitated," 2505
and "terminal illness" have the same meanings as in section 2506
2967.05 of the Revised Code. 2507

~~(6) "Aggregated nonmandatory prison term or terms" means 2508
the aggregate of the following: 2509~~

~~(a) All nonmandatory definite prison terms; 2510~~

~~(b) With respect to any non-life felony indefinite prison 2511
term, all nonmandatory minimum prison terms imposed as part of 2512
the non-life felony indefinite prison term or terms. 2513~~

(B) On the motion of an eligible offender or upon its own 2514
motion, the sentencing court may reduce the eligible offender's 2515
aggregated nonmandatory prison term or terms through a judicial 2516
release under this section. 2517

(C) An eligible offender may file a motion for judicial 2518
release with the sentencing court within the following 2519
applicable periods: 2520

(1) If the aggregated nonmandatory prison term or terms is 2521
less than two years, the eligible offender may file the motion 2522
at any time after the offender is delivered to a state 2523
correctional institution or, if the prison term includes a 2524
mandatory prison term or terms, at any time after the expiration 2525
of all mandatory prison terms. 2526

(2) If the aggregated nonmandatory prison term or terms is 2527
at least two years but less than five years, the eligible 2528
offender may file the motion not earlier than one hundred eighty 2529
days after the offender is delivered to a state correctional 2530
institution or, if the prison term includes a mandatory prison 2531
term or terms, not earlier than one hundred eighty days after 2532
the expiration of all mandatory prison terms. 2533

(3) If the aggregated nonmandatory prison term or terms is 2534
five years, the eligible offender may file the motion not 2535
earlier than the date on which the eligible offender has served 2536
four years of the offender's stated prison term or, if the 2537
prison term includes a mandatory prison term or terms, not 2538
earlier than four years after the expiration of all mandatory 2539
prison terms. 2540

(4) If the aggregated nonmandatory prison term or terms is 2541
more than five years but not more than ten years, the eligible 2542
offender may file the motion not earlier than the date on which 2543
the eligible offender has served five years of the offender's 2544
stated prison term or, if the prison term includes a mandatory 2545
prison term or terms, not earlier than five years after the 2546
expiration of all mandatory prison terms. 2547

(5) If the aggregated nonmandatory prison term or terms is 2548
more than ten years, the eligible offender may file the motion 2549
not earlier than the later of the date on which the offender has 2550

served one-half of the offender's stated prison term or the date 2551
specified in division (C) (4) of this section. 2552

(D) Upon receipt of a timely motion for judicial release 2553
filed by an eligible offender under division (C) of this section 2554
or upon the sentencing court's own motion made within the 2555
appropriate time specified in that division, the court may deny 2556
the motion without a hearing or schedule a hearing on the 2557
motion. The court shall not grant the motion without a hearing. 2558
If a court denies a motion without a hearing, the court later 2559
may consider judicial release for that eligible offender on a 2560
subsequent motion filed by that eligible offender unless the 2561
court denies the motion with prejudice. If a court denies a 2562
motion with prejudice, the court may later consider judicial 2563
release on its own motion. If a court denies a motion after a 2564
hearing, the court shall not consider a subsequent motion for 2565
that eligible offender. The court shall hold only one hearing 2566
for any eligible offender. 2567

A hearing under this section shall be conducted in open 2568
court not less than thirty or more than sixty days after the 2569
motion is filed, provided that the court may delay the hearing 2570
for one hundred eighty additional days. If the court holds a 2571
hearing, the court shall enter a ruling on the motion within ten 2572
days after the hearing. If the court denies the motion without a 2573
hearing, the court shall enter its ruling on the motion within 2574
sixty days after the motion is filed. 2575

(E) If a court schedules a hearing under division (D) of 2576
this section, the court shall notify the eligible offender and 2577
the head of the state correctional institution in which the 2578
eligible offender is confined prior to the hearing. The head of 2579
the state correctional institution immediately shall notify the 2580

appropriate person at the department of rehabilitation and 2581
correction of the hearing, and the department within twenty-four 2582
hours after receipt of the notice, shall post on the database it 2583
maintains pursuant to section 5120.66 of the Revised Code the 2584
offender's name and all of the information specified in division 2585
(A) (1) (c) (i) of that section. If the court schedules a hearing 2586
for judicial release, the court promptly shall give notice of 2587
the hearing to the prosecuting attorney of the county in which 2588
the eligible offender was indicted. Upon receipt of the notice 2589
from the court, the prosecuting attorney shall do whichever of 2590
the following is applicable: 2591

(1) Subject to division (E) (2) of this section, notify the 2592
victim of the offense or the victim's representative pursuant to 2593
division (B) of section 2930.16 of the Revised Code; 2594

(2) If the offense was an offense of violence that is a 2595
felony of the first, second, or third degree, except as 2596
otherwise provided in this division, notify the victim or the 2597
victim's representative of the hearing regardless of whether the 2598
victim or victim's representative has requested the 2599
notification. The notice of the hearing shall not be given under 2600
this division to a victim or victim's representative if the 2601
victim or victim's representative has requested pursuant to 2602
division (B) (2) of section 2930.03 of the Revised Code that the 2603
victim or the victim's representative not be provided the 2604
notice. If notice is to be provided to a victim or victim's 2605
representative under this division, the prosecuting attorney may 2606
give the notice by any reasonable means, including regular mail, 2607
telephone, and electronic mail, in accordance with division (D) 2608
(1) of section 2930.16 of the Revised Code. If the notice is 2609
based on an offense committed prior to March 22, 2013, the 2610
notice also shall include the opt-out information described in 2611

division (D) (1) of section 2930.16 of the Revised Code. The 2612
prosecuting attorney, in accordance with division (D) (2) of 2613
section 2930.16 of the Revised Code, shall keep a record of all 2614
attempts to provide the notice, and of all notices provided, 2615
under this division. Division (E) (2) of this section, and the 2616
notice-related provisions of division (K) of this section, 2617
division (D) (1) of section 2930.16, division (H) of section 2618
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 2619
(b) of section 2967.26, division (D) (1) of section 2967.28, and 2620
division (A) (2) of section 5149.101 of the Revised Code enacted 2621
in the act in which division (E) (2) of this section was enacted, 2622
shall be known as "Roberta's Law." 2623

(F) Upon an offender's successful completion of 2624
rehabilitative activities, the head of the state correctional 2625
institution may notify the sentencing court of the successful 2626
completion of the activities. 2627

(G) Prior to the date of the hearing on a motion for 2628
judicial release under this section, the head of the state 2629
correctional institution in which the eligible offender is 2630
confined shall send to the court an institutional summary report 2631
on the eligible offender's conduct in the institution and in any 2632
institution from which the eligible offender may have been 2633
transferred. Upon the request of the prosecuting attorney of the 2634
county in which the eligible offender was indicted or of any law 2635
enforcement agency, the head of the state correctional 2636
institution, at the same time the person sends the institutional 2637
summary report to the court, also shall send a copy of the 2638
report to the requesting prosecuting attorney and law 2639
enforcement agencies. The institutional summary report shall 2640
cover the eligible offender's participation in school, 2641
vocational training, work, treatment, and other rehabilitative 2642

activities and any disciplinary action taken against the 2643
eligible offender. The report shall be made part of the record 2644
of the hearing. A presentence investigation report is not 2645
required for judicial release. 2646

(H) If the court grants a hearing on a motion for judicial 2647
release under this section, the eligible offender shall attend 2648
the hearing if ordered to do so by the court. Upon receipt of a 2649
copy of the journal entry containing the order, the head of the 2650
state correctional institution in which the eligible offender is 2651
incarcerated shall deliver the eligible offender to the sheriff 2652
of the county in which the hearing is to be held. The sheriff 2653
shall convey the eligible offender to and from the hearing. 2654

(I) At the hearing on a motion for judicial release under 2655
this section, the court shall afford the eligible offender and 2656
the eligible offender's attorney an opportunity to present 2657
written and, if present, oral information relevant to the 2658
motion. The court shall afford a similar opportunity to the 2659
prosecuting attorney, the victim or the victim's representative, 2660
and any other person the court determines is likely to present 2661
additional relevant information. The court shall consider any 2662
statement of a victim made pursuant to section 2930.14 or 2663
2930.17 of the Revised Code, any victim impact statement 2664
prepared pursuant to section 2947.051 of the Revised Code, and 2665
any report made under division (G) of this section. The court 2666
may consider any written statement of any person submitted to 2667
the court pursuant to division (L) of this section. After ruling 2668
on the motion, the court shall notify the victim of the ruling 2669
in accordance with sections 2930.03 and 2930.16 of the Revised 2670
Code. 2671

(J) (1) A court shall not grant a judicial release under 2672

this section to an eligible offender who is imprisoned for a 2673
felony of the first or second degree, or to an eligible offender 2674
who committed an offense under Chapter 2925. or 3719. of the 2675
Revised Code and for whom there was a presumption under section 2676
2929.13 of the Revised Code in favor of a prison term, unless 2677
the court, with reference to factors under section 2929.12 of 2678
the Revised Code, finds both of the following: 2679

(a) That a sanction other than a prison term would 2680
adequately punish the offender and protect the public from 2681
future criminal violations by the eligible offender because the 2682
applicable factors indicating a lesser likelihood of recidivism 2683
outweigh the applicable factors indicating a greater likelihood 2684
of recidivism; 2685

(b) That a sanction other than a prison term would not 2686
demean the seriousness of the offense because factors indicating 2687
that the eligible offender's conduct in committing the offense 2688
was less serious than conduct normally constituting the offense 2689
outweigh factors indicating that the eligible offender's conduct 2690
was more serious than conduct normally constituting the offense. 2691

(2) A court that grants a judicial release to an eligible 2692
offender under division (J)(1) of this section shall specify on 2693
the record both findings required in that division and also 2694
shall list all the factors described in that division that were 2695
presented at the hearing. 2696

(K) If the court grants a motion for judicial release 2697
under this section, the court shall order the release of the 2698
eligible offender, shall place the eligible offender under an 2699
appropriate community control sanction, under appropriate 2700
conditions, and under the supervision of the department of 2701
probation serving the court and shall reserve the right to 2702

reimpose the sentence that it reduced if the offender violates 2703
the sanction. If the court reimposes the reduced sentence, it 2704
may do so either concurrently with, or consecutive to, any new 2705
sentence imposed upon the eligible offender as a result of the 2706
violation that is a new offense. Except as provided in division 2707
(R) (2) of this section, the period of community control shall be 2708
no longer than five years. The court, in its discretion, may 2709
reduce the period of community control by the amount of time the 2710
eligible offender spent in jail or prison for the offense and in 2711
prison. If the court made any findings pursuant to division (J) 2712
(1) of this section, the court shall serve a copy of the 2713
findings upon counsel for the parties within fifteen days after 2714
the date on which the court grants the motion for judicial 2715
release. 2716

If the court grants a motion for judicial release, the 2717
court shall notify the appropriate person at the department of 2718
rehabilitation and correction, and the department shall post 2719
notice of the release on the database it maintains pursuant to 2720
section 5120.66 of the Revised Code. The court also shall notify 2721
the prosecuting attorney of the county in which the eligible 2722
offender was indicted that the motion has been granted. Unless 2723
the victim or the victim's representative has requested pursuant 2724
to division (B) (2) of section 2930.03 of the Revised Code that 2725
the victim or victim's representative not be provided the 2726
notice, the prosecuting attorney shall notify the victim or the 2727
victim's representative of the judicial release in any manner, 2728
and in accordance with the same procedures, pursuant to which 2729
the prosecuting attorney is authorized to provide notice of the 2730
hearing pursuant to division (E) (2) of this section. If the 2731
notice is based on an offense committed prior to March 22, 2013, 2732
the notice to the victim or victim's representative also shall 2733

include the opt-out information described in division (D)(1) of 2734
section 2930.16 of the Revised Code. 2735

(L) In addition to and independent of the right of a 2736
victim to make a statement pursuant to section 2930.14, 2930.17, 2737
or 2946.051 of the Revised Code and any right of a person to 2738
present written information or make a statement pursuant to 2739
division (I) of this section, any person may submit to the 2740
court, at any time prior to the hearing on the offender's motion 2741
for judicial release, a written statement concerning the effects 2742
of the offender's crime or crimes, the circumstances surrounding 2743
the crime or crimes, the manner in which the crime or crimes 2744
were perpetrated, and the person's opinion as to whether the 2745
offender should be released. 2746

(M) The changes to this section that are made on September 2747
30, 2011, apply to any judicial release decision made on or 2748
after September 30, 2011, for any eligible offender. 2749

(N) Notwithstanding the eligibility requirements specified 2750
in division (A) of this section and the filing time frames 2751
specified in division (C) of this section and notwithstanding 2752
the findings required under division (J) of this section, the 2753
sentencing court, upon the court's own motion and after 2754
considering whether the release of the offender into society 2755
would create undue risk to public safety, may grant a judicial 2756
release to an offender who is not serving a life sentence at any 2757
time during the offender's imposed sentence when the director of 2758
rehabilitation and correction certifies to the sentencing court 2759
through the chief medical officer for the department of 2760
rehabilitation and correction that the offender is in imminent 2761
danger of death, is medically incapacitated, or is suffering 2762
from a terminal illness. 2763

(O) The director of rehabilitation and correction shall 2764
not certify any offender under division (N) of this section who 2765
is serving a death sentence. 2766

(P) A motion made by the court under division (N) of this 2767
section is subject to the notice, hearing, and other procedural 2768
requirements specified in divisions (D), (E), (G), (H), (I), 2769
(K), and (L) of this section, except for the following: 2770

(1) The court may waive the offender's appearance at any 2771
hearing scheduled by the court if the offender's condition makes 2772
it impossible for the offender to participate meaningfully in 2773
the proceeding. 2774

(2) The court may grant the motion without a hearing, 2775
provided that the prosecuting attorney and victim or victim's 2776
representative to whom notice of the hearing was provided under 2777
division (E) of this section indicate that they do not wish to 2778
participate in the hearing or present information relevant to 2779
the motion. 2780

(Q) The court may request health care records from the 2781
department of rehabilitation and correction to verify the 2782
certification made under division (N) of this section. 2783

(R) (1) If the court grants judicial release under division 2784
(N) of this section, the court shall do all of the following: 2785

(a) Order the release of the offender; 2786

(b) Place the offender under an appropriate community 2787
control sanction, under appropriate conditions; 2788

(c) Place the offender under the supervision of the 2789
department of probation serving the court or under the 2790
supervision of the adult parole authority. 2791

(2) The court, in its discretion, may revoke the judicial 2792
release if the offender violates the community control sanction 2793
described in division (R) (1) of this section. The period of that 2794
community control is not subject to the five-year limitation 2795
described in division (K) of this section and shall not expire 2796
earlier than the date on which all of the offender's mandatory 2797
prison terms expire. 2798

(S) If the health of an offender who is released under 2799
division (N) of this section improves so that the offender is no 2800
longer terminally ill, medically incapacitated, or in imminent 2801
danger of death, the court shall, upon the court's own motion, 2802
revoke the judicial release. The court shall not grant the 2803
motion without a hearing unless the offender waives a hearing. 2804
If a hearing is held, the court shall afford the offender and 2805
the offender's attorney an opportunity to present written and, 2806
if the offender or the offender's attorney is present, oral 2807
information relevant to the motion. The court shall afford a 2808
similar opportunity to the prosecuting attorney, the victim or 2809
the victim's representative, and any other person the court 2810
determines is likely to present additional relevant information. 2811
A court that grants a motion under this division shall specify 2812
its findings on the record. 2813

Sec. 2930.16. (A) If a defendant is incarcerated, a victim 2814
in a case who has requested to receive notice under this section 2815
shall be given notice of the incarceration of the defendant. If 2816
an alleged juvenile offender is committed to the temporary 2817
custody of a school, camp, institution, or other facility 2818
operated for the care of delinquent children or to the legal 2819
custody of the department of youth services, a victim in a case 2820
who has requested to receive notice under this section shall be 2821
given notice of the commitment. Promptly after sentence is 2822

imposed upon the defendant or the commitment of the alleged 2823
juvenile offender is ordered, the prosecutor in the case shall 2824
notify the victim of the date on which the defendant will be 2825
released, or initially will be eligible for release, from 2826
confinement or the prosecutor's reasonable estimate of that date 2827
or the date on which the alleged juvenile offender will have 2828
served the minimum period of commitment or the prosecutor's 2829
reasonable estimate of that date. The prosecutor also shall 2830
notify the victim of the name of the custodial agency of the 2831
defendant or alleged juvenile offender and tell the victim how 2832
to contact that custodial agency. If the custodial agency is the 2833
department of rehabilitation and correction, the prosecutor 2834
shall notify the victim of the services offered by the office of 2835
victims' services pursuant to section 5120.60 of the Revised 2836
Code. If the custodial agency is the department of youth 2837
services, the prosecutor shall notify the victim of the services 2838
provided by the office of victims' services within the release 2839
authority of the department pursuant to section 5139.55 of the 2840
Revised Code and the victim's right pursuant to section 5139.56 2841
of the Revised Code to submit a written request to the release 2842
authority to be notified of actions the release authority takes 2843
with respect to the alleged juvenile offender. The victim shall 2844
keep the custodial agency informed of the victim's current 2845
address and telephone number. 2846

(B) (1) Upon the victim's request or in accordance with 2847
division (D) of this section, the prosecutor promptly shall 2848
notify the victim of any hearing for judicial release of the 2849
defendant pursuant to section 2929.20 of the Revised Code, of 2850
any hearing for release of the defendant pursuant to section 2851
2967.19 of the Revised Code, or of any hearing for judicial 2852
release or early release of the alleged juvenile offender 2853

pursuant to section 2151.38 of the Revised Code and of the 2854
victim's right to make a statement under those sections. The 2855
court shall notify the victim of its ruling in each of those 2856
hearings and on each of those applications. 2857

(2) If an offender is sentenced to a prison term pursuant 2858
to division (A) (3) or (B) of section 2971.03 of the Revised 2859
Code, upon the request of the victim of the crime or in 2860
accordance with division (D) of this section, the prosecutor 2861
promptly shall notify the victim of any hearing to be conducted 2862
pursuant to section 2971.05 of the Revised Code to determine 2863
whether to modify the requirement that the offender serve the 2864
entire prison term in a state correctional facility in 2865
accordance with division (C) of that section, whether to 2866
continue, revise, or revoke any existing modification of that 2867
requirement, or whether to terminate the prison term in 2868
accordance with division (D) of that section. The court shall 2869
notify the victim of any order issued at the conclusion of the 2870
hearing. 2871

(C) Upon the victim's request made at any time before the 2872
particular notice would be due or in accordance with division 2873
(D) of this section, the custodial agency of a defendant or 2874
alleged juvenile offender shall give the victim any of the 2875
following notices that is applicable: 2876

(1) At least sixty days before the adult parole authority 2877
recommends a pardon or commutation of sentence for the defendant 2878
or at least sixty days prior to a hearing before the adult 2879
parole authority regarding a grant of parole to the defendant, 2880
notice of the victim's right to submit a statement regarding the 2881
impact of the defendant's release in accordance with section 2882
2967.12 of the Revised Code and, if applicable, of the victim's 2883

right to appear at a full board hearing of the parole board to 2884
give testimony as authorized by section 5149.101 of the Revised 2885
Code; and at least sixty days prior to a hearing before the 2886
department regarding a determination of whether the inmate must 2887
be released under division (C) or (D) ~~(2)~~ of section 2967.271 of 2888
the Revised Code if the inmate is serving a non-life felony 2889
indefinite prison term, notice of the fact that the inmate will 2890
be having a hearing regarding a possible grant of release, the 2891
date of any hearing regarding a possible grant of release, and 2892
the right of any person to submit a written statement regarding 2893
the pending action; 2894

(2) At least sixty days before the defendant is 2895
transferred to transitional control under section 2967.26 of the 2896
Revised Code, notice of the pendency of the transfer and of the 2897
victim's right under that section to submit a statement 2898
regarding the impact of the transfer; 2899

(3) At least sixty days before the release authority of 2900
the department of youth services holds a release review, release 2901
hearing, or discharge review for the alleged juvenile offender, 2902
notice of the pendency of the review or hearing, of the victim's 2903
right to make an oral or written statement regarding the impact 2904
of the crime upon the victim or regarding the possible release 2905
or discharge, and, if the notice pertains to a hearing, of the 2906
victim's right to attend and make statements or comments at the 2907
hearing as authorized by section 5139.56 of the Revised Code; 2908

(4) Prompt notice of the defendant's or alleged juvenile 2909
offender's escape from a facility of the custodial agency in 2910
which the defendant was incarcerated or in which the alleged 2911
juvenile offender was placed after commitment, of the 2912
defendant's or alleged juvenile offender's absence without leave 2913

from a mental health or developmental disabilities facility or 2914
from other custody, and of the capture of the defendant or 2915
alleged juvenile offender after an escape or absence; 2916

(5) Notice of the defendant's or alleged juvenile 2917
offender's death while in confinement or custody; 2918

(6) Notice of the filing of a petition by the director of 2919
rehabilitation and correction pursuant to section 2967.19 of the 2920
Revised Code requesting the early release under that section of 2921
the defendant; 2922

(7) Notice of the defendant's or alleged juvenile 2923
offender's release from confinement or custody and the terms and 2924
conditions of the release. 2925

(D) (1) If a defendant is incarcerated for the commission 2926
of aggravated murder, murder, or an offense of violence that is 2927
a felony of the first, second, or third degree or is under a 2928
sentence of life imprisonment or if an alleged juvenile offender 2929
has been charged with the commission of an act that would be 2930
aggravated murder, murder, or an offense of violence that is a 2931
felony of the first, second, or third degree or be subject to a 2932
sentence of life imprisonment if committed by an adult, except 2933
as otherwise provided in this division, the notices described in 2934
divisions (B) and (C) of this section shall be given regardless 2935
of whether the victim has requested the notification. The 2936
notices described in divisions (B) and (C) of this section shall 2937
not be given under this division to a victim if the victim has 2938
requested pursuant to division (B) (2) of section 2930.03 of the 2939
Revised Code that the victim not be provided the notice. 2940
Regardless of whether the victim has requested that the notices 2941
described in division (C) of this section be provided or not be 2942
provided, the custodial agency shall give notice similar to 2943

those notices to the prosecutor in the case, to the sentencing 2944
court, to the law enforcement agency that arrested the defendant 2945
or alleged juvenile offender if any officer of that agency was a 2946
victim of the offense, and to any member of the victim's 2947
immediate family who requests notification. If the notice given 2948
under this division to the victim is based on an offense 2949
committed prior to March 22, 2013, and if the prosecutor or 2950
custodial agency has not previously successfully provided any 2951
notice to the victim under this division or division (B) or (C) 2952
of this section with respect to that offense and the offender 2953
who committed it, the notice also shall inform the victim that 2954
the victim may request that the victim not be provided any 2955
further notices with respect to that offense and the offender 2956
who committed it and shall describe the procedure for making 2957
that request. If the notice given under this division to the 2958
victim pertains to a hearing regarding a grant of a parole to 2959
the defendant, the notice also shall inform the victim that the 2960
victim, a member of the victim's immediate family, or the 2961
victim's representative may request a victim conference, as 2962
described in division (E) of this section, and shall provide an 2963
explanation of a victim conference. 2964

The prosecutor or custodial agency may give the notices to 2965
which this division applies by any reasonable means, including 2966
regular mail, telephone, and electronic mail. If the prosecutor 2967
or custodial agency attempts to provide notice to a victim under 2968
this division but the attempt is unsuccessful because the 2969
prosecutor or custodial agency is unable to locate the victim, 2970
is unable to provide the notice by its chosen method because it 2971
cannot determine the mailing address, telephone number, or 2972
electronic mail address at which to provide the notice, or, if 2973
the notice is sent by mail, the notice is returned, the 2974

prosecutor or custodial agency shall make another attempt to 2975
provide the notice to the victim. If the second attempt is 2976
unsuccessful, the prosecutor or custodial agency shall make at 2977
least one more attempt to provide the notice. If the notice is 2978
based on an offense committed prior to March 22, 2013, in each 2979
attempt to provide the notice to the victim, the notice shall 2980
include the opt-out information described in the preceding 2981
paragraph. The prosecutor or custodial agency, in accordance 2982
with division (D) (2) of this section, shall keep a record of all 2983
attempts to provide the notice, and of all notices provided, 2984
under this division. 2985

Division (D) (1) of this section, and the notice-related 2986
provisions of divisions (E) (2) and (K) of section 2929.20, 2987
division (H) of section 2967.12, division (E) (1) (b) of section 2988
2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) 2989
of section 2967.28, and division (A) (2) of section 5149.101 of 2990
the Revised Code enacted in the act in which division (D) (1) of 2991
this section was enacted, shall be known as "Roberta's Law." 2992

(2) Each prosecutor and custodial agency that attempts to 2993
give any notice to which division (D) (1) of this section applies 2994
shall keep a record of all attempts to give the notice. The 2995
record shall indicate the person who was to be the recipient of 2996
the notice, the date on which the attempt was made, the manner 2997
in which the attempt was made, and the person who made the 2998
attempt. If the attempt is successful and the notice is given, 2999
the record shall indicate that fact. The record shall be kept in 3000
a manner that allows public inspection of attempts and notices 3001
given to persons other than victims without revealing the names, 3002
addresses, or other identifying information relating to victims. 3003
The record of attempts and notices given to victims is not a 3004
public record, but the prosecutor or custodial agency shall 3005

provide upon request a copy of that record to a prosecuting attorney, judge, law enforcement agency, or member of the general assembly. The record of attempts and notices given to persons other than victims is a public record. A record kept under this division may be indexed by offender name, or in any other manner determined by the prosecutor or the custodial agency. Each prosecutor or custodial agency that is required to keep a record under this division shall determine the procedures for keeping the record and the manner in which it is to be kept, subject to the requirements of this division.

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

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

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

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

(F) The department may limit the number of persons specified in division (E)(1) of this section who may be present

at any single victim conference, provided that the department 3035
shall not limit the number of persons who may be present at any 3036
single conference to fewer than three. If the department limits 3037
the number of persons who may be present at any single victim 3038
conference, the department shall permit and schedule, upon 3039
request of the victim, a member of the victim's immediate 3040
family, or the victim's representative, multiple victim 3041
conferences for the persons specified in division (E) (1) of this 3042
section. 3043

(G) As used in this section, "victim's immediate family" 3044
has the same meaning as in section 2967.12 of the Revised Code. 3045

Sec. 2945.37. (A) As used in sections 2945.37 to 2945.402 3046
of the Revised Code: 3047

(1) "Prosecutor" means a prosecuting attorney or a city 3048
director of law, village solicitor, or similar chief legal 3049
officer of a municipal corporation who has authority to 3050
prosecute a criminal case that is before the court or the 3051
criminal case in which a defendant in a criminal case has been 3052
found incompetent to stand trial or not guilty by reason of 3053
insanity. 3054

(2) "Examiner" means either of the following: 3055

(a) A psychiatrist or a licensed clinical psychologist who 3056
satisfies the criteria of division (I) of section 5122.01 of the 3057
Revised Code or is employed by a certified forensic center 3058
designated by the department of mental health and addiction 3059
services to conduct examinations or evaluations. 3060

(b) For purposes of a separate intellectual disability 3061
evaluation that is ordered by a court pursuant to division (H) 3062
of section 2945.371 of the Revised Code, a psychologist 3063

designated by the director of developmental disabilities 3064
pursuant to that section to conduct that separate intellectual 3065
disability evaluation. 3066

(3) "Nonsecured status" means any unsupervised, off- 3067
grounds movement or trial visit from a hospital or institution, 3068
or any conditional release, that is granted to a person who is 3069
found incompetent to stand trial and is committed pursuant to 3070
section 2945.39 of the Revised Code or to a person who is found 3071
not guilty by reason of insanity and is committed pursuant to 3072
section 2945.40 of the Revised Code. 3073

(4) "Unsupervised, off-grounds movement" includes only 3074
off-grounds privileges that are unsupervised and that have an 3075
expectation of return to the hospital or institution on a daily 3076
basis. 3077

(5) "Trial visit" means a patient privilege of a longer 3078
stated duration of unsupervised community contact with an 3079
expectation of return to the hospital or institution at 3080
designated times. 3081

(6) "Conditional release" means a commitment status ~~under-~~ 3082
to which both of the following apply: 3083

(a) Under the status, the trial court at any time may 3084
revoke a person's conditional release and order the 3085
rehospitalization or reinstitutionalization of the person as 3086
described in division (A) of section 2945.402 of the Revised 3087
Code ~~and pursuant to which.~~ 3088

(b) Pursuant to the status, a person who is found 3089
incompetent to stand trial or a person who is found not guilty 3090
by reason of insanity lives and receives treatment in the 3091
community for a period of time that does not exceed the ~~maximum-~~ 3092

longest prison term or term of imprisonment that the person 3093
could have received for the offense in question had the person 3094
been convicted of the offense instead of being found incompetent 3095
to stand trial on the charge of the offense or being found not 3096
guilty by reason of insanity relative to the offense. The 3097
longest prison term includes, for an offense that would be a 3098
felony of the first or second degree that occurred on or after 3099
March 22, 2019, both the longest minimum prison term that the 3100
defendant or person could have received if convicted plus the 3101
corresponding maximum prison term that would be required. 3102

(7) "Licensed clinical psychologist," "mentally ill person 3103
subject to court order," and "psychiatrist" have the same 3104
meanings as in section 5122.01 of the Revised Code. 3105

(8) "Person with an intellectual disability subject to 3106
institutionalization by court order" has the same meaning as in 3107
section 5123.01 of the Revised Code. 3108

(9) "Minimum prison term" and "maximum prison term" have 3109
the same meanings as in section 2929.01 of the Revised Code. 3110

(B) In a criminal action in a court of common pleas, a 3111
county court, or a municipal court, the court, prosecutor, or 3112
defense may raise the issue of the defendant's competence to 3113
stand trial. If the issue is raised before the trial has 3114
commenced, the court shall hold a hearing on the issue as 3115
provided in this section. If the issue is raised after the trial 3116
has commenced, the court shall hold a hearing on the issue only 3117
for good cause shown or on the court's own motion. 3118

(C) The court shall conduct the hearing required or 3119
authorized under division (B) of this section within thirty days 3120
after the issue is raised, unless the defendant has been 3121

referred for evaluation in which case the court shall conduct 3122
the hearing within ten days after the filing of the report of 3123
the evaluation or, in the case of a defendant who is ordered by 3124
the court pursuant to division (H) of section 2945.371 of the 3125
Revised Code to undergo a separate intellectual disability 3126
evaluation conducted by a psychologist designated by the 3127
director of developmental disabilities, within ten days after 3128
the filing of the report of the separate intellectual disability 3129
evaluation under that division. A hearing may be continued for 3130
good cause. 3131

(D) The defendant shall be represented by counsel at the 3132
hearing conducted under division (C) of this section. If the 3133
defendant is unable to obtain counsel, the court shall appoint 3134
counsel under Chapter 120. of the Revised Code or under the 3135
authority recognized in division (C) of section 120.06, division 3136
(E) of section 120.16, division (E) of section 120.26, or 3137
section 2941.51 of the Revised Code before proceeding with the 3138
hearing. 3139

(E) The prosecutor and defense counsel may submit evidence 3140
on the issue of the defendant's competence to stand trial. A 3141
written report of the evaluation of the defendant may be 3142
admitted into evidence at the hearing by stipulation, but, if 3143
either the prosecution or defense objects to its admission, the 3144
report may be admitted under sections 2317.36 to 2317.38 of the 3145
Revised Code or any other applicable statute or rule. 3146

(F) The court shall not find a defendant incompetent to 3147
stand trial solely because the defendant is receiving or has 3148
received treatment as a voluntary or involuntary mentally ill 3149
patient under Chapter 5122. or a voluntary or involuntary 3150
resident with an intellectual disability under Chapter 5123. of 3151

the Revised Code or because the defendant is receiving or has 3152
received psychotropic drugs or other medication, even if the 3153
defendant might become incompetent to stand trial without the 3154
drugs or medication. 3155

(G) A defendant is presumed to be competent to stand 3156
trial. If, after a hearing, the court finds by a preponderance 3157
of the evidence that, because of the defendant's present mental 3158
condition, the defendant is incapable of understanding the 3159
nature and objective of the proceedings against the defendant or 3160
of assisting in the defendant's defense, the court shall find 3161
the defendant incompetent to stand trial and shall enter an 3162
order authorized by section 2945.38 of the Revised Code. 3163

(H) Municipal courts shall follow the procedures set forth 3164
in sections 2945.37 to 2945.402 of the Revised Code. Except as 3165
provided in section 2945.371 of the Revised Code, a municipal 3166
court shall not order an evaluation of the defendant's 3167
competence to stand trial or the defendant's mental condition at 3168
the time of the commission of the offense to be conducted at any 3169
hospital operated by the department of mental health and 3170
addiction services. Those evaluations shall be performed through 3171
community resources including, but not limited to, certified 3172
forensic centers, court probation departments, and community 3173
mental health services providers. All expenses of the 3174
evaluations shall be borne by the legislative authority of the 3175
municipal court, as defined in section 1901.03 of the Revised 3176
Code, and shall be taxed as costs in the case. If a defendant is 3177
found incompetent to stand trial or not guilty by reason of 3178
insanity, a municipal court may commit the defendant as provided 3179
in sections 2945.38 to 2945.402 of the Revised Code. 3180

Sec. 2945.401. (A) A defendant found incompetent to stand 3181

trial and committed pursuant to section 2945.39 of the Revised Code or a person found not guilty by reason of insanity and committed pursuant to section 2945.40 of the Revised Code shall remain subject to the jurisdiction of the trial court pursuant to that commitment, and to the provisions of this section, until the final termination of the commitment as described in division (J) (1) of this section. If the jurisdiction is terminated under this division because of the final termination of the commitment resulting from the expiration of the maximum prison term or term of imprisonment described in division (J) (1) (b) of this section, the court or prosecutor may file an affidavit for the civil commitment of the defendant or person pursuant to Chapter 5122. or 5123. of the Revised Code.

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

(C) The department of mental health and addiction services

or the institution, facility, or program to which a defendant or 3213
person has been committed under section 2945.39 or 2945.40 of 3214
the Revised Code shall report in writing to the trial court, at 3215
the times specified in this division, as to whether the 3216
defendant or person remains a mentally ill person subject to 3217
court order or a person with an intellectual disability subject 3218
to institutionalization by court order and, in the case of a 3219
defendant committed under section 2945.39 of the Revised Code, 3220
as to whether the defendant remains incompetent to stand trial. 3221
The department, institution, facility, or program shall make the 3222
reports after the initial six months of treatment and every two 3223
years after the initial report is made. The trial court shall 3224
provide copies of the reports to the prosecutor and to the 3225
counsel for the defendant or person. Within thirty days after 3226
its receipt pursuant to this division of a report from the 3227
department, institution, facility, or program, the trial court 3228
shall hold a hearing on the continued commitment of the 3229
defendant or person or on any changes in the conditions of the 3230
commitment of the defendant or person. The defendant or person 3231
may request a change in the conditions of confinement, and the 3232
trial court shall conduct a hearing on that request if six 3233
months or more have elapsed since the most recent hearing was 3234
conducted under this section. 3235

(D) (1) Except as otherwise provided in division (D) (2) of 3236
this section, when a defendant or person has been committed 3237
under section 2945.39 or 2945.40 of the Revised Code, at any 3238
time after evaluating the risks to public safety and the welfare 3239
of the defendant or person, the designee of the department of 3240
mental health and addiction services or the managing officer of 3241
the institution or director of the facility or program to which 3242
the defendant or person is committed may recommend a termination 3243

of the defendant's or person's commitment or a change in the 3244
conditions of the defendant's or person's commitment. 3245

Except as otherwise provided in division (D)(2) of this 3246
section, if the designee of the department of mental health and 3247
addiction services recommends on-grounds unsupervised movement, 3248
off-grounds supervised movement, or nonsecured status for the 3249
defendant or person or termination of the defendant's or 3250
person's commitment, the following provisions apply: 3251

(a) If the department's designee recommends on-grounds 3252
unsupervised movement or off-grounds supervised movement, the 3253
department's designee shall file with the trial court an 3254
application for approval of the movement and shall send a copy 3255
of the application to the prosecutor. Within fifteen days after 3256
receiving the application, the prosecutor may request a hearing 3257
on the application and, if a hearing is requested, shall so 3258
inform the department's designee. If the prosecutor does not 3259
request a hearing within the fifteen-day period, the trial court 3260
shall approve the application by entering its order approving 3261
the requested movement or, within five days after the expiration 3262
of the fifteen-day period, shall set a date for a hearing on the 3263
application. If the prosecutor requests a hearing on the 3264
application within the fifteen-day period, the trial court shall 3265
hold a hearing on the application within thirty days after the 3266
hearing is requested. If the trial court, within five days after 3267
the expiration of the fifteen-day period, sets a date for a 3268
hearing on the application, the trial court shall hold the 3269
hearing within thirty days after setting the hearing date. At 3270
least fifteen days before any hearing is held under this 3271
division, the trial court shall give the prosecutor written 3272
notice of the date, time, and place of the hearing. At the 3273
conclusion of each hearing conducted under this division, the 3274

trial court either shall approve or disapprove the application 3275
and shall enter its order accordingly. 3276

(b) If the department's designee recommends termination of 3277
the defendant's or person's commitment at any time or if the 3278
department's designee recommends the first of any nonsecured 3279
status for the defendant or person, the department's designee 3280
shall send written notice of this recommendation to the trial 3281
court and to the local forensic center. The local forensic 3282
center shall evaluate the committed defendant or person and, 3283
within thirty days after its receipt of the written notice, 3284
shall submit to the trial court and the department's designee a 3285
written report of the evaluation. The trial court shall provide 3286
a copy of the department's designee's written notice and of the 3287
local forensic center's written report to the prosecutor and to 3288
the counsel for the defendant or person. Upon the local forensic 3289
center's submission of the report to the trial court and the 3290
department's designee, all of the following apply: 3291

(i) If the forensic center disagrees with the 3292
recommendation of the department's designee, it shall inform the 3293
department's designee and the trial court of its decision and 3294
the reasons for the decision. The department's designee, after 3295
consideration of the forensic center's decision, shall either 3296
withdraw, proceed with, or modify and proceed with the 3297
recommendation. If the department's designee proceeds with, or 3298
modifies and proceeds with, the recommendation, the department's 3299
designee shall proceed in accordance with division (D) (1) (b) 3300
(iii) of this section. 3301

(ii) If the forensic center agrees with the recommendation 3302
of the department's designee, it shall inform the department's 3303
designee and the trial court of its decision and the reasons for 3304

the decision, and the department's designee shall proceed in 3305
accordance with division (D) (1) (b) (iii) of this section. 3306

(iii) If the forensic center disagrees with the 3307
recommendation of the department's designee and the department's 3308
designee proceeds with, or modifies and proceeds with, the 3309
recommendation or if the forensic center agrees with the 3310
recommendation of the department's designee, the department's 3311
designee shall work with community mental health services 3312
providers, programs, facilities, or boards of alcohol, drug 3313
addiction, and mental health services or community mental health 3314
boards to develop a plan to implement the recommendation. If the 3315
defendant or person is on medication, the plan shall include, 3316
but shall not be limited to, a system to monitor the defendant's 3317
or person's compliance with the prescribed medication treatment 3318
plan. The system shall include a schedule that clearly states 3319
when the defendant or person shall report for a medication 3320
compliance check. The medication compliance checks shall be 3321
based upon the effective duration of the prescribed medication, 3322
taking into account the route by which it is taken, and shall be 3323
scheduled at intervals sufficiently close together to detect a 3324
potential increase in mental illness symptoms that the 3325
medication is intended to prevent. 3326

The department's designee, after consultation with the 3327
board of alcohol, drug addiction, and mental health services or 3328
the community mental health board serving the area, shall send 3329
the recommendation and plan developed under division (D) (1) (b) 3330
(iii) of this section, in writing, to the trial court, the 3331
prosecutor, and the counsel for the committed defendant or 3332
person. The trial court shall conduct a hearing on the 3333
recommendation and plan developed under division (D) (1) (b) (iii) 3334
of this section. Divisions (D) (1) (c) and (d) and (E) to (J) of 3335

this section apply regarding the hearing. 3336

(c) If the department's designee's recommendation is for 3337
nonsecured status or termination of commitment, the prosecutor 3338
may obtain an independent expert evaluation of the defendant's 3339
or person's mental condition, and the trial court may continue 3340
the hearing on the recommendation for a period of not more than 3341
thirty days to permit time for the evaluation. 3342

The prosecutor may introduce the evaluation report or 3343
present other evidence at the hearing in accordance with the 3344
Rules of Evidence. 3345

(d) The trial court shall schedule the hearing on a 3346
department's designee's recommendation for nonsecured status or 3347
termination of commitment and shall give reasonable notice to 3348
the prosecutor and the counsel for the defendant or person. 3349
Unless continued for independent evaluation at the prosecutor's 3350
request or for other good cause, the hearing shall be held 3351
within thirty days after the trial court's receipt of the 3352
recommendation and plan. 3353

(2) (a) Division (D) (1) of this section does not apply to 3354
on-grounds unsupervised movement of a defendant or person who 3355
has been committed under section 2945.39 or 2945.40 of the 3356
Revised Code, who is a person with an intellectual disability 3357
subject to institutionalization by court order, and who is being 3358
provided residential habilitation, care, and treatment in a 3359
facility operated by the department of developmental 3360
disabilities. 3361

(b) If, pursuant to section 2945.39 of the Revised Code, 3362
the trial court commits a defendant who is found incompetent to 3363
stand trial and who is a person with an intellectual disability 3364

subject to institutionalization by court order, if the defendant 3365
is being provided residential habilitation, care, and treatment 3366
in a facility operated by the department of developmental 3367
disabilities, if an individual who is conducting a survey for 3368
the department of health to determine the facility's compliance 3369
with the certification requirements of the medicaid program 3370
cites the defendant's receipt of the residential habilitation, 3371
care, and treatment in the facility as being inappropriate under 3372
the certification requirements, if the defendant's receipt of 3373
the residential habilitation, care, and treatment in the 3374
facility potentially jeopardizes the facility's continued 3375
receipt of federal medicaid moneys, and if as a result of the 3376
citation the chief clinical officer of the facility determines 3377
that the conditions of the defendant's commitment should be 3378
changed, the department of developmental disabilities may cause 3379
the defendant to be removed from the particular facility and, 3380
after evaluating the risks to public safety and the welfare of 3381
the defendant and after determining whether another type of 3382
placement is consistent with the certification requirements, may 3383
place the defendant in another facility that the department 3384
selects as an appropriate facility for the defendant's continued 3385
receipt of residential habilitation, care, and treatment and 3386
that is a no less secure setting than the facility in which the 3387
defendant had been placed at the time of the citation. Within 3388
three days after the defendant's removal and alternative 3389
placement under the circumstances described in division (D) (2) 3390
(b) of this section, the department of developmental 3391
disabilities shall notify the trial court and the prosecutor in 3392
writing of the removal and alternative placement. 3393

The trial court shall set a date for a hearing on the 3394
removal and alternative placement, and the hearing shall be held 3395

within twenty-one days after the trial court's receipt of the 3396
notice from the department of developmental disabilities. At 3397
least ten days before the hearing is held, the trial court shall 3398
give the prosecutor, the department of developmental 3399
disabilities, and the counsel for the defendant written notice 3400
of the date, time, and place of the hearing. At the hearing, the 3401
trial court shall consider the citation issued by the individual 3402
who conducted the survey for the department of health to be 3403
prima-facie evidence of the fact that the defendant's commitment 3404
to the particular facility was inappropriate under the 3405
certification requirements of the medicaid program and 3406
potentially jeopardizes the particular facility's continued 3407
receipt of federal medicaid moneys. At the conclusion of the 3408
hearing, the trial court may approve or disapprove the 3409
defendant's removal and alternative placement. If the trial 3410
court approves the defendant's removal and alternative 3411
placement, the department of developmental disabilities may 3412
continue the defendant's alternative placement. If the trial 3413
court disapproves the defendant's removal and alternative 3414
placement, it shall enter an order modifying the defendant's 3415
removal and alternative placement, but that order shall not 3416
require the department of developmental disabilities to replace 3417
the defendant for purposes of continued residential 3418
habilitation, care, and treatment in the facility associated 3419
with the citation issued by the individual who conducted the 3420
survey for the department of health. 3421

(E) In making a determination under this section regarding 3422
nonsecured status or termination of commitment, the trial court 3423
shall consider all relevant factors, including, but not limited 3424
to, all of the following: 3425

(1) Whether, in the trial court's view, the defendant or 3426

person currently represents a substantial risk of physical harm 3427
to the defendant or person or others; 3428

(2) Psychiatric and medical testimony as to the current 3429
mental and physical condition of the defendant or person; 3430

(3) Whether the defendant or person has insight into the 3431
defendant's or person's condition so that the defendant or 3432
person will continue treatment as prescribed or seek 3433
professional assistance as needed; 3434

(4) The grounds upon which the state relies for the 3435
proposed commitment; 3436

(5) Any past history that is relevant to establish the 3437
defendant's or person's degree of conformity to the laws, rules, 3438
regulations, and values of society; 3439

(6) If there is evidence that the defendant's or person's 3440
mental illness is in a state of remission, the medically 3441
suggested cause and degree of the remission and the probability 3442
that the defendant or person will continue treatment to maintain 3443
the remissive state of the defendant's or person's illness 3444
should the defendant's or person's commitment conditions be 3445
altered. 3446

(F) At any hearing held pursuant to division (C) or (D) (1) 3447
or (2) of this section, the defendant or the person shall have 3448
all the rights of a defendant or person at a commitment hearing 3449
as described in section 2945.40 of the Revised Code. 3450

(G) In a hearing held pursuant to division (C) or (D) (1) 3451
of this section, the prosecutor has the burden of proof as 3452
follows: 3453

(1) For a recommendation of termination of commitment, to 3454

show by clear and convincing evidence that the defendant or 3455
person remains a mentally ill person subject to court order or a 3456
person with an intellectual disability subject to 3457
institutionalization by court order; 3458

(2) For a recommendation for a change in the conditions of 3459
the commitment to a less restrictive status, to show by clear 3460
and convincing evidence that the proposed change represents a 3461
threat to public safety or a threat to the safety of any person. 3462

(H) In a hearing held pursuant to division (C) or (D) (1) 3463
or (2) of this section, the prosecutor shall represent the state 3464
or the public interest. 3465

(I) At the conclusion of a hearing conducted under 3466
division (D) (1) of this section regarding a recommendation from 3467
the designee of the department of mental health and addiction 3468
services, managing officer of the institution, or director of a 3469
facility or program, the trial court may approve, disapprove, or 3470
modify the recommendation and shall enter an order accordingly. 3471

(J) (1) A defendant or person who has been committed 3472
pursuant to section 2945.39 or 2945.40 of the Revised Code 3473
continues to be under the jurisdiction of the trial court until 3474
the final termination of the commitment. For purposes of 3475
division (J) of this section, the final termination of a 3476
commitment occurs upon the earlier of one of the following: 3477

(a) The defendant or person no longer is a mentally ill 3478
person subject to court order or a person with an intellectual 3479
disability subject to institutionalization by court order, as 3480
determined by the trial court; 3481

(b) The expiration of the ~~maximum~~ longest prison term or 3482
term of imprisonment that the defendant or person could have 3483

received if the defendant or person had been convicted of the 3484
most serious offense with which the defendant or person is 3485
charged or in relation to which the defendant or person was 3486
found not guilty by reason of insanity, including, for an 3487
offense that would be a felony of the first or second degree 3488
that occurred on or after March 22, 2019, both the longest 3489
minimum prison term that the defendant or person could have 3490
received if convicted plus the corresponding maximum prison term 3491
that would be required; 3492

(c) The trial court enters an order terminating the 3493
commitment under the circumstances described in division (J) (2) 3494
(a) (ii) of this section. 3495

(2) (a) If a defendant is found incompetent to stand trial 3496
and committed pursuant to section 2945.39 of the Revised Code, 3497
if neither of the circumstances described in divisions (J) (1) (a) 3498
and (b) of this section applies to that defendant, and if a 3499
report filed with the trial court pursuant to division (C) of 3500
this section indicates that the defendant presently is competent 3501
to stand trial or if, at any other time during the period of the 3502
defendant's commitment, the prosecutor, the counsel for the 3503
defendant, or the designee of the department of mental health 3504
and addiction services or the managing officer of the 3505
institution or director of the facility or program to which the 3506
defendant is committed files an application with the trial court 3507
alleging that the defendant presently is competent to stand 3508
trial and requesting a hearing on the competency issue or the 3509
trial court otherwise has reasonable cause to believe that the 3510
defendant presently is competent to stand trial and determines 3511
on its own motion to hold a hearing on the competency issue, the 3512
trial court shall schedule a hearing on the competency of the 3513
defendant to stand trial, shall give the prosecutor, the counsel 3514

for the defendant, and the department's designee or the managing 3515
officer of the institution or the director of the facility to 3516
which the defendant is committed notice of the date, time, and 3517
place of the hearing at least fifteen days before the hearing, 3518
and shall conduct the hearing within thirty days of the filing 3519
of the application or of its own motion. If, at the conclusion 3520
of the hearing, the trial court determines that the defendant 3521
presently is capable of understanding the nature and objective 3522
of the proceedings against the defendant and of assisting in the 3523
defendant's defense, the trial court shall order that the 3524
defendant is competent to stand trial and shall be proceeded 3525
against as provided by law with respect to the applicable 3526
offenses described in division (C)(1) of section 2945.38 of the 3527
Revised Code and shall enter whichever of the following 3528
additional orders is appropriate: 3529

(i) If the trial court determines that the defendant 3530
remains a mentally ill person subject to court order or a person 3531
with an intellectual disability subject to institutionalization 3532
by court order, the trial court shall order that the defendant's 3533
commitment to the department of mental health and addiction 3534
services or to an institution, facility, or program for the 3535
treatment of intellectual disabilities be continued during the 3536
pendency of the trial on the applicable offenses described in 3537
division (C)(1) of section 2945.38 of the Revised Code. 3538

(ii) If the trial court determines that the defendant no 3539
longer is a mentally ill person subject to court order or a 3540
person with an intellectual disability subject to 3541
institutionalization by court order, the trial court shall order 3542
that the defendant's commitment to the department of mental 3543
health and addiction services or to an institution, facility, or 3544
program for the treatment of intellectual disabilities shall not 3545

be continued during the pendency of the trial on the applicable 3546
offenses described in division (C) (1) of section 2945.38 of the 3547
Revised Code. This order shall be a final termination of the 3548
commitment for purposes of division (J) (1) (c) of this section. 3549

(b) If, at the conclusion of the hearing described in 3550
division (J) (2) (a) of this section, the trial court determines 3551
that the defendant remains incapable of understanding the nature 3552
and objective of the proceedings against the defendant or of 3553
assisting in the defendant's defense, the trial court shall 3554
order that the defendant continues to be incompetent to stand 3555
trial, that the defendant's commitment to the department of 3556
mental health and addiction services or to an institution, 3557
facility, or program for the treatment of intellectual 3558
disabilities shall be continued, and that the defendant remains 3559
subject to the jurisdiction of the trial court pursuant to that 3560
commitment, and to the provisions of this section, until the 3561
final termination of the commitment as described in division (J) 3562
(1) of this section. 3563

Sec. 2949.08. (A) When a person who is convicted of or 3564
pleads guilty to a felony is sentenced to a community 3565
residential sanction in a community-based correctional facility 3566
pursuant to section 2929.16 of the Revised Code or when a person 3567
who is convicted of or pleads guilty to a felony or a 3568
misdemeanor is sentenced to a term of imprisonment in a jail, 3569
the judge or magistrate shall order the person into the custody 3570
of the sheriff or constable, and the sheriff or constable shall 3571
deliver the person with the record of the person's conviction to 3572
the jailer, administrator, or keeper, in whose custody the 3573
person shall remain until the term of imprisonment expires or 3574
the person is otherwise legally discharged. 3575

(B) The record of the person's conviction shall specify 3576
the total number of days, if any, that the person was confined 3577
for any reason arising out of the offense for which the person 3578
was convicted and sentenced prior to delivery to the jailer, 3579
administrator, or keeper under this section. The record shall be 3580
used to determine any reduction of sentence under division (C) 3581
of this section. 3582

(C) (1) If the person is sentenced to a jail for a felony 3583
or a misdemeanor, the jailer in charge of a jail shall reduce 3584
the sentence of a person delivered into the jailer's custody 3585
pursuant to division (A) of this section by the total number of 3586
days the person was confined for any reason arising out of the 3587
offense for which the person was convicted and sentenced, 3588
including confinement in lieu of bail while awaiting trial, 3589
confinement for examination to determine the person's competence 3590
to stand trial or to determine sanity, confinement while 3591
awaiting transportation to the place where the person is to 3592
serve the sentence, and confinement in a juvenile facility. 3593

(2) If the person is sentenced to a community-based 3594
correctional facility for a felony, the total amount of time 3595
that a person shall be confined in a community-based 3596
correctional facility, in a jail, and for any reason arising out 3597
of the offense for which the person was convicted and sentenced 3598
prior to delivery to the jailer, administrator, or keeper shall 3599
not exceed the ~~maximum~~ longest prison term available for that 3600
offense including, for an offense that would be a felony of the 3601
first or second degree that occurred on or after March 22, 2019, 3602
both the longest minimum prison term that the defendant or 3603
person could have received if convicted, plus the corresponding 3604
maximum prison term that would be required. Any term in a jail 3605
shall be reduced first pursuant to division (C) (1) of this 3606

section by the total number of days the person was confined 3607
prior to delivery to the jailer, administrator, or keeper. Only 3608
after the term in a jail has been entirely reduced may the term 3609
in a community-based correctional facility be reduced pursuant 3610
to this division. This division does not affect the limitations 3611
placed on the duration of a term in a jail or a community-based 3612
correctional facility under divisions (A) (1), (2), and (3) of 3613
section 2929.16 of the Revised Code. 3614

(D) For purposes of divisions (B) and (C) of this section, 3615
a person shall be considered to have been confined for a day if 3616
the person was confined for any period or periods of time 3617
totaling more than eight hours during that day. 3618

(E) As used in this section, "community-based correctional 3619
facility" ~~and, " "minimum prison term," "maximum prison term,"~~ 3620
and "jail" have the same meanings as in section 2929.01 of the 3621
Revised Code. 3622

Sec. 2951.03. (A) (1) Unless the defendant and the 3623
prosecutor who is handling the case against the defendant agree 3624
to waive the presentence investigation report, no person who has 3625
been convicted of or pleaded guilty to a felony shall be placed 3626
under a community control sanction until a written presentence 3627
investigation report has been considered by the court. The court 3628
may order a presentence investigation report notwithstanding an 3629
agreement to waive the report. If a court orders the preparation 3630
of a presentence investigation report pursuant to this section, 3631
section 2947.06 of the Revised Code, or Criminal Rule 32.2, the 3632
officer making the report shall inquire into the circumstances 3633
of the offense and the criminal record, social history, and 3634
present condition of the defendant, all information available 3635
regarding any prior adjudications of the defendant as a 3636

delinquent child and regarding the dispositions made relative to 3637
those adjudications, and any other matters specified in Criminal 3638
Rule 32.2. Whenever the officer considers it advisable, the 3639
officer's investigation may include a physical and mental 3640
examination of the defendant. A physical examination of the 3641
defendant may include a drug test consisting of a chemical 3642
analysis of a blood or urine specimen of the defendant to 3643
determine whether the defendant ingested or was injected with a 3644
drug of abuse. If, pursuant to section 2930.13 of the Revised 3645
Code, the victim of the offense of which the defendant has been 3646
convicted wishes to make a statement regarding the impact of the 3647
offense for the officer's use in preparing the presentence 3648
investigation report, the officer shall comply with the 3649
requirements of that section. 3650

(2) If a defendant is committed to any institution, the 3651
presentence investigation report shall be sent to the 3652
institution with the entry of commitment. If a defendant is 3653
committed to any institution and a presentence investigation 3654
report is not prepared regarding that defendant pursuant to this 3655
section, section 2947.06 of the Revised Code, or Criminal Rule 3656
32.2, the director of the department of rehabilitation and 3657
correction or the director's designee may order that an offender 3658
background investigation and report be conducted and prepared 3659
regarding the defendant pursuant to section 5120.16 of the 3660
Revised Code. An offender background investigation report 3661
prepared pursuant to this section shall be considered 3662
confidential information and is not a public record under 3663
section 149.43 of the Revised Code. 3664

(3) The department of rehabilitation and correction may 3665
use any presentence investigation report and any offender 3666
background investigation report prepared pursuant to this 3667

section for penological and rehabilitative purposes. The 3668
department may disclose any presentence investigation report and 3669
any offender background investigation report to courts, law 3670
enforcement agencies, community-based correctional facilities, 3671
halfway houses, and medical, mental health, and substance abuse 3672
treatment providers. The department shall make the disclosure in 3673
a manner calculated to maintain the report's confidentiality. 3674
Any presentence investigation report or offender background 3675
investigation report that the department discloses to a 3676
community-based correctional facility, a halfway house, or a 3677
medical, mental health, or substance abuse treatment provider 3678
shall not include a victim impact section or information 3679
identifying a witness. 3680

(B) (1) If a presentence investigation report is prepared 3681
pursuant to this section, section 2947.06 of the Revised Code, 3682
or Criminal Rule 32.2, the court, at a reasonable time before 3683
imposing sentence, shall permit the defendant or the defendant's 3684
counsel to read the report, except that the court shall not 3685
permit the defendant or the defendant's counsel to read any of 3686
the following: 3687

(a) Any recommendation as to sentence; 3688

(b) Any diagnostic opinions that, if disclosed, the court 3689
believes might seriously disrupt a program of rehabilitation for 3690
the defendant; 3691

(c) Any sources of information obtained upon a promise of 3692
confidentiality; 3693

(d) Any other information that, if disclosed, the court 3694
believes might result in physical harm or some other type of 3695
harm to the defendant or to any other person. 3696

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

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

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

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

(a) Make a finding as to the allegation;

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

(C) A court's decision as to the content of a summary 3726
under division (B) (3) of this section or as to the withholding 3727
of information under division (B) (1) (a), (b), (c), or (d) of 3728
this section shall be considered to be within the discretion of 3729
the court. No appeal can be taken from either of those 3730
decisions, and neither of those decisions shall be the basis for 3731
a reversal of the sentence imposed. 3732

(D) (1) The contents of a presentence investigation report 3733
prepared pursuant to this section, section 2947.06 of the 3734
Revised Code, or Criminal Rule 32.2 and the contents of any 3735
written or oral summary of a presentence investigation report or 3736
of a part of a presentence investigation report described in 3737
division (B) (3) of this section are confidential information and 3738
are not a public record. The court, an appellate court, 3739
authorized probation officers, investigators, and court 3740
personnel, the defendant, the defendant's counsel, the 3741
prosecutor who is handling the prosecution of the case against 3742
the defendant, and authorized personnel of an institution to 3743
which the defendant is committed may inspect, receive copies of, 3744
retain copies of, and use a presentence investigation report or 3745
a written or oral summary of a presentence investigation only 3746
for the purposes of or only as authorized by Criminal Rule 32.2 3747
or this section, division ~~(F) (1)~~ (G) (1) of section 2953.08, 3748
section 2947.06, or another section of the Revised Code. 3749

(2) Immediately following the imposition of sentence upon 3750
the defendant, the defendant or the defendant's counsel and the 3751
prosecutor shall return to the court all copies of a presentence 3752
investigation report and of any written summary of a presentence 3753
investigation report or part of a presentence investigation 3754
report that the court made available to the defendant or the 3755
defendant's counsel and to the prosecutor pursuant to this 3756

section. The defendant or the defendant's counsel and the 3757
prosecutor shall not make any copies of the presentence 3758
investigation report or of any written summary of a presentence 3759
investigation report or part of a presentence investigation 3760
report that the court made available to them pursuant to this 3761
section. 3762

(3) Except when a presentence investigation report or a 3763
written or oral summary of a presentence investigation report is 3764
being used for the purposes of or as authorized by Criminal Rule 3765
32.2 or this section, division ~~(F) (1)~~ (G) (1) of section 2953.08, 3766
section 2947.06, or another section of the Revised Code, the 3767
court or other authorized holder of the report or summary shall 3768
retain the report or summary under seal. 3769

(E) In inquiring into the information available regarding 3770
any prior adjudications of the defendant as a delinquent child 3771
and regarding the dispositions made relative to those 3772
adjudications, the officer making the report shall consider all 3773
information that is relevant, including, but not limited to, the 3774
materials described in division (B) of section 2151.14, division 3775
(C) (3) of section 2152.18, division (D) (3) of section 2152.19, 3776
and division (E) of section 2152.71 of the Revised Code. 3777

(F) As used in this section: 3778

(1) "Prosecutor" has the same meaning as in section 3779
2935.01 of the Revised Code. 3780

(2) "Community control sanction" has the same meaning as 3781
in section 2929.01 of the Revised Code. 3782

(3) "Public record" has the same meaning as in section 3783
149.43 of the Revised Code. 3784

Sec. 2953.07. (A) Upon the hearing of an appeal other than 3785

an appeal from a mayor's court, the appellate court may affirm 3786
the judgment or reverse it, in whole or in part, or modify it, 3787
and order the accused to be discharged or grant a new trial. The 3788
appellate court may remand the accused for the sole purpose of 3789
correcting a sentence imposed contrary to law, provided that, on 3790
an appeal of a sentence imposed upon a person who is convicted 3791
of or pleads guilty to a felony that is brought under section 3792
2953.08 of the Revised Code, division ~~(G)~~(H) of that section 3793
applies to the court. If the judgment is reversed, the appellant 3794
shall recover from the appellee all court costs incurred to 3795
secure the reversal, including the cost of transcripts. In 3796
capital cases, when the judgment is affirmed and the day fixed 3797
for the execution is passed, the appellate court shall appoint a 3798
day for it, and the clerk of the appellate court shall issue a 3799
warrant under the seal of the appellate court, to the sheriff of 3800
the proper county, or the warden of the appropriate state 3801
correctional institution, commanding the sheriff or warden to 3802
carry the sentence into execution on the day so appointed. The 3803
sheriff or warden shall execute and return the warrant as in 3804
other cases, and the clerk shall record the warrant and return. 3805

(B) As used in this section, "appellate court" means, for 3806
a case in which a sentence of death is imposed for an offense 3807
committed before January 1, 1995, both the court of appeals and 3808
the supreme court, and for a case in which a sentence of death 3809
is imposed for an offense committed on or after January 1, 1995, 3810
the supreme court. 3811

Sec. 2953.08. (A) As used in this section: 3812

(1) "Non-life felony indefinite prison term" and "maximum 3813
prison term" have the same meanings as in section 2929.01 of the 3814
Revised Code. 3815

(2) A sentence is "contrary to law" if it fails to comport with all mandatory, definite, or indefinite sentencing provisions or is not otherwise within the statutory range of prison terms for the applicable degree of felony, as provided in division (A) of section 2929.14 of the Revised Code. 3816
3817
3818
3819
3820

(3) "Qualifying felony of the first or second degree" has the same meaning as in section 2929.144 of the Revised Code. 3821
3822

(B) In addition to any other right to appeal and except as provided in division ~~(D)~~ (E) of this section, a defendant who is convicted of or pleads guilty to a felony may appeal as a matter of right the sentence imposed upon the defendant on one of the following grounds: 3823
3824
3825
3826
3827

(1) The sentence consisted of or included the maximum definite prison term allowed for the offense by division (A) of section 2929.14 or section 2929.142 of the Revised Code or, with respect to a non-life felony indefinite prison term, the longest minimum prison term allowed for the offense by division (A) (1) (a) or (2) (a) of section 2929.14 of the Revised Code, the maximum definite prison term or longest minimum prison term was not required for the offense pursuant to Chapter 2925. or any other provision of the Revised Code, and the court imposed the sentence under one of the following circumstances: 3828
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(a) The sentence was imposed for only one offense. 3838

(b) The sentence was imposed for two or more offenses arising out of a single incident, and the court imposed the maximum definite prison term or longest minimum prison term for the offense of the highest degree. 3839
3840
3841
3842

(2) The sentence consisted of or included a prison term and the offense for which it was imposed is a felony of the 3843
3844

fourth or fifth degree or is a felony drug offense that is a 3845
violation of a provision of Chapter 2925. of the Revised Code 3846
and that is specified as being subject to division (B) of 3847
section 2929.13 of the Revised Code for purposes of sentencing. 3848
If the court specifies that it found one or more of the factors 3849
in division (B) (1) (b) of section 2929.13 of the Revised Code to 3850
apply relative to the defendant, the defendant is not entitled 3851
under this division to appeal as a matter of right the sentence 3852
imposed upon the offender. 3853

(3) The person was convicted of or pleaded guilty to a 3854
violent sex offense or a designated homicide, assault, or 3855
kidnapping offense, was adjudicated a sexually violent predator 3856
in relation to that offense, and was sentenced pursuant to 3857
division (A) (3) of section 2971.03 of the Revised Code, if the 3858
minimum term of the indefinite term imposed pursuant to division 3859
(A) (3) of section 2971.03 of the Revised Code is the longest 3860
term available for the offense from among the range of definite 3861
terms listed in section 2929.14 of the Revised Code or, with 3862
respect to a non-life felony indefinite prison term, the longest 3863
minimum prison term allowed for the offense by division (A) (1) 3864
(a) or (2) (a) of section 2929.14 of the Revised Code. As used in 3865
this division, "designated homicide, assault, or kidnapping 3866
offense" and "violent sex offense" have the same meanings as in 3867
section 2971.01 of the Revised Code. As used in this division, 3868
"adjudicated a sexually violent predator" has the same meaning 3869
as in section 2929.01 of the Revised Code, and a person is 3870
"adjudicated a sexually violent predator" in the same manner and 3871
the same circumstances as are described in that section. 3872

(4) The sentence is contrary to law. 3873

(5) The sentence consisted of an additional prison term of 3874

ten years imposed pursuant to division (B) (2) (a) of section 3875
2929.14 of the Revised Code. 3876

~~(B)~~ (C) In addition to any other right to appeal and 3877
except as provided in division ~~(D)~~ (E) of this section, a 3878
prosecuting attorney, a city director of law, village solicitor, 3879
or similar chief legal officer of a municipal corporation, or 3880
the attorney general, if one of those persons prosecuted the 3881
case, may appeal as a matter of right a sentence imposed upon a 3882
defendant who is convicted of or pleads guilty to a felony or, 3883
in the circumstances described in division ~~(B) (3)~~ (C) (3) of this 3884
section the modification of a sentence imposed upon such a 3885
defendant, on any of the following grounds: 3886

(1) The sentence did not include a prison term despite a 3887
presumption favoring a prison term for the offense for which it 3888
was imposed, as set forth in section 2929.13 or Chapter 2925. of 3889
the Revised Code. 3890

(2) The sentence is contrary to law. 3891

(3) The sentence is a modification under section 2929.20 3892
of the Revised Code of a sentence that was imposed for a felony 3893
of the first or second degree. 3894

~~(C) (1)~~ (D) (1) In addition to the right to appeal a 3895
sentence granted under division ~~(A) or (B)~~ or (C) of this 3896
section, a defendant who is convicted of or pleads guilty to a 3897
felony may ~~seek leave to~~ appeal a sentence imposed upon the 3898
defendant on the basis that the sentencing judge has imposed 3899
consecutive sentences under division (C) (3) of section 2929.14 3900
of the Revised Code and that the consecutive sentences exceed 3901
the maximum definite prison term allowed by division (A) of that 3902
section for the most serious offense of which the defendant was 3903

convicted or, with respect to a non-life felony indefinite 3904
prison term, exceed the longest minimum prison term allowed by 3905
division (A) (1) (a) or (2) (a) of that section for the most 3906
serious such offense. Upon the filing of a motion under this 3907
division, the court of appeals may grant leave to appeal the 3908
sentence if the court determines that the allegation included as 3909
the basis of the motion is true. 3910

(2) A defendant may ~~seek leave to~~ appeal an additional 3911
sentence imposed upon the defendant pursuant to division (B) (2) 3912
(a) or (b) of section 2929.14 of the Revised Code if the 3913
additional sentence is for a definite prison term that is longer 3914
than five years. 3915

~~(D) (1)~~ (E) (1) A sentence imposed upon a defendant is not 3916
subject to review under this section if ~~the~~ all of the following 3917
apply: 3918

(a) The sentence is authorized by law. 3919

(b) The sentence, a sentencing range, a minimum aggregate 3920
term of imprisonment, or a maximum aggregate term of 3921
imprisonment has been recommended jointly by the defendant and 3922
the prosecution in the case, and is imposed by a sentencing 3923
judge. 3924

(c) The sentence imposed upon the defendant is consistent 3925
with that recommendation. 3926

(2) Except as provided in division ~~(C) (2)~~ (D) (2) of this 3927
section, a sentence imposed upon a defendant is not subject to 3928
review under this section if the sentence is imposed pursuant to 3929
division (B) (2) (b) of section 2929.14 of the Revised Code. 3930
Except as otherwise provided in this division, a defendant 3931
retains all rights to appeal as provided under this chapter or 3932

any other provision of the Revised Code. A defendant has the 3933
right to appeal under this chapter or any other provision of the 3934
Revised Code the court's application of division (B) (2) (c) of 3935
section 2929.14 of the Revised Code. 3936

(3) A sentence imposed for aggravated murder or murder 3937
pursuant to sections 2929.02 to 2929.06 of the Revised Code is 3938
not subject to review under this section. 3939

~~(E)~~ (F) A defendant, prosecuting attorney, city director 3940
of law, village solicitor, or chief municipal legal officer 3941
shall file an appeal of a sentence under this section to a court 3942
of appeals within the time limits specified in Rule 4(B) of the 3943
Rules of Appellate Procedure, provided that if the appeal is 3944
pursuant to division ~~(B) (3)~~ (C) (3) of this section, the time 3945
limits specified in that rule shall not commence running until 3946
the court grants the motion that makes the sentence modification 3947
in question. A sentence appeal under this section shall be 3948
consolidated with any other appeal in the case. If no other 3949
appeal is filed, the court of appeals may review only the 3950
portions of the trial record that pertain to sentencing. 3951

~~(F)~~ (G) On the appeal of a sentence under this section, 3952
the record to be reviewed shall include all of the following, as 3953
applicable: 3954

(1) Any presentence, psychiatric, or other investigative 3955
report that was submitted to the court in writing before the 3956
sentence was imposed. An appellate court that reviews a 3957
presentence investigation report prepared pursuant to section 3958
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 3959
connection with the appeal of a sentence under this section 3960
shall comply with division (D) (3) of section 2951.03 of the 3961
Revised Code when the appellate court is not using the 3962

presentence investigation report, and the appellate court's use 3963
of a presentence investigation report of that nature in 3964
connection with the appeal of a sentence under this section does 3965
not affect the otherwise confidential character of the contents 3966
of that report as described in division (D) (1) of section 3967
2951.03 of the Revised Code and does not cause that report to 3968
become a public record, as defined in section 149.43 of the 3969
Revised Code, following the appellate court's use of the report. 3970

(2) The trial record in the case in which the sentence was 3971
imposed; 3972

(3) Any oral or written statements made to or by the court 3973
at the sentencing hearing at which the sentence was imposed; 3974

(4) Any written findings that the court was required to 3975
make in connection with the modification of the sentence 3976
pursuant to a judicial release under division (I) of section 3977
2929.20 of the Revised Code. 3978

~~(G) (1)~~ (H) (1) If the sentencing court was required to make 3979
the findings required by division (B) or (D) of section 2929.13 3980
or division (I) of section 2929.20 of the Revised Code, or to 3981
state the findings of the trier of fact required by division (B) 3982
(2) (e) of section 2929.14 of the Revised Code, relative to the 3983
imposition or modification of the sentence, and if the 3984
sentencing court failed to state the required findings on the 3985
record, the court hearing an appeal under division ~~(A)~~, ~~(B)~~, ~~or~~ 3986
(C), or (D) of this section shall remand the case to the 3987
sentencing court and instruct the sentencing court to state, on 3988
the record, the required findings. 3989

(2) The court hearing an appeal under division ~~(A)~~, ~~(B)~~, 3990
~~or~~ (C), or (D) of this section shall review the record, 3991

including the findings underlying the sentence or modification 3992
given by the sentencing court. 3993

The appellate court may ~~increase, reduce, or otherwise~~ 3994
~~modify vacate~~ a sentence that is appealed under this section ~~or~~ 3995
~~may vacate the sentence~~ and remand the matter to the sentencing 3996
court for resentencing. The appellate court's standard for 3997
review is not whether the sentencing court abused its 3998
discretion. The appellate court may take any action authorized 3999
by this division if it clearly and convincingly finds either of 4000
the following: 4001

(a) That the record does not support the sentencing 4002
court's findings under division (B) or (D) of section 2929.13, 4003
division (B) (2) (e) or (C) (4) of section 2929.14, or division (I) 4004
of section 2929.20 of the Revised Code, whichever, if any, is 4005
relevant; 4006

(b) That the sentence is otherwise contrary to law. 4007

~~(H)~~ (I) If a conviction for a qualifying felony of the 4008
first or second degree is reversed under division (H) of this 4009
section and the reversal would affect the maximum prison term 4010
imposed under section 2929.144 of the Revised Code, the 4011
appellate court shall remand the case for resentencing. 4012

(J) A judgment or final order of a court of appeals under 4013
this section may be appealed, by leave of court, to the supreme 4014
court. 4015

~~(I)~~ As used in this section, "non life felony indefinite 4016
prison term" has the same meaning as in section 2929.01 of the 4017
Revised Code. 4018

Sec. 2967.14. (A) The department of rehabilitation and 4019
correction or the adult parole authority may require or allow a 4020

parolee, a releasee, or a prisoner otherwise released from a 4021
state correctional institution to reside in a halfway house or 4022
other suitable community residential center that has been 4023
licensed by the division of parole and community services 4024
pursuant to division (C) of this section or, in the 4025
circumstances described in division (E) of section 5120.113 of 4026
the Revised Code, in the reentry program and facility 4027
established under that division, during a part or for the entire 4028
period of the offender's or parolee's conditional release or of 4029
the releasee's term of post-release control. The court of common 4030
pleas that placed an offender under a sanction consisting of a 4031
term in a halfway house or in an alternative residential 4032
sanction may require the offender to reside in a halfway house 4033
or other suitable community residential center that is 4034
designated by the court and that has been licensed by the 4035
division pursuant to division (C) of this section during a part 4036
or for the entire period of the offender's residential sanction. 4037

(B) The division of parole and community services may 4038
negotiate and enter into agreements with any public or private 4039
agency or a department or political subdivision of the state 4040
that operates a halfway house, reentry center, or community 4041
residential center that has been licensed by the division 4042
pursuant to division (C) of this section. An agreement under 4043
this division shall provide for the purchase of beds, shall set 4044
limits of supervision and levels of occupancy, and shall 4045
determine the scope of services for all eligible offenders, 4046
including those subject to a residential sanction, as defined in 4047
rules adopted by the director of rehabilitation and correction 4048
in accordance with Chapter 119. of the Revised Code, or those 4049
released from prison without supervision. The payments for beds 4050
and services shall not exceed the total operating costs of the 4051

halfway house, reentry center, or community residential center 4052
during the term of an agreement. The director of rehabilitation 4053
and correction shall adopt rules in accordance with Chapter 119. 4054
of the Revised Code for determining includable and excludable 4055
costs and income to be used in computing the agency's average 4056
daily per capita costs with its facility at full occupancy. 4057

The director of rehabilitation and correction shall adopt 4058
rules providing for the use of no more than fifteen per cent of 4059
the amount appropriated to the department each fiscal year for 4060
the halfway house, reentry center, and community residential 4061
center program to pay for contracts with licensed halfway houses 4062
for nonresidential services for offenders under the supervision 4063
of the adult parole authority, including but not limited to, 4064
offenders supervised pursuant to an agreement entered into by 4065
the adult parole authority and a court of common pleas under 4066
section 2301.32 of the Revised Code. The nonresidential services 4067
may include, but are not limited to, treatment for substance 4068
abuse, mental health counseling, counseling for sex offenders, 4069
electronic monitoring services, aftercare, and other 4070
nonresidential services that the director identifies by rule. 4071

(C) The division of parole and community services may 4072
license a halfway house, reentry center, or community 4073
residential center as a suitable facility for the care and 4074
treatment of adult offenders, including offenders sentenced 4075
under section 2929.16 or 2929.26 of the Revised Code, only if 4076
the halfway house, reentry center, or community residential 4077
center complies with the standards that the division adopts in 4078
accordance with Chapter 119. of the Revised Code for the 4079
licensure of halfway houses, reentry centers, and community 4080
residential centers. The division shall annually inspect each 4081
licensed halfway house, licensed reentry center, and licensed 4082

community residential center to determine if it is in compliance 4083
with the licensure standards. 4084

(D) The division of parole and community services may 4085
expend up to one-half per cent of the annual appropriation made 4086
for halfway house programs, for goods or services that benefit 4087
those programs. 4088

Sec. 2967.191. (A) The department of rehabilitation and 4089
correction shall reduce the prison term of a prisoner, as 4090
described in division (B) of this section, by the total number 4091
of days that the prisoner was confined for any reason arising 4092
out of the offense for which the prisoner was convicted and 4093
sentenced, including confinement in lieu of bail while awaiting 4094
trial, confinement for examination to determine the prisoner's 4095
competence to stand trial or sanity, confinement while awaiting 4096
transportation to the place where the prisoner is to serve the 4097
prisoner's prison term, as determined by the sentencing court 4098
under division (B) (2) (g) (i) of section 2929.19 of the Revised 4099
Code, and confinement in a juvenile facility. The department of 4100
rehabilitation and correction also shall reduce the stated 4101
prison term of a prisoner or, if the prisoner is serving a term 4102
for which there is parole eligibility, the minimum and maximum 4103
term or the parole eligibility date of the prisoner by the total 4104
number of days, if any, that the prisoner previously served in 4105
the custody of the department of rehabilitation and correction 4106
arising out of the offense for which the prisoner was convicted 4107
and sentenced. 4108

(B) The reductions described in division (A) of this 4109
section shall be made to the following prison terms, as 4110
applicable: 4111

(1) The definite prison term of a prisoner serving a 4112

definite prison term as a stated prison term; 4113

(2) The minimum ~~and maximum~~ term of a prisoner serving a 4114
non-life felony indefinite prison term as a stated prison term; 4115

(3) The minimum and maximum term or the parole eligibility 4116
date of a prisoner serving a term for which there is parole 4117
eligibility. 4118

Sec. 2967.193. (A) (1) Except as provided in division (C) 4119
of this section and subject to the maximum aggregate total 4120
specified in division (A) (3) of this section, a person confined 4121
in a state correctional institution or placed in the substance 4122
use disorder treatment program may provisionally earn one day or 4123
five days of credit, based on the category set forth in division 4124
(D) (1), (2), (3), (4), or (5) of this section in which the 4125
person is included, toward satisfaction of the person's stated 4126
prison term, as described in division (F) of this section, for 4127
each completed month during which the person, if confined in a 4128
state correctional institution, productively participates in an 4129
education program, vocational training, employment in prison 4130
industries, treatment for substance abuse, or any other 4131
constructive program developed by the department with specific 4132
standards for performance by prisoners or during which the 4133
person, if placed in the substance use disorder treatment 4134
program, productively participates in the program. Except as 4135
provided in division (C) of this section and subject to the 4136
maximum aggregate total specified in division (A) (3) of this 4137
section, a person so confined in a state correctional 4138
institution who successfully completes two programs or 4139
activities of that type may, in addition, provisionally earn up 4140
to five days of credit toward satisfaction of the person's 4141
stated prison term, as described in division (F) of this 4142

section, for the successful completion of the second program or 4143
activity. The person shall not be awarded any provisional days 4144
of credit for the successful completion of the first program or 4145
activity or for the successful completion of any program or 4146
activity that is completed after the second program or activity. 4147
At the end of each calendar month in which a person productively 4148
participates in a program or activity listed in this division or 4149
successfully completes a program or activity listed in this 4150
division, the department of rehabilitation and correction shall 4151
determine and record the total number of days credit that the 4152
person provisionally earned in that calendar month. If the 4153
person in a state correctional institution violates prison rules 4154
or the person in the substance use disorder treatment program 4155
violates program or department rules, the department may deny 4156
the person a credit that otherwise could have been provisionally 4157
awarded to the person or may withdraw one or more credits 4158
previously provisionally earned by the person. Days of credit 4159
provisionally earned by a person shall be finalized and awarded 4160
by the department subject to administrative review by the 4161
department of the person's conduct. 4162

(2) Unless a person is serving a mandatory prison term or 4163
a prison term for an offense of violence or a sexually oriented 4164
offense, and notwithstanding the maximum aggregate total 4165
specified in division (A) (3) of this section, a person who 4166
successfully completes any of the following shall earn ninety 4167
days of credit toward satisfaction of the person's stated prison 4168
term or a ten per cent reduction of the person's stated prison 4169
term, whichever is less: 4170

(a) An Ohio high school diploma or Ohio certificate of 4171
high school equivalence certified by the Ohio central school 4172
system; 4173

(b) A therapeutic drug community program;	4174
(c) All three phases of the department of rehabilitation and correction's intensive outpatient drug treatment program;	4175 4176
(d) A career technical vocational school program;	4177
(e) A college certification program;	4178
(f) The criteria for a certificate of achievement and employability as specified in division (A) (1) of section 2961.22 of the Revised Code.	4179 4180 4181
(3) Except for persons described in division (A) (2) of this section, the aggregate days of credit provisionally earned by a person for program or activity participation and program and activity completion under this section and the aggregate days of credit finally credited to a person under this section shall not exceed eight per cent of the total number of days in the person's stated prison term.	4182 4183 4184 4185 4186 4187 4188
(B) The department of rehabilitation and correction shall adopt rules that specify the programs or activities for which credit may be earned under this section, the criteria for determining productive participation in, or completion of, the programs or activities and the criteria for awarding credit, including criteria for awarding additional credit for successful program or activity completion, and the criteria for denying or withdrawing previously provisionally earned credit as a result of a violation of prison rules, or program or department rules, whichever is applicable.	4189 4190 4191 4192 4193 4194 4195 4196 4197 4198
(C) No person confined in a state correctional institution or placed in a substance use disorder treatment program to whom any of the following applies shall be awarded any days of credit under division (A) of this section:	4199 4200 4201 4202

(1) The person is serving a prison term that section 4203
2929.13 or section 2929.14 of the Revised Code specifies cannot 4204
be reduced pursuant to this section or this chapter or is 4205
serving a sentence for which section 2967.13 or division (B) of 4206
section 2929.143 of the Revised Code specifies that the person 4207
is not entitled to any earned credit under this section. 4208

(2) The person is sentenced to death or is serving a 4209
prison term or a term of life imprisonment for aggravated 4210
murder, murder, or a conspiracy or attempt to commit, or 4211
complicity in committing, aggravated murder or murder. 4212

(3) The person is serving a sentence of life imprisonment 4213
without parole imposed pursuant to section 2929.03 or 2929.06 of 4214
the Revised Code, a prison term or a term of life imprisonment 4215
without parole imposed pursuant to section 2971.03 of the 4216
Revised Code, or a sentence for a sexually oriented offense that 4217
was committed on or after September 30, 2011. 4218

(D) This division does not apply to a determination of 4219
whether a person confined in a state correctional institution or 4220
placed in a substance use disorder treatment program may earn 4221
any days of credit under division (A) of this section for 4222
successful completion of a second program or activity. The 4223
determination of whether a person confined in a state 4224
correctional institution may earn one day of credit or five days 4225
of credit under division (A) of this section for each completed 4226
month during which the person productively participates in a 4227
program or activity specified under that division shall be made 4228
in accordance with the following: 4229

(1) The offender may earn one day of credit under division 4230
(A) of this section, except as provided in division (C) of this 4231
section, if the most serious offense for which the offender is 4232

confined is any of the following that is a felony of the first 4233
or second degree: 4234

(a) A violation of division (A) of section 2903.04 or of 4235
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 4236
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 4237
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.15, 2919.151, 4238
2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, 4239
or 2927.24 of the Revised Code; 4240

(b) A conspiracy or attempt to commit, or complicity in 4241
committing, any other offense for which the maximum penalty is 4242
imprisonment for life or any offense listed in division (D) (1) 4243
(a) of this section. 4244

(2) The offender may earn one day of credit under division 4245
(A) of this section, except as provided in division (C) of this 4246
section, if the offender is serving a stated prison term that 4247
includes a prison term imposed for a sexually oriented offense 4248
that the offender committed prior to September 30, 2011. 4249

(3) The offender may earn one day of credit under division 4250
(A) of this section, except as provided in division (C) of this 4251
section, if the offender is serving a stated prison term that 4252
includes a prison term imposed for a felony other than carrying 4253
a concealed weapon an essential element of which is any conduct 4254
or failure to act expressly involving any deadly weapon or 4255
dangerous ordnance. 4256

(4) Except as provided in division (C) of this section, if 4257
the most serious offense for which the offender is confined is a 4258
felony of the first or second degree and divisions (D) (1), (2), 4259
and (3) of this section do not apply to the offender, the 4260
offender may earn one day of credit under division (A) of this 4261

section if the offender committed that offense prior to 4262
September 30, 2011, and the offender may earn five days of 4263
credit under division (A) of this section if the offender 4264
committed that offense on or after September 30, 2011. 4265

(5) Except as provided in division (C) of this section, if 4266
the most serious offense for which the offender is confined is a 4267
felony of the third, fourth, or fifth degree or an unclassified 4268
felony and neither division (D) (2) nor (3) of this section 4269
applies to the offender, the offender may earn one day of credit 4270
under division (A) of this section if the offender committed 4271
that offense prior to September 30, 2011, and the offender may 4272
earn five days of credit under division (A) of this section if 4273
the offender committed that offense on or after September 30, 4274
2011. 4275

(E) The department annually shall seek and consider the 4276
written feedback of the Ohio prosecuting attorneys association, 4277
the Ohio judicial conference, the Ohio public defender, the Ohio 4278
association of criminal defense lawyers, and other organizations 4279
and associations that have an interest in the operation of the 4280
corrections system and the earned credits program under this 4281
section as part of its evaluation of the program and in 4282
determining whether to modify the program. 4283

(F) Days of credit awarded under this section shall be 4284
applied toward satisfaction of a person's stated prison term as 4285
follows: 4286

(1) Toward the definite prison term of a prisoner serving 4287
a definite prison term as a stated prison term; 4288

(2) Toward the minimum and maximum terms of a prisoner 4289
serving ~~an~~ a non-life felony indefinite prison term imposed 4290

under division (A) (1) (a) or (2) (a) of section 2929.14 of the Revised Code for a felony of the first or second degree committed on or after ~~the effective date of this amendment~~ March 22, 2019.

(G) As used in this section:

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

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

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

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

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

offender's sentence. 4320

(3) "Maximum prison term" has the same meaning as in 4321
section 2929.01 of the Revised Code. 4322

(4) "Offender's aggregate maximum prison term" means the 4323
sum of all maximum prison terms imposed on an offender and 4324
sentenced to be served consecutively to one another or combined 4325
under division (C) (10) of section 2929.14 of the Revised Code as 4326
part of a non-life felony indefinite sentence. 4327

(5) "Offender's presumptive earned early release date" 4328
means the date that is determined under the procedures described 4329
in division (F) of this section by the reduction, if any, of an 4330
offender's minimum prison term or an offender's aggregate 4331
minimum prison term by the sentencing court and the crediting of 4332
that reduction toward the satisfaction of the minimum term or 4333
aggregate minimum term. 4334

~~(3)~~ (6) "Rehabilitative programs and activities" means 4335
education programs, vocational training, employment in prison 4336
industries, treatment for substance abuse, or other constructive 4337
programs developed by the department of rehabilitation and 4338
correction with specific standards for performance by prisoners. 4339

~~(4)~~ (7) "Security level" means the security level in which 4340
an offender is classified under the inmate classification level 4341
system of the department of rehabilitation and correction that 4342
then is in effect. 4343

~~(5)~~ (8) "Sexually oriented offense" has the same meaning 4344
as in section 2950.01 of the Revised Code. 4345

(B) When an offender is sentenced to a non-life felony 4346
indefinite prison term, there shall be a presumption that the 4347
person shall be released from service of the sentence on the 4348

earlier of the following: 4349

(1) The expiration of the offender's minimum prison term 4350
or ~~on~~ the offender's aggregate minimum prison term if the 4351
offender is subject to an aggregate minimum prison term; 4352

(2) The offender's presumptive earned early release date, 4353
~~whichever is earlier.~~ 4354

(C) The presumption established under division (B) of this 4355
section is a rebuttable presumption that the department of 4356
rehabilitation and correction may rebut as provided in this 4357
division. Unless the department rebuts the presumption, the 4358
offender shall be released from service of the sentence on the 4359
~~expiration of the offender's minimum prison term or on the~~ 4360
~~offender's presumptive earned early release date, whichever is~~ 4361
~~earlier~~ established in division (B) of this section. The 4362
department may rebut the presumption only if the department 4363
determines, at a hearing, that one or more of the following 4364
applies: 4365

(1) Regardless of the security level in which the offender 4366
is classified at the time of the hearing, both of the following 4367
apply: 4368

(a) During the offender's incarceration, the offender 4369
committed institutional rule infractions that involved 4370
compromising the security of a state correctional institution, 4371
compromising the safety of the staff of a state correctional 4372
institution or its inmates, or physical harm or the threat of 4373
physical harm to the staff of a state correctional institution 4374
or its inmates, or committed a violation of law that was not 4375
prosecuted, and the infractions or violations demonstrate that 4376
the offender has not been rehabilitated. 4377

(b) The offender's behavior while incarcerated, including, 4378
but not limited to the infractions and violations specified in 4379
division (C) (1) (a) of this section, demonstrate that the 4380
offender continues to pose a threat to society. 4381

(2) Regardless of the security level in which the offender 4382
is classified at the time of the hearing, the offender has been 4383
placed by the department in extended restrictive housing at any 4384
time within the year preceding the date of the hearing. 4385

(3) At the time of the hearing, the offender is classified 4386
by the department as a security level three, four, or five, or 4387
at a higher security level. 4388

(D) (1) If the department of rehabilitation and correction, 4389
pursuant to division (C) of this section, rebuts the presumption 4390
established under division (B) of this section, the department 4391
may maintain the offender's incarceration in a state 4392
correctional institution under the sentence after the ~~expiration~~ 4393
~~of the offender's minimum prison term or, for offenders who have~~ 4394
~~a presumptive earned early release date, after the offender's~~ 4395
~~presumptive earned early release date~~ established in division 4396
(B) of this section. The department may maintain the offender's 4397
incarceration under this division for an additional period of 4398
incarceration determined by the department. The additional 4399
period of incarceration shall be a reasonable period determined 4400
by the department, shall be specified by the department, and 4401
shall not exceed the ~~offender's maximum prison term or aggregate~~ 4402
maximum prison term to which the offender is subject and that 4403
was imposed by the sentencing court. 4404

(2) If the department maintains an offender's 4405
incarceration for an additional period under division (D) (1) of 4406
this section, there shall be a presumption that the offender 4407

shall be released on the expiration of the ~~offender's minimum-~~ 4408
~~prison term plus the~~ additional period of incarceration 4409
specified by the department as provided under that division ~~or,~~ 4410
~~for offenders who have a presumptive earned early release date,~~ 4411
~~on the expiration of the additional period of incarceration to~~ 4412
~~be served after the offender's presumptive earned early release~~ 4413
~~date that is specified by the department as provided under that~~ 4414
division. The presumption is a rebuttable presumption that the 4415
department may rebut, but only if it conducts a hearing and 4416
makes the determinations specified in division (C) of this 4417
section, and if the department rebuts the presumption, it may 4418
maintain the offender's incarceration in a state correctional 4419
institution for an additional period determined as specified in 4420
division (D)(1) of this section. Unless the department rebuts 4421
the presumption at the hearing, the offender shall be released 4422
from service of the sentence on the expiration of the ~~offender's-~~ 4423
~~minimum prison term plus the~~ additional period of incarceration 4424
specified by the department ~~or, for offenders who have a~~ 4425
~~presumptive earned early release date, on the expiration of the~~ 4426
~~additional period of incarceration to be served after the~~ 4427
~~offender's presumptive earned early release date as specified by~~ 4428
~~the department.~~ 4429

(3) The provisions of this division regarding the 4430
establishment of a rebuttable presumption, the department's 4431
rebuttal of the presumption, and the department's maintenance of 4432
an offender's incarceration for an additional period of 4433
incarceration apply, and may be utilized more than one time, 4434
during the remainder of the offender's incarceration. If the 4435
offender has not been released under division (C) or (D)(2) of 4436
this section ~~or this division~~ prior to the expiration of the 4437
~~offender's maximum prison term imposed as part of the offender's-~~ 4438

~~non-life felony indefinite prison term~~ or aggregate maximum 4439
prison term to which the offender is subject, the offender shall 4440
be released upon the expiration of that maximum term or 4441
aggregate maximum term. If the offender is subject to an 4442
aggregate maximum prison term, the department shall rebut the 4443
presumption as provided in division (C) of this section at least 4444
once before commencing each portion of the aggregate maximum 4445
prison term that is attributable to an individual maximum prison 4446
term that was aggregated under division (C) (10) (b) of section 4447
2929.14 of the Revised Code. For purposes of this section, the 4448
individual maximum prison term portions of an aggregate maximum 4449
prison term shall be served in the same order as the 4450
corresponding minimum prison term portions were served as part 4451
of the aggregate minimum prison term. 4452

(E) The department shall provide notices of hearings to be 4453
conducted under division (C) or (D) of this section in the same 4454
manner, and to the same persons, as specified in section 2967.12 4455
and Chapter 2930. of the Revised Code with respect to hearings 4456
to be conducted regarding the possible release on parole of an 4457
inmate. 4458

(F) (1) The director of the department of rehabilitation 4459
and correction may notify the sentencing court in writing that 4460
the director is recommending that the court grant a reduction in 4461
the minimum prison term imposed on a specified offender who is 4462
serving a non-life felony indefinite prison term and who is 4463
eligible under division (F) (8) of this section for such a 4464
reduction, due to the offender's exceptional conduct while 4465
incarcerated or the offender's adjustment to incarceration. If 4466
the director wishes to recommend such a reduction for an 4467
offender, the director shall send the notice to the court not 4468
earlier than ninety days prior to the date on which the director 4469

wishes to credit the reduction toward the satisfaction of the 4470
offender's minimum prison term. If the director recommends such 4471
a reduction for an offender, there shall be a presumption that 4472
the court shall grant the recommended reduction to the offender. 4473
The presumption established under this division is a rebuttable 4474
presumption that may be rebutted as provided in division (F) (4) 4475
of this section. 4476

The director shall include with the notice sent to a court 4477
under this division an institutional summary report that covers 4478
the offender's participation while confined in a state 4479
correctional institution in rehabilitative programs and 4480
activities and any disciplinary action taken against the 4481
offender while so confined, and any other documentation 4482
requested by the court, if available. 4483

The notice the director sends to a court under this 4484
division shall do all of the following: 4485

(a) Identify the offender; 4486

(b) Specify the length of the recommended reduction, which 4487
shall be for five to fifteen per cent of the offender's minimum 4488
term determined in accordance with rules adopted by the 4489
department under division (F) (7) of this section; 4490

(c) Specify the reason or reasons that qualify the 4491
offender for the recommended reduction; 4492

(d) Inform the court of the rebuttable presumption and 4493
that the court must either approve or, if the court finds that 4494
the presumption has been rebutted, disapprove of the recommended 4495
reduction, and that if it approves of the recommended reduction, 4496
it must grant the reduction; 4497

(e) Inform the court that it must notify the department of 4498

its decision as to approval or disapproval not later than sixty 4499
days after receipt of the notice from the director. 4500

(2) When the director, under division (F)(1) of this 4501
section, submits a notice to a sentencing court that the 4502
director is recommending that the court grant a reduction in the 4503
minimum prison term imposed on an offender serving a non-life 4504
felony indefinite prison term, the department promptly shall 4505
provide to the prosecuting attorney of the county in which the 4506
offender was indicted a copy of the written notice, a copy of 4507
the institutional summary report described in that division, and 4508
any other information provided to the court. 4509

(3) Upon receipt of a notice submitted by the director 4510
under division (F)(1) of this section, the court shall schedule 4511
a hearing to consider whether to grant the reduction in the 4512
minimum prison term imposed on the specified offender that was 4513
recommended by the director or to find that the presumption has 4514
been rebutted and disapprove the recommended reduction. Upon 4515
scheduling the hearing, the court promptly shall give notice of 4516
the hearing to the prosecuting attorney of the county in which 4517
the offender was indicted and to the department. The notice 4518
shall inform the prosecuting attorney that the prosecuting 4519
attorney may submit to the court, prior to the date of the 4520
hearing, written information relevant to the recommendation and 4521
may present at the hearing written information and oral 4522
information relevant to the recommendation. 4523

Upon receipt of the notice from the court, the prosecuting 4524
attorney shall notify the victim of the offender or the victim's 4525
representative of the recommendation by the director, the date, 4526
time, and place of the hearing, the fact that the victim may 4527
submit to the court, prior to the date of the hearing, written 4528

information relevant to the recommendation, and the address and 4529
procedure for submitting the information. 4530

(4) At the hearing scheduled under division (F)(3) of this 4531
section, the court shall afford the prosecuting attorney an 4532
opportunity to present written information and oral information 4533
relevant to the director's recommendation. In making its 4534
determination as to whether to grant or disapprove the reduction 4535
in the minimum prison term imposed on the specified offender 4536
that was recommended by the director, the court shall consider 4537
any report and other documentation submitted by the director, 4538
any information submitted by a victim, any information submitted 4539
or presented at the hearing by the prosecuting attorney, and all 4540
of the factors set forth in divisions (B) to (D) of section 4541
2929.12 of the Revised Code that are relevant to the offender's 4542
offense and to the offender. 4543

Unless the court, after considering at the hearing the 4544
specified reports, documentation, information, and relevant 4545
factors, finds that the presumption that the recommended 4546
reduction shall be granted has been rebutted and disapproves the 4547
recommended reduction, the court shall grant the recommended 4548
reduction. The court may disapprove the recommended reduction 4549
only if, after considering at the hearing the specified reports, 4550
documentation, information, and relevant factors, it finds that 4551
the presumption that the reduction shall be granted has been 4552
rebutted. The court may find that the presumption has been 4553
rebutted and disapprove the recommended reduction only if it 4554
determines at the hearing that one or more of the following 4555
applies: 4556

(a) Regardless of the security level in which the offender 4557
is classified at the time of the hearing, during the offender's 4558

incarceration, the offender committed institutional rule 4559
infractions that involved compromising the security of a state 4560
correctional institution, compromising the safety of the staff 4561
of a state correctional institution or its inmates, or physical 4562
harm or the threat of physical harm to the staff of a state 4563
correctional institution or its inmates, or committed a 4564
violation of law that was not prosecuted, and the infractions or 4565
violations demonstrate that the offender has not been 4566
rehabilitated. 4567

(b) The offender's behavior while incarcerated, including, 4568
but not limited to, the infractions and violations specified in 4569
division (F)(4)(a) of this section, demonstrates that the 4570
offender continues to pose a threat to society. 4571

(c) At the time of the hearing, the offender is classified 4572
by the department as a security level three, four, or five, or 4573
at a higher security level. 4574

(d) During the offender's incarceration, the offender did 4575
not productively participate in a majority of the rehabilitative 4576
programs and activities recommended by the department for the 4577
offender, or the offender participated in a majority of such 4578
recommended programs or activities but did not successfully 4579
complete a reasonable number of the programs or activities in 4580
which the offender participated. 4581

(e) After release, the offender will not be residing in a 4582
halfway house, reentry center, or community residential center 4583
licensed under division (C) of section 2967.14 of the Revised 4584
Code and, after release, does not have any other place to reside 4585
at a fixed residence address. 4586

(5) If the court pursuant to division (F)(4) of this 4587

section finds that the presumption that the recommended 4588
reduction in the offender's minimum prison term has been 4589
rebutted and disapproves the recommended reduction, the court 4590
shall notify the department of the disapproval not later than 4591
sixty days after receipt of the notice from the director. The 4592
court shall specify in the notification the reason or reasons 4593
for which it found that the presumption was rebutted and 4594
disapproved the recommended reduction. The court shall not 4595
reduce the offender's minimum prison term, and the department 4596
shall not credit the amount of the disapproved reduction toward 4597
satisfaction of the offender's minimum prison term. 4598

If the court pursuant to division (F) (4) of this section 4599
grants the recommended reduction of the offender's minimum 4600
prison term, the court shall notify the department of the grant 4601
of the reduction not later than sixty days after receipt of the 4602
notice from the director, the court shall reduce the offender's 4603
minimum prison term in accordance with the recommendation 4604
submitted by the director, and the department shall credit the 4605
amount of the reduction toward satisfaction of the offender's 4606
minimum prison term. 4607

Upon deciding whether to disapprove or grant the 4608
recommended reduction of the offender's minimum prison term, the 4609
court shall notify the prosecuting attorney of the decision and 4610
the prosecuting attorney shall notify the victim or victim's 4611
representative of the court's decision. 4612

(6) If the court under division (F) (5) of this section 4613
grants the reduction in the minimum prison term imposed on an 4614
offender that was recommended by the director and reduces the 4615
offender's minimum prison term, the date determined by the 4616
department's crediting of the reduction toward satisfaction of 4617

the offender's minimum prison term is the offender's presumptive 4618
earned early release date. 4619

(7) The department of rehabilitation and correction by 4620
rule shall specify both of the following for offenders serving a 4621
non-life felony indefinite prison term: 4622

(a) The type of exceptional conduct while incarcerated and 4623
the type of adjustment to incarceration that will qualify an 4624
offender serving such a prison term for a reduction under 4625
divisions (F) (1) to (6) of this section of the minimum prison 4626
term imposed on the offender under the non-life felony 4627
indefinite prison term. 4628

(b) The per cent of reduction that it may recommend for, 4629
and that may be granted to, an offender serving such a prison 4630
term under divisions (F) (1) to (6) of this section, based on the 4631
offense level of the offense for which the prison term was 4632
imposed, with the department specifying the offense levels used 4633
for purposes of this division and assigning a specific 4634
percentage reduction within the range of five to fifteen per 4635
cent for each such offense level. 4636

(8) Divisions (F) (1) to (6) of this section do not apply 4637
with respect to an offender serving a non-life felony indefinite 4638
prison term for a sexually oriented offense, and no offender 4639
serving such a prison term for a sexually oriented offense is 4640
eligible to be recommended for or granted, or may be recommended 4641
for or granted, a reduction under those divisions in the 4642
offender's minimum prison term imposed under that non-life 4643
felony indefinite prison term. 4644

(G) If an offender is sentenced to a non-life felony 4645
indefinite prison term, any reference in a section of the 4646

Revised Code to a definite prison term shall be construed as 4647
referring to the offender's minimum term under that sentence 4648
plus any additional period of time of incarceration specified by 4649
the department under division (D) (1) or (2) of this section, 4650
except to the extent otherwise specified in the section or to 4651
the extent that that construction clearly would be 4652
inappropriate. 4653

Sec. 5120.021. (A) The provisions of Chapter 5120. of the 4654
Revised Code, as they existed prior to July 1, 1996, and that 4655
address the duration or potential duration of incarceration or 4656
parole or other forms of supervised release, apply to all 4657
persons upon whom a court imposed a term of imprisonment prior 4658
to July 1, 1996, and all persons upon whom a court, on or after 4659
July 1, 1996, and in accordance with law existing prior to July 4660
1, 1996, imposed a term of imprisonment for an offense that was 4661
committed prior to July 1, 1996. 4662

(B) (1) The provisions of Chapter 5120. of the Revised 4663
Code, as they exist on or after July 1, 1996, and that address 4664
the duration or potential duration of incarceration or 4665
supervised release, apply to all persons upon whom a court 4666
imposed a stated prison term for an offense committed on or 4667
after July 1, 1996. 4668

(2) The provisions of Chapter 5120. of the Revised Code, 4669
as they exist on or after ~~the effective date of this amendment~~ 4670
March 22, 2019, and prior to the effective date of this 4671
amendment, apply to an offender who is released from confinement 4672
in a state correctional institution on or after ~~that date~~ March 4673
22, 2019, and prior to the effective date of this amendment. 4674

(3) The provisions of Chapter 5120. of the Revised Code, 4675
as they exist on or after the effective date of this amendment, 4676

apply to an offender who is released from confinement in a state 4677
correctional institution on or after that date. 4678

(C) Nothing in this section limits or affects the 4679
applicability of any provision in Chapter 5120. of the Revised 4680
Code, as amended or enacted on or after July 1, 1996, that 4681
pertains to an issue other than the duration or potential 4682
duration of incarceration or supervised release, to persons in 4683
custody or under the supervision of the department of 4684
rehabilitation and correction. 4685

Sec. 5120.038. (A) As used in this section: 4686

(1) "GPS-monitored offender" means an offender who, on or 4687
after the effective date of divisions (C) to (E) of this 4688
section, is released from confinement in a state correctional 4689
institution under a conditional pardon, parole, other form of 4690
authorized release, or transitional control that includes global 4691
positioning system monitoring as a condition of the person's 4692
release, or who, on or after that date, is placed under post- 4693
release control that includes global positioning system 4694
monitoring as a condition under the post-release control. 4695

(2) "Law enforcement automated data system" means the law 4696
enforcement automated data system, also known as LEADS, 4697
established under section 5503.10 of the Revised Code. 4698

(3) "Secondary entity" means an entity under contract with 4699
a third-party contract administrator with which the department 4700
of rehabilitation and correction has entered into a contract for 4701
global positioning system monitoring of GPS-monitored offenders. 4702

(B) Not later than ~~June 30, 2019~~December 31, 2022, the 4703
department of rehabilitation and correction shall ~~study the~~ 4704
~~feasibility of contracting with a third party contract~~ 4705

~~administrator for global position system monitoring that would~~ 4706
~~include a crime scene correlation program that could interface~~ 4707
~~by link with a statewide database for GPS-monitored offenders.~~ 4708
~~The study also shall analyze~~ conduct a study that analyzes the 4709
use of GPS monitoring as a supervision tool. In ~~conducting the~~ 4710
~~study, the department shall consider all of the following~~ 4711
~~factors:~~ 4712

~~(1) The ability of the department or another state entity~~ 4713
~~to establish and operate a statewide internet database of GPS-~~ 4714
~~monitored offenders and the specific information that such a~~ 4715
~~database could include.~~ 4716

~~(2) The capability for a GPS monitoring system run by a~~ 4717
~~third-party contract administrator to include a crime scene-~~ 4718
~~correlation program that interfaces by link with a statewide~~ 4719
~~database of GPS-monitored offenders.~~ 4720

~~(3) The ability of local law enforcement representatives~~ 4721
~~to remotely search a statewide internet database of GPS-~~ 4722
~~monitored offenders that is linked with a crime scene-~~ 4723
~~correlation program.~~ 4724

~~(4) The capability for a GPS monitoring system with crime-~~ 4725
~~scene correlation features to allow local law enforcement~~ 4726
~~representatives without a subpoena or warrant to access~~ 4727
~~information contained in the crime scene correlation program~~ 4728
~~about a GPS-monitored offender, including the offender's current-~~ 4729
~~location, the offender's location at previous points in time,~~ 4730
~~the location of recent criminal activity in or near the~~ 4731
~~offender's inclusionary or exclusionary zones included as~~ 4732
~~restrictions under the offender's supervision, and any possible~~ 4733
~~connection between the offender's location and that recent~~ 4734
~~criminal activity.~~ 4735

~~(5) The ability of law enforcement representatives to obtain, without a warrant or subpoena, information about a GPS-monitored offender from either an employee of the department or a third party contract administrator who is monitoring the offender, including information of the types listed in division (B)(4) of this section.~~ 4736
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~~(6) The types of offenders for whom GPS monitoring would be beneficial, the appropriate length for monitoring, and the costs related to GPS monitoring.~~ 4742
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~~(C) Upon completion of the study specified in this division (B) of this section, the department shall submit copies of the study to the president and minority leader of the senate, the speaker and minority leader of the house of representatives, and the governor.~~ 4745
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(C) (1) On and after the effective date of this amendment, each global positioning system monitor that is used to monitor a GPS-monitored offender shall specify and monitor restrictions for the offender. The restrictions shall include for the offender inclusionary zones and, to the extent necessary, exclusionary zones, and may include for the offender a curfew specifying times of required presence in the inclusionary zone and any other reasonable restrictions. 4750
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(2) Each contract that the department of rehabilitation and correction enters into on or after the effective date of this amendment with a third-party contract administrator for global positioning system monitoring of GPS-monitored offenders shall require all of the following: 4758
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(a) That the global positioning system used by the administrator, or by any secondary entity under contract with 4763
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the administrator to perform the actual monitoring of the 4765
offender, include a crime scene correlation program to which 4766
access can be obtained as described in division (E)(2) of this 4767
section; 4768

(b) That the crime scene correlation program included in 4769
the administrator's system, or in the system of a secondary 4770
entity under contract with the administrator to perform the 4771
actual monitoring of the offender, will allow local law 4772
enforcement representatives or their designees to obtain, 4773
without need for a subpoena or warrant, real-time access or 4774
active global positioning system access to information contained 4775
in the program about a GPS-monitored offender's location at that 4776
time and, to the extent that it is available, at other previous 4777
points in time identified by the representative or designee, 4778
about the location of recent criminal activity in or near the 4779
offender's inclusionary or exclusionary zones, and about any 4780
possible connection between the offender's location and that 4781
recent criminal activity; 4782

(c) That the administrator, or the secondary entity under 4783
contract with the administrator to perform the actual monitoring 4784
of the offender, allow access to the crime scene correlation 4785
program included in the administrator's or secondary entity's 4786
system to law enforcement representatives as described in 4787
division (E)(2) of this section; 4788

(d) That the global positioning system used by the 4789
administrator, or by any secondary entity under contract with 4790
the administrator to perform the actual monitoring of the 4791
offender, be monitored continuously and that the access 4792
described in divisions (C)(2)(b) and (c) of this section be 4793
afforded twenty-four hours a day and seven days a week. 4794

(D) (1) On and after the effective date of this amendment, 4795
any third-party contract administrator used for global 4796
positioning system monitoring of a GPS-monitored offender, and 4797
any secondary entity under contract with such a third-party 4798
contract administrator to perform the actual monitoring of a 4799
GPS-monitored offender, shall comply in the monitoring of the 4800
offender with system requirements of the department of 4801
rehabilitation and correction that exist on that date for global 4802
positioning system monitoring of such offenders. 4803

(2) If, on the effective date of this amendment, the 4804
department of rehabilitation and correction has not established 4805
system requirements of the type described in division (D) (1) of 4806
this section, within a reasonable period of time after that 4807
effective date, the department shall establish system 4808
requirements for global positioning system monitoring of GPS- 4809
monitored offenders. After establishment of the requirements, 4810
the department, any third-party contract administrator used for 4811
global positioning system monitoring, and any secondary entity 4812
under contract with such a third-party contract administrator to 4813
perform the actual monitoring of a GPS-monitored offender, shall 4814
comply with the established system requirements in the 4815
monitoring of a GPS-monitored offender. 4816

(E) (1) (a) As soon as possible after, but not later than 4817
twelve months after, the effective date of this amendment, the 4818
department of rehabilitation and correction shall adopt 4819
procedures that the department and third-party contract 4820
administrators that are being used for global positioning system 4821
monitoring of a GPS-monitored offender shall use to provide to 4822
the bureau of criminal identification and investigation the 4823
information specified in division (E) (3) of this section for 4824
each GPS-monitored offender being monitored by the department or 4825

administrator. 4826

(b) On and after the date on which the department of 4827
rehabilitation and correction adopts the procedures specified in 4828
division (E) (1) (a) of this section, the department shall provide 4829
to the bureau of criminal identification and investigation the 4830
information specified in division (E) (3) of this section for 4831
each GPS-monitored offender that is being monitored by the 4832
department, and each third-party contract administrator that is 4833
being used for global positioning system monitoring of a GPS- 4834
monitored offender shall provide to the bureau the information 4835
specified in division (E) (3) of this section for each GPS- 4836
monitored offender that is being monitored by the administrator. 4837
If the third-party contract administrator has contracted with a 4838
secondary entity to perform the actual monitoring of a GPS- 4839
monitored offender, the information the administrator provides 4840
to the bureau also shall include the information specified in 4841
division (E) (3) of this section for each GPS-monitored offender 4842
that is being monitored by the secondary entity. The department 4843
and each third-party administrator shall provide the information 4844
in accordance with the procedures adopted by the department 4845
under division (E) (1) (a) of this section. Upon receipt of such 4846
information, the bureau immediately shall enter the information 4847
into the law enforcement automated data system. The 4848
superintendent of the state highway patrol shall ensure that the 4849
law enforcement automated data system is so configured as to 4850
permit the entry into, and transmission through, the system of 4851
that information. 4852

(c) If any information the department of rehabilitation 4853
and correction provides under divisions (E) (1) (a) and (b) of 4854
this section to the bureau of criminal identification and 4855
investigation becomes inaccurate, the department immediately 4856

shall update the information so that it is current and accurate 4857
and immediately provide the updated information to the bureau. 4858
If any information a third-party contract administrator provides 4859
under divisions (E) (1) (a) and (b) of this section to the bureau 4860
of criminal identification and investigation, including any 4861
information with respect to a secondary entity under contract 4862
with the administrator, becomes inaccurate, the administrator 4863
immediately shall update the information so that it is current 4864
and accurate and immediately provide the updated information to 4865
the bureau. Upon receipt of such updated information, the bureau 4866
immediately shall enter the updated information into the law 4867
enforcement automated data system. 4868

(2) If a local law enforcement representative, through use 4869
of the law enforcement automated data system or in any other 4870
manner, learns the identity of, and contact information for, an 4871
employee of the department who is monitoring a GPS-monitored 4872
offender, the identity of, and contact information for, a third- 4873
party contract administrator that is being used for global 4874
positioning system monitoring of a GPS-monitored offender, or 4875
the identity of, and contact information for, a secondary entity 4876
under contract with such a third-party contract administrator to 4877
perform the actual monitoring of a GPS-monitored offender, the 4878
representative or another law enforcement officer designated by 4879
the representative may contact the employee, the administrator, 4880
or the secondary entity and, without need for a subpoena or 4881
warrant, request real-time access or active global positioning 4882
system access to information about the offender's location at 4883
that time and at other previous points in time identified by the 4884
representative or designee. Upon receipt of a request as 4885
described in this division, the employee of the department, the 4886
third-party contract administrator, or the secondary entity, 4887

without need for a subpoena or warrant, shall provide the 4888
representative or designee with the requested information 4889
regarding the offender's location at that time and, to the 4890
extent that it is available, at the other identified previous 4891
points in time. A request under this division also may request 4892
information that the employee, administrator, or secondary 4893
entity has obtained about the location of recent criminal 4894
activity in or near the GPS-monitored offender's inclusionary or 4895
exclusionary zones, and about any possible connection between 4896
the offender's location and that recent criminal activity, and, 4897
upon receipt of such a request, the employee, administrator, or 4898
secondary entity, without need for a subpoena or warrant, shall 4899
provide the representative or designee with that information to 4900
the extent that it is available. 4901

(3) The information to be entered into the law enforcement 4902
automated data system as required under division (E) (1) of this 4903
section shall include, for each GPS-monitored offender for whom 4904
the information is required, all of the following: 4905

(a) The offender's name; 4906

(b) The offense or offenses for which the offender is 4907
subject to global positioning system monitoring and the 4908
offender's other criminal history; 4909

(c) The offender's residence address; 4910

(d) The monitoring parameters and restrictions for the 4911
offender, including all inclusionary zones, exclusionary zones, 4912
and inclusionary zone curfews for the offender and all other 4913
restrictions placed on the offender; 4914

(e) The identity of, and contact information for, 4915
whichever of the following is applicable: 4916

(i) If an employee of the department is monitoring the offender, the employee; 4917
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(ii) If a third-party contract administrator is being used for global positioning system monitoring of the offender, the third-party contract administrator; 4919
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(iii) If a secondary entity under contract with a third-party contract administrator is performing the actual monitoring of a GPS-monitored offender, the secondary entity. 4922
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(f) All previous violations of the monitoring parameters and restrictions applicable to the offender under the global positioning system monitoring that then is in effect for the offender. 4925
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Sec. 5120.113. (A) For each inmate committed to the department of rehabilitation and correction, except as provided in division (B) of this section, the department shall prepare a written reentry plan for the inmate to help guide the inmate's rehabilitation program during imprisonment, to assist in the inmate's reentry into the community, and to assess the inmate's needs upon release. 4929
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(B) Division (A) of this section does not apply to an inmate who has been sentenced to life imprisonment without parole or who has been sentenced to death. Division (A) of this section does not apply to any inmate who is expected to be imprisoned for thirty days or less, but the department may prepare a written reentry plan of the type described in that division if the department determines that the plan is needed. 4936
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(C) The department may collect, if available, any social and other information that will aid in the preparation of reentry plans under this section. 4943
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(D) In the event the department does not prepare a written reentry plan as specified in division (A) of this section, or makes a decision to not prepare a written reentry plan under division (B) of this section or to not collect information under division (C) of this section, that fact does not give rise to a claim for damages against the state, the department, the director of the department, or any employee of the department.

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

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

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

(2) Not later than twenty-four months after the effective date of this amendment, the department, through the adult parole authority, shall establish and implement a reentry program for all target offenders. The program shall include a facility. The program and facility shall satisfy all of the standards that the division of parole and community services adopts in accordance with Chapter 119. of the Revised Code for the licensure of

halfway houses, reentry centers, and community residential 4976
centers. Upon the establishment and implementation of the 4977
program and facility, the department or authority shall require 4978
that all target offenders reside in the program's facility 4979
during a part or for the entire period of the target offender's 4980
conditional release or term of post-release control. 4981

Sec. 5120.66. (A) Within ninety days after November 23, 4982
2005, but not before January 1, 2006, the department of 4983
rehabilitation and correction shall establish and operate on the 4984
internet a database that contains all of the following: 4985

(1) For each inmate in the custody of the department under 4986
a sentence imposed for a conviction of or plea of guilty to any 4987
offense, all of the following information: 4988

(a) The inmate's name; 4989

(b) For each offense for which the inmate was sentenced to 4990
a prison term or term of imprisonment and is in the department's 4991
custody, the name of the offense, the Revised Code section of 4992
which the offense is a violation, the gender of each victim of 4993
the offense if those facts are known, whether each victim of the 4994
offense was an adult or child if those facts are known, whether 4995
any victim of the offense was a law enforcement officer if that 4996
fact is known, the range of the possible prison terms or term of 4997
imprisonment that could have been imposed for the offense, the 4998
actual prison term or term of imprisonment imposed for the 4999
offense, the county in which the offense was committed, the date 5000
on which the inmate began serving the prison term or term of 5001
imprisonment imposed for the offense, and whichever of the 5002
following is applicable: 5003

(i) The date on which the inmate will be eligible for 5004

parole relative to the offense if the prison term or term of 5005
imprisonment is an indefinite term or life term with parole 5006
eligibility; 5007

(ii) The date on which the term ends if the prison term is 5008
a definite term; 5009

(iii) The date on which the inmate will be eligible for 5010
presumptive release under section 2967.271 of the Revised Code, 5011
if the inmate is serving a non-life felony indefinite prison 5012
term. 5013

(c) All of the following information that is applicable 5014
regarding the inmate: 5015

(i) If known to the department prior to the conduct of any 5016
hearing for judicial release of the defendant pursuant to 5017
section 2929.20 of the Revised Code in relation to any prison 5018
term or term of imprisonment the inmate is serving for any 5019
offense or any hearing for release of the defendant pursuant to 5020
section 2967.19 of the Revised Code in relation to any such 5021
term, notice of the fact that the inmate will be having a 5022
hearing regarding a possible grant of judicial release or 5023
release, the date of the hearing, and the right of any person 5024
pursuant to division (J) of section 2929.20 or division (H) of 5025
section 2967.19 of the Revised Code, whichever is applicable, to 5026
submit to the court a written statement regarding the possible 5027
judicial release or release. The department also shall post 5028
notice of the submission to a sentencing court of any 5029
recommendation for early release of the inmate pursuant to 5030
section 2967.19 of the Revised Code, as required by division (E) 5031
of that section. 5032

(ii) If the inmate is serving a prison term pursuant to 5033

division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 5034
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 5035
Code, prior to the conduct of any hearing pursuant to section 5036
2971.05 of the Revised Code to determine whether to modify the 5037
requirement that the inmate serve the entire prison term in a 5038
state correctional facility in accordance with division (C) of 5039
that section, whether to continue, revise, or revoke any 5040
existing modification of that requirement, or whether to 5041
terminate the prison term in accordance with division (D) of 5042
that section, notice of the fact that the inmate will be having 5043
a hearing regarding those determinations and the date of the 5044
hearing; 5045

(iii) At least sixty days before the adult parole 5046
authority recommends a pardon or commutation of sentence for the 5047
inmate, at least sixty days prior to a hearing before the adult 5048
parole authority regarding a grant of parole to the inmate in 5049
relation to any prison term or term of imprisonment the inmate 5050
is serving for any offense, or at least sixty days prior to a 5051
hearing before the department regarding a determination of 5052
whether the inmate must be released under division (C) or (D) ~~(2)~~ 5053
of section 2967.271 of the Revised Code if the inmate is serving 5054
a non-life felony indefinite prison term, notice of the fact 5055
that the inmate might be under consideration for a pardon or 5056
commutation of sentence or will be having a hearing regarding a 5057
possible grant of parole or release, the date of any hearing 5058
regarding a possible grant of parole or release, and the right 5059
of any person to submit a written statement regarding the 5060
pending action; 5061

(iv) At least sixty days before the inmate is transferred 5062
to transitional control under section 2967.26 of the Revised 5063
Code in relation to any prison term or term of imprisonment the 5064

inmate is serving for any offense, notice of the pendency of the transfer, the date of the possible transfer, and the right of any person to submit a statement regarding the possible transfer;

(v) Prompt notice of the inmate's escape from any facility in which the inmate was incarcerated and of the capture of the inmate after an escape;

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

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

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

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

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

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

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

(4) No information included on the database required under division (A) of this section shall identify or enable the identification of any victim of any offense committed by an inmate.

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

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

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

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

(B) The superintendent, or superintendents, of the field

services section shall be a person, or persons, especially 5122
qualified by training and experience in the field of 5123
corrections. The superintendent, or superintendents, shall 5124
supervise the work of the section and shall formulate and 5125
execute an effective program of offender supervision. The 5126
superintendent, or superintendents, shall collect and preserve 5127
any records and statistics with respect to offenders that are 5128
required by the chief of the authority. The section also shall 5129
include other personnel who are necessary for the performance of 5130
the section's duties. 5131

No person shall be appointed as a superintendent who is 5132
not qualified by education or experience in correctional work 5133
including law enforcement, probation, or parole work, in law, in 5134
social work, or in a combination of the three categories. 5135

(C) The superintendent, or superintendents, of the field 5136
services section, with the approval of the chief of the 5137
authority, may establish district offices for the section and 5138
may assign necessary parole and field officers and clerical 5139
staff to the district offices. 5140

(D) The field services section in the exercise of its 5141
supervision over offenders and persons conditionally pardoned 5142
shall carry out all lawful orders, terms, and conditions 5143
prescribed by the authority, the chief of the division of parole 5144
and community services, or the governor. 5145

(E) (1) As used in division (E) of this section: 5146

(a) "Caseload" means the maximum number of persons 5147
paroled, conditionally pardoned, or released to community 5148
supervision who should be under the supervision of any parole or 5149
field officer, based on the aggregate of the workload of the 5150

officer for each of those persons. 5151

(b) "Parole or field officer" means a parole or field officer of the field services section. 5152
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(c) "Workload" means the minimum number of hours that a parole or field officer is expected to dedicate to each person paroled, conditionally pardoned, or released to community supervision who is under the officer's supervision, based on the person's risk classification. 5154
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(2) Not later than one year after the effective date of this amendment, the adult parole authority shall establish supervision standards for parole and field officers. The standards shall include a specification of a caseload and a workload for parole and field officers. The caseload and workload specified in the standards shall comport with industry standards set forth by the American probation and parole association. 5159
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(3) Not later than two years after establishing the standards required under division (E) (2) of this section, the department of rehabilitation and correction shall ensure that the field services section has enough parole and field officers to comply with the standards and that the officers have been trained to the extent required to comply with the standards. 5167
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Section 2. That existing sections 181.21, 2152.13, 2152.14, 2901.011, 2929.01, 2929.14, 2929.144, 2929.19, 2929.20, 2930.16, 2945.37, 2945.401, 2949.08, 2951.03, 2953.07, 2953.08, 2967.14, 2967.191, 2967.193, 2967.271, 5120.021, 5120.038, 5120.113, 5120.66, and 5149.04 of the Revised Code are hereby repealed. 5173
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Section 3. The General Assembly, applying the principle 5179

stated in division (B) of section 1.52 of the Revised Code that 5180
amendments are to be harmonized if reasonably capable of 5181
simultaneous operation, finds that the following sections, 5182
presented in this act as composites of the sections as amended 5183
by the acts indicated, are the resulting versions of the 5184
sections in effect prior to the effective date of the sections 5185
as presented in this act: 5186

Section 2929.01 of the Revised Code as amended by H.B. 66 5187
and H.B. 431, both of the 133rd General Assembly. 5188

Section 2929.14 of the Revised Code as amended by both 5189
H.B. 136 and S.B. 256 of the 133rd General Assembly. 5190

Section 2953.07 of the Revised Code as amended by both 5191
S.B. 2 and S.B. 4 of the 121st General Assembly. 5192

Section 2967.191 of the Revised Code as amended by both 5193
S.B. 66 and S.B. 201 of the 132nd General Assembly. 5194

Section 2967.193 of the Revised Code as amended by both 5195
S.B. 145 and S.B. 201 of the 132nd General Assembly. 5196