

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 671**

**Representatives Click, Santucci**

**Cosponsors: Representatives Barhorst, Bird, Robb Blasdel, Dean, Demetriou,  
Fischer, Gross, Hall, Johnson, King, Lear, Wiggam, Williams, Willis**

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**A BILL**

To amend sections 2929.15, 2929.16, 2929.17, and 1  
2929.25 and to enact sections 2965.01 and 2  
2965.02 of the Revised Code to enact the America 3  
First Act to prohibit a person who is unlawfully 4  
present in the United States from entering or 5  
being present in Ohio. 6

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

**Section 1.** That sections 2929.15, 2929.16, 2929.17, and 7  
2929.25 be amended and sections 2965.01 and 2965.02 of the 8  
Revised Code be enacted to read as follows: 9

**Sec. 2929.15.** (A) (1) ~~If~~ Subject to section 2965.01 of the 10  
Revised Code, if in sentencing an offender for a felony the 11  
court is not required to impose a prison term, a mandatory 12  
prison term, or a term of life imprisonment upon the offender, 13  
the court may directly impose a sentence that consists of one or 14  
more community control sanctions authorized pursuant to section 15  
2929.16, 2929.17, or 2929.18 of the Revised Code. If the court 16  
is sentencing an offender for a fourth degree felony OVI offense 17  
under division (G) (1) of section 2929.13 of the Revised Code, in 18

addition to the mandatory term of local incarceration imposed 19  
under that division and the mandatory fine required by division 20  
(B) (3) of section 2929.18 of the Revised Code, the court may 21  
impose upon the offender a community control sanction or 22  
combination of community control sanctions in accordance with 23  
sections 2929.16 and 2929.17 of the Revised Code. If the court 24  
is sentencing an offender for a third or fourth degree felony 25  
OVI offense under division (G) (2) of section 2929.13 of the 26  
Revised Code, in addition to the mandatory prison term or 27  
mandatory prison term and additional prison term imposed under 28  
that division, the court also may impose upon the offender a 29  
community control sanction or combination of community control 30  
sanctions under section 2929.16 or 2929.17 of the Revised Code, 31  
but the offender shall serve all of the prison terms so imposed 32  
prior to serving the community control sanction. 33

The duration of all community control sanctions imposed on 34  
an offender under this division shall not exceed five years. If 35  
the offender absconds or otherwise leaves the jurisdiction of 36  
the court in which the offender resides without obtaining 37  
permission from the court or the offender's probation officer to 38  
leave the jurisdiction of the court, or if the offender is 39  
confined in any institution for the commission of any offense 40  
while under a community control sanction, the period of the 41  
community control sanction ceases to run until the offender is 42  
brought before the court for its further action. If the court 43  
sentences the offender to one or more nonresidential sanctions 44  
under section 2929.17 of the Revised Code, the court shall 45  
impose as a condition of the nonresidential sanctions that, 46  
during the period of the sanctions, the offender must abide by 47  
the law and must not leave the state without the permission of 48  
the court or the offender's probation officer. The court may 49

impose any other conditions of release under a community control 50  
sanction that the court considers appropriate, including, but 51  
not limited to, requiring that the offender not ingest or be 52  
injected with a drug of abuse and submit to random drug testing 53  
as provided in division (D) of this section to determine whether 54  
the offender ingested or was injected with a drug of abuse and 55  
requiring that the results of the drug test indicate that the 56  
offender did not ingest or was not injected with a drug of 57  
abuse. 58

(2) (a) If a court sentences an offender to any community 59  
control sanction or combination of community control sanctions 60  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 61  
the Revised Code, the court shall place the offender under the 62  
general control and supervision of a department of probation in 63  
the county that serves the court for purposes of reporting to 64  
the court a violation of any condition of the sanctions, any 65  
condition of release under a community control sanction imposed 66  
by the court, a violation of law, or the departure of the 67  
offender from this state without the permission of the court or 68  
the offender's probation officer. Alternatively, if the offender 69  
resides in another county and a county department of probation 70  
has been established in that county or that county is served by 71  
a multicounty probation department established under section 72  
2301.27 of the Revised Code, the court may request the court of 73  
common pleas of that county to receive the offender into the 74  
general control and supervision of that county or multicounty 75  
department of probation for purposes of reporting to the court a 76  
violation of any condition of the sanctions, any condition of 77  
release under a community control sanction imposed by the court, 78  
a violation of law, or the departure of the offender from this 79  
state without the permission of the court or the offender's 80

probation officer, subject to the jurisdiction of the trial 81  
judge over and with respect to the person of the offender, and 82  
to the rules governing that department of probation. 83

If there is no department of probation in the county that 84  
serves the court, the court shall place the offender, regardless 85  
of the offender's county of residence, under the general control 86  
and supervision of the adult parole authority, unless the court 87  
has entered into an agreement with the authority as described in 88  
division (B) or (C) of section 2301.32 of the Revised Code, or 89  
under an entity authorized under division (B) of section 2301.27 90  
of the Revised Code to provide probation and supervisory 91  
services to counties for purposes of reporting to the court a 92  
violation of any of the sanctions, any condition of release 93  
under a community control sanction imposed by the court, a 94  
violation of law, or the departure of the offender from this 95  
state without the permission of the court or the offender's 96  
probation officer. 97

(b) If the court imposing sentence on an offender 98  
sentences the offender to any community control sanction or 99  
combination of community control sanctions authorized pursuant 100  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 101  
if the offender violates any condition of the sanctions, 102  
violates any condition of release under a community control 103  
sanction imposed by the court, violates any law, or departs the 104  
state without the permission of the court or the offender's 105  
probation officer, the public or private person or entity that 106  
operates or administers the sanction or the program or activity 107  
that comprises the sanction shall report the violation or 108  
departure directly to the sentencing court, or shall report the 109  
violation or departure to the county or multicounty department 110  
of probation with general control and supervision over the 111

offender under division (A) (2) (a) of this section or the officer 112  
of that department who supervises the offender, or, if there is 113  
no such department with general control and supervision over the 114  
offender under that division, to the adult parole authority 115  
unless the court has entered into an agreement with the 116  
authority as described in division (B) or (C) of section 2301.32 117  
of the Revised Code, or to an entity authorized under division 118  
(B) of section 2301.27 of the Revised Code to provide probation 119  
and supervisory services to the county. If the public or private 120  
person or entity that operates or administers the sanction or 121  
the program or activity that comprises the sanction reports the 122  
violation or departure to the county or multicounty department 123  
of probation, the adult parole authority, or any other entity 124  
providing probation and supervisory services to the county, the 125  
department's, authority's, or other entity's officers may treat 126  
the offender as if the offender were on probation and in 127  
violation of the probation, and shall report the violation of 128  
the condition of the sanction, any condition of release under a 129  
community control sanction imposed by the court, the violation 130  
of law, or the departure from the state without the required 131  
permission to the sentencing court. 132

(3) If an offender who is eligible for community control 133  
sanctions under this section admits to having a drug addiction 134  
or the court has reason to believe that the offender has a drug 135  
addiction, and if the offense for which the offender is being 136  
sentenced was related to the addiction, the court may require 137  
that the offender be assessed by a properly credentialed 138  
professional within a specified period of time and shall require 139  
the professional to file a written assessment of the offender 140  
with the court. If a court imposes treatment and recovery 141  
support services as a community control sanction, the court 142

shall direct the level and type of treatment and recovery 143  
support services after consideration of the written assessment, 144  
if available at the time of sentencing, and recommendations of 145  
the professional and other treatment and recovery support 146  
services providers. 147

(4) If an assessment completed pursuant to division (A) (3) 148  
of this section indicates that the offender has an addiction to 149  
drugs or alcohol, the court may include in any community control 150  
sanction imposed for a violation of section 2925.02, 2925.03, 151  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 152  
2925.36, or 2925.37 of the Revised Code a requirement that the 153  
offender participate in alcohol and drug addiction services and 154  
recovery supports certified under section 5119.36 of the Revised 155  
Code or offered by a properly credentialed community addiction 156  
services provider. 157

(B) (1) Except as provided in division (B) (2) of this 158  
section, if the conditions of a community control sanction 159  
imposed for a felony are violated or if the offender violates a 160  
law or leaves the state without the permission of the court or 161  
the offender's probation officer, the sentencing court may 162  
impose on the violator one or more of the following penalties: 163

(a) A longer time under the same sanction if the total 164  
time under the sanctions does not exceed the five-year limit 165  
specified in division (A) of this section; 166

(b) A more restrictive sanction under section 2929.16, 167  
2929.17, or 2929.18 of the Revised Code, including but not 168  
limited to, a new term in a community-based correctional 169  
facility, halfway house, or jail pursuant to division (A) (6) of 170  
section 2929.16 of the Revised Code; 171

(c) A prison term on the offender pursuant to section 172  
2929.14 of the Revised Code and division (B) (3) of this section, 173  
provided that a prison term imposed under this division is 174  
subject to the following limitations and rules, as applicable: 175

(i) If the prison term is imposed for any technical 176  
violation of the conditions of a community control sanction 177  
imposed for a felony of the fifth degree, the prison term shall 178  
not exceed ninety days, provided that if the remaining period of 179  
community control at the time of the violation or the remaining 180  
period of the reserved prison sentence at that time is less than 181  
ninety days, the prison term shall not exceed the length of the 182  
remaining period of community control or the remaining period of 183  
the reserved prison sentence. If the court imposes a prison term 184  
as described in this division, division (B) (2) (b) of this 185  
section applies. 186

(ii) If the prison term is imposed for any technical 187  
violation of the conditions of a community control sanction 188  
imposed for a felony of the fourth degree that is not an offense 189  
of violence and is not a sexually oriented offense, the prison 190  
term shall not exceed one hundred eighty days, provided that if 191  
the remaining period of the community control at the time of the 192  
violation or the remaining period of the reserved prison 193  
sentence at that time is less than one hundred eighty days, the 194  
prison term shall not exceed the length of the remaining period 195  
of community control or the remaining period of the reserved 196  
prison sentence. If the court imposes a prison term as described 197  
in this division, division (B) (2) (b) of this section applies. 198

(iii) A court is not limited in the number of times it may 199  
sentence an offender to a prison term under division (B) (1) (c) 200  
of this section for a violation of the conditions of a community 201

control sanction or for a violation of a law or leaving the 202  
state without the permission of the court or the offender's 203  
probation officer. If an offender who is under a community 204  
control sanction violates the conditions of the sanction or 205  
violates a law or leaves the state without the permission of the 206  
court or the offender's probation officer, is sentenced to a 207  
prison term for the violation or conduct, is released from the 208  
term after serving it, and subsequently violates the conditions 209  
of the sanction or violates a law or leaves the state without 210  
the permission of the court or the offender's probation officer, 211  
the court may impose a new prison term sanction on the offender 212  
under division (B) (1) (c) of this section for the subsequent 213  
violation or conduct. 214

(2) (a) If an offender was acting pursuant to division (B) 215  
(2) (b) of section 2925.11 or a related provision of section 216  
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 217  
doing violated the conditions of a community control sanction 218  
based on a minor drug possession offense, as defined in section 219  
2925.11 of the Revised Code, or violated section 2925.12, 220  
division (C) (1) of section 2925.14, or section 2925.141 of the 221  
Revised Code, the sentencing court shall not impose any of the 222  
penalties described in division (B) (1) of this section based on 223  
the violation. 224

(b) If a court imposes a prison term on an offender under 225  
division (B) (1) (c) (i) or (ii) of this section for a technical 226  
violation of the conditions of a community control sanction, one 227  
of the following is applicable with respect to the time that the 228  
offender spends in prison under the term: 229

(i) Subject to division (B) (2) (b) (ii) of this section, it 230  
shall be credited against the offender's community control 231



sanction that was being served at the time of the violation, and 232  
the remaining time under that community control sanction shall 233  
be reduced by the time that the offender spends in prison under 234  
the prison term. By determination of the court, the offender 235  
upon release from the prison term either shall continue serving 236  
the remaining time under the community control sanction, as 237  
reduced under this division, or shall have the community control 238  
sanction terminated. 239

(ii) If, at the time a prison term is imposed for a 240  
technical violation, the offender was serving a residential 241  
community control sanction imposed under section 2929.16 of the 242  
Revised Code, the time spent serving the residential community 243  
control sanction shall be credited against the offender's 244  
reserved prison sentence, and the remaining time under that 245  
residential community control sanction and under the reserved 246  
prison sentence shall be reduced by the time that the offender 247  
spends in prison under the prison term. By determination of the 248  
court, the offender upon release from the prison term either 249  
shall continue serving the remaining time under the residential 250  
community control sanction, as reduced under this division, or 251  
shall have the residential community control sanction 252  
terminated. 253

(3) The prison term, if any, imposed on a violator 254  
pursuant to this division and division (B)(1) of this section 255  
shall be within the range of prison terms described in this 256  
division and shall not exceed a prison term from the range of 257  
terms specified in the notice provided to the offender at the 258  
sentencing hearing pursuant to division (B)(4) of section 259  
2929.19 of the Revised Code. The court may reduce the longer 260  
period of time that the offender is required to spend under the 261  
longer sanction, the more restrictive sanction, or a prison term 262

imposed pursuant to division (B) (1) of this section by the time 263  
the offender successfully spent under the sanction that was 264  
initially imposed. Except as otherwise specified in this 265  
division, the prison term imposed under this division and 266  
division (B) (1) of this section shall be within the range of 267  
prison terms available as a definite term for the offense for 268  
which the sanction that was violated was imposed. If the offense 269  
for which the sanction that was violated was imposed is a felony 270  
of the first or second degree committed on or after March 22, 271  
2019, the prison term so imposed under this division shall be 272  
within the range of prison terms available as a minimum term for 273  
the offense under division (A) (1) (a) or (2) (a) of section 274  
2929.14 of the Revised Code. 275

(C) If an offender, for a significant period of time, 276  
fulfills the conditions of a sanction imposed pursuant to 277  
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 278  
exemplary manner, the court may reduce the period of time under 279  
the sanction or impose a less restrictive sanction, but the 280  
court shall not permit the offender to violate any law or permit 281  
the offender to leave the state without the permission of the 282  
court or the offender's probation officer. 283

(D) (1) If a court under division (A) (1) of this section 284  
imposes a condition of release under a community control 285  
sanction that requires the offender to submit to random drug 286  
testing, the department of probation, the adult parole 287  
authority, or any other entity that has general control and 288  
supervision of the offender under division (A) (2) (a) of this 289  
section may cause the offender to submit to random drug testing 290  
performed by a laboratory or entity that has entered into a 291  
contract with any of the governmental entities or officers 292  
authorized to enter into a contract with that laboratory or 293

entity under section 341.26, 753.33, or 5120.63 of the Revised Code. 294  
295

(2) If no laboratory or entity described in division (D) 296  
(1) of this section has entered into a contract as specified in 297  
that division, the department of probation, the adult parole 298  
authority, or any other entity that has general control and 299  
supervision of the offender under division (A) (2) (a) of this 300  
section shall cause the offender to submit to random drug 301  
testing performed by a reputable public laboratory to determine 302  
whether the individual who is the subject of the drug test 303  
ingested or was injected with a drug of abuse. 304

(3) A laboratory or entity that has entered into a 305  
contract pursuant to section 341.26, 753.33, or 5120.63 of the 306  
Revised Code shall perform the random drug tests under division 307  
(D) (1) of this section in accordance with the applicable 308  
standards that are included in the terms of that contract. A 309  
public laboratory shall perform the random drug tests under 310  
division (D) (2) of this section in accordance with the standards 311  
set forth in the policies and procedures established by the 312  
department of rehabilitation and correction pursuant to section 313  
5120.63 of the Revised Code. An offender who is required under 314  
division (A) (1) of this section to submit to random drug testing 315  
as a condition of release under a community control sanction and 316  
whose test results indicate that the offender ingested or was 317  
injected with a drug of abuse shall pay the fee for the drug 318  
test if the department of probation, the adult parole authority, 319  
or any other entity that has general control and supervision of 320  
the offender requires payment of a fee. A laboratory or entity 321  
that performs the random drug testing on an offender under 322  
division (D) (1) or (2) of this section shall transmit the 323  
results of the drug test to the appropriate department of 324

probation, the adult parole authority, or any other entity that 325  
has general control and supervision of the offender under 326  
division (A) (2) (a) of this section. 327

(E) As used in this section, "technical violation" means a 328  
violation of the conditions of a community control sanction 329  
imposed for a felony of the fifth degree, or for a felony of the 330  
fourth degree that is not an offense of violence and is not a 331  
sexually oriented offense, and to which neither of the following 332  
applies: 333

(1) The violation consists of a new criminal offense that 334  
is a felony or that is a misdemeanor other than a minor 335  
misdemeanor, and the violation is committed while under the 336  
community control sanction. 337

(2) The violation consists of or includes the offender's 338  
articulated or demonstrated refusal to participate in the 339  
community control sanction imposed on the offender or any of its 340  
conditions, and the refusal demonstrates to the court that the 341  
offender has abandoned the objects of the community control 342  
sanction or condition. 343

**Sec. 2929.16.** (A) Except as provided in this division or 344  
in section 2965.01 of the Revised Code, the court imposing a 345  
sentence for a felony upon an offender who is not required to 346  
serve a mandatory prison term may impose any community 347  
residential sanction or combination of community residential 348  
sanctions under this section. The court imposing a sentence for 349  
a fourth degree felony OVI offense under division (G) (1) or (2) 350  
of section 2929.13 of the Revised Code or for a third degree 351  
felony OVI offense under division (G) (2) of that section may 352  
impose upon the offender, in addition to the mandatory term of 353  
local incarceration or mandatory prison term imposed under the 354

applicable division, a community residential sanction or 355  
combination of community residential sanctions under this 356  
section, and the offender shall serve or satisfy the sanction or 357  
combination of sanctions after the offender has served the 358  
mandatory term of local incarceration or mandatory prison term 359  
required for the offense. Community residential sanctions 360  
include, but are not limited to, the following: 361

(1) Except as otherwise provided in division (A) (6) of 362  
this section, a term of up to six months at a community-based 363  
correctional facility that serves the county; 364

(2) Except as otherwise provided in division (A) (3) or (6) 365  
of this section and subject to division (D) of this section, a 366  
term of up to six months in a jail; 367

(3) If the offender is convicted of a fourth degree felony 368  
OVI offense and is sentenced under division (G) (1) of section 369  
2929.13 of the Revised Code, subject to division (D) of this 370  
section, a term of up to one year in a jail less the mandatory 371  
term of local incarceration of sixty or one hundred twenty 372  
consecutive days of imprisonment imposed pursuant to that 373  
division; 374

(4) A term in a halfway house; 375

(5) A term in an alternative residential facility; 376

(6) If the offender is sentenced to a community control 377  
sanction and violates the conditions of the sanction, a new term 378  
of up to six months in a community-based correctional facility 379  
that serves the county, in a halfway house, or in a jail, which 380  
term shall be in addition to any other term imposed under this 381  
division. 382

(B) The court that assigns any offender convicted of a 383

felony to a residential sanction under this section may 384  
authorize the offender to be released so that the offender may 385  
seek or maintain employment, receive education or training, or 386  
receive treatment. A release pursuant to this division shall be 387  
only for the duration of time that is needed to fulfill the 388  
purpose of the release and for travel that reasonably is 389  
necessary to fulfill the purposes of the release. 390

(C) If the court assigns an offender to a county jail that 391  
is not a minimum security misdemeanor jail in a county that has 392  
established a county jail industry program pursuant to section 393  
5147.30 of the Revised Code, the court shall specify, as part of 394  
the sentence, whether the sheriff of that county may consider 395  
the offender for participation in the county jail industry 396  
program. During the offender's term in the county jail, the 397  
court shall retain jurisdiction to modify its specification upon 398  
a reassessment of the offender's qualifications for 399  
participation in the program. 400

(D) If a court sentences an offender to a term in jail 401  
under division (A) (2), (3), or (6) of this section and if the 402  
sentence is imposed for a felony of the fourth or fifth degree 403  
that is not an offense of violence, the court may specify that 404  
it prefers that the offender serve the term in a minimum 405  
security jail established under section 341.34 or 753.21 of the 406  
Revised Code. If the court includes a specification of that type 407  
in the sentence and if the administrator of the appropriate 408  
minimum security jail or the designee of that administrator 409  
classifies the offender in accordance with section 341.34 or 410  
753.21 of the Revised Code as a minimal security risk, the 411  
offender shall serve the term in the minimum security jail 412  
established under section 341.34 or 753.21 of the Revised Code. 413  
Absent a specification of that type and a finding of that type, 414

the offender shall serve the term in a jail other than a minimum 415  
security jail established under section 341.34 or 753.21 of the 416  
Revised Code. 417

(E) If a person who has been convicted of or pleaded 418  
guilty to a felony is sentenced to a community residential 419  
sanction as described in division (A) of this section, at the 420  
time of reception and at other times the person in charge of the 421  
operation of the community-based correctional facility, jail, 422  
halfway house, alternative residential facility, or other place 423  
at which the offender will serve the residential sanction 424  
determines to be appropriate, the person in charge of the 425  
operation of the community-based correctional facility, jail, 426  
halfway house, alternative residential facility, or other place 427  
may cause the convicted offender to be examined and tested for 428  
tuberculosis, HIV infection, hepatitis, including but not 429  
limited to hepatitis A, B, and C, and other contagious diseases. 430  
The person in charge of the operation of the community-based 431  
correctional facility, jail, halfway house, alternative 432  
residential facility, or other place at which the offender will 433  
serve the residential sanction may cause a convicted offender in 434  
the community-based correctional facility, jail, halfway house, 435  
alternative residential facility, or other place who refuses to 436  
be tested or treated for tuberculosis, HIV infection, hepatitis, 437  
including but not limited to hepatitis A, B, and C, or another 438  
contagious disease to be tested and treated involuntarily. 439

**Sec. 2929.17.** Except as provided in this section or in 440  
section 2965.01 of the Revised Code, the court imposing a 441  
sentence for a felony upon an offender who is not required to 442  
serve a mandatory prison term may impose any nonresidential 443  
sanction or combination of nonresidential sanctions authorized 444  
under this section. If the court imposes one or more 445

nonresidential sanctions authorized under this section, the 446  
court shall impose as a condition of the sanction that, during 447  
the period of the nonresidential sanction, the offender shall 448  
abide by the law and shall not leave the state without the 449  
permission of the court or the offender's probation officer. 450

The court imposing a sentence for a fourth degree felony 451  
OVI offense under division (G) (1) or (2) of section 2929.13 of 452  
the Revised Code or for a third degree felony OVI offense under 453  
division (G) (2) of that section may impose upon the offender, in 454  
addition to the mandatory term of local incarceration or 455  
mandatory prison term imposed under the applicable division, a 456  
nonresidential sanction or combination of nonresidential 457  
sanctions under this section, and the offender shall serve or 458  
satisfy the sanction or combination of sanctions after the 459  
offender has served the mandatory term of local incarceration or 460  
mandatory prison term required for the offense. The court shall 461  
not impose a term in a drug treatment program as described in 462  
division (D) of this section until after considering an 463  
assessment by a properly credentialed treatment professional, if 464  
available. Nonresidential sanctions include, but are not limited 465  
to, the following: 466

(A) A term of day reporting; 467

(B) A term of house arrest with electronic monitoring or 468  
continuous alcohol monitoring or both electronic monitoring and 469  
continuous alcohol monitoring, a term of electronic monitoring 470  
or continuous alcohol monitoring without house arrest, or a term 471  
of house arrest without electronic monitoring or continuous 472  
alcohol monitoring; 473

(C) A term of community service of up to five hundred 474  
hours pursuant to division (B) of section 2951.02 of the Revised 475



Code or, if the court determines that the offender is 476  
financially incapable of fulfilling a financial sanction 477  
described in section 2929.18 of the Revised Code, a term of 478  
community service as an alternative to a financial sanction; 479

(D) A term in a drug treatment program with a level of 480  
security for the offender as determined by the court; 481

(E) A term of intensive probation supervision; 482

(F) A term of basic probation supervision; 483

(G) A term of monitored time; 484

(H) A term of drug and alcohol use monitoring, including 485  
random drug testing; 486

(I) A curfew term; 487

(J) A requirement that the offender obtain employment; 488

(K) A requirement that the offender obtain education or 489  
training; 490

(L) Provided the court obtains the prior approval of the 491  
victim, a requirement that the offender participate in victim- 492  
offender mediation; 493

(M) A license violation report; 494

(N) If the offense is a violation of section 2919.25 or a 495  
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 496  
Code involving a person who was a family or household member at 497  
the time of the violation, if the offender committed the offense 498  
in the vicinity of one or more children who are not victims of 499  
the offense, and if the offender or the victim of the offense is 500  
a parent, guardian, custodian, or person in loco parentis of one 501  
or more of those children, a requirement that the offender 502

obtain counseling. This division does not limit the court in 503  
requiring the offender to obtain counseling for any offense or 504  
in any circumstance not specified in this division. 505

(O) If the offense is a violation of section 2907.04 of 506  
the Revised Code and the offender was under twenty-one years of 507  
age at the time of committing the offense, a requirement that 508  
the offender participate in a sex offender treatment program 509  
certified by the department of rehabilitation and correction 510  
pursuant to section 2950.16 of the Revised Code. 511

**Sec. 2929.25.** (A) (1) Except as provided in sections 512  
2929.22 ~~and~~, 2929.23, and 2965.01 of the Revised Code or when a 513  
jail term is required by law, in sentencing an offender for a 514  
misdemeanor, other than a minor misdemeanor, the sentencing 515  
court may do either of the following: 516

(a) Directly impose a sentence that consists of one or 517  
more community control sanctions authorized by section 2929.26, 518  
2929.27, or 2929.28 of the Revised Code. The court may impose 519  
any other conditions of release under a community control 520  
sanction that the court considers appropriate. If the court 521  
imposes a jail term upon the offender, the court may impose any 522  
community control sanction or combination of community control 523  
sanctions in addition to the jail term. 524

(b) Impose a jail term under section 2929.24 of the 525  
Revised Code from the range of jail terms authorized under that 526  
section for the offense, suspend all or a portion of the jail 527  
term imposed, and place the offender under a community control 528  
sanction or combination of community control sanctions 529  
authorized under section 2929.26, 2929.27, or 2929.28 of the 530  
Revised Code. 531

(2) The duration of all community control sanctions 532  
imposed upon an offender and in effect for an offender at any 533  
time shall not exceed five years. 534

(3) At sentencing, if a court directly imposes a community 535  
control sanction or combination of community control sanctions 536  
pursuant to division (A) (1) (a) or (B) of this section, the court 537  
shall state the duration of the community control sanctions 538  
imposed and shall notify the offender that if any of the 539  
conditions of the community control sanctions are violated the 540  
court may do any of the following: 541

(a) Impose a longer time under the same community control 542  
sanction if the total time under all of the offender's community 543  
control sanctions does not exceed the five-year limit specified 544  
in division (A) (2) of this section; 545

(b) Impose a more restrictive community control sanction 546  
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 547  
but the court is not required to impose any particular sanction 548  
or sanctions; 549

(c) Impose a definite jail term from the range of jail 550  
terms authorized for the offense under section 2929.24 of the 551  
Revised Code. 552

(B) If a court sentences an offender to any community 553  
control sanction or combination of community control sanctions 554  
pursuant to division (A) (1) (a) of this section, the sentencing 555  
court retains jurisdiction over the offender and the period of 556  
community control for the duration of the period of community 557  
control. Upon the motion of either party or on the court's own 558  
motion, the court, in the court's sole discretion and as the 559  
circumstances warrant, may modify the community control 560

sanctions or conditions of release previously imposed, 561  
substitute a community control sanction or condition of release 562  
for another community control sanction or condition of release 563  
previously imposed, or impose an additional community control 564  
sanction or condition of release. 565

(C) (1) If a court sentences an offender to any community 566  
control sanction or combination of community control sanctions 567  
authorized under section 2929.26, 2929.27, or 2929.28 of the 568  
Revised Code, the court shall place the offender under the 569  
general control and supervision of the court or of a department 570  
of probation in the jurisdiction that serves the court for 571  
purposes of reporting to the court a violation of any of the 572  
conditions of the sanctions imposed. If the offender resides in 573  
another jurisdiction and a department of probation has been 574  
established to serve the municipal court or county court in that 575  
jurisdiction, the sentencing court may request the municipal 576  
court or the county court to receive the offender into the 577  
general control and supervision of that department of probation 578  
for purposes of reporting to the sentencing court a violation of 579  
any of the conditions of the sanctions imposed. The sentencing 580  
court retains jurisdiction over any offender whom it sentences 581  
for the duration of the sanction or sanctions imposed. 582

(2) The sentencing court shall require as a condition of 583  
any community control sanction that the offender abide by the 584  
law and not leave the state without the permission of the court 585  
or the offender's probation officer. In the interests of doing 586  
justice, rehabilitating the offender, and ensuring the 587  
offender's good behavior, the court may impose additional 588  
requirements on the offender. The offender's compliance with the 589  
additional requirements also shall be a condition of the 590  
community control sanction imposed upon the offender. 591

(D) (1) If the court imposing sentence upon an offender 592  
sentences the offender to any community control sanction or 593  
combination of community control sanctions authorized under 594  
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 595  
the offender violates any of the conditions of the sanctions, 596  
the public or private person or entity that supervises or 597  
administers the program or activity that comprises the sanction 598  
shall report the violation directly to the sentencing court or 599  
to the department of probation or probation officer with general 600  
control and supervision over the offender. If the public or 601  
private person or entity reports the violation to the department 602  
of probation or probation officer, the department or officer 603  
shall report the violation to the sentencing court. 604

(2) Except as provided in division (D) (3) of this section, 605  
if an offender violates any condition of a community control 606  
sanction, the sentencing court may impose upon the violator one 607  
or more of the following penalties: 608

(a) A longer time under the same community control 609  
sanction if the total time under all of the community control 610  
sanctions imposed on the violator does not exceed the five-year 611  
limit specified in division (A) (2) of this section; 612

(b) A more restrictive community control sanction; 613

(c) A combination of community control sanctions, 614  
including a jail term. 615

(3) If an offender was acting pursuant to division (B) (2) 616  
(b) of section 2925.11 or a related provision under section 617  
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 618  
doing violated the conditions of a community control sanction 619  
based on a minor drug possession offense, as defined in section 620

2925.11 of the Revised Code, or violated section 2925.12, 621  
division (C) (1) of section 2925.14, or section 2925.141 of the 622  
Revised Code, the sentencing court shall not impose any of the 623  
penalties described in division (D) (2) of this section based on 624  
the violation. 625

(4) If the court imposes a jail term upon a violator 626  
pursuant to division (D) (2) of this section, the total time 627  
spent in jail for the misdemeanor offense and the violation of a 628  
condition of the community control sanction shall not exceed the 629  
maximum jail term available for the offense for which the 630  
sanction that was violated was imposed. The court may reduce the 631  
longer period of time that the violator is required to spend 632  
under the longer sanction or the more restrictive sanction 633  
imposed under division (D) (2) of this section by all or part of 634  
the time the violator successfully spent under the sanction that 635  
was initially imposed. 636

(E) Except as otherwise provided in this division, if an 637  
offender, for a significant period of time, fulfills the 638  
conditions of a community control sanction imposed pursuant to 639  
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 640  
exemplary manner, the court may reduce the period of time under 641  
the community control sanction or impose a less restrictive 642  
community control sanction. Fulfilling the conditions of a 643  
community control sanction does not relieve the offender of a 644  
duty to make restitution under section 2929.28 of the Revised 645  
Code. 646

Sec. 2965.01. (A) No person who is unlawfully present in 647  
the United States shall knowingly enter, attempt to enter, or be 648  
present in this state. 649

(B) It is an affirmative defense to a charge under 650

division (A) of this section that the defendant was approved for 651  
benefits under the federal deferred action for childhood 652  
arrivals program between June 15, 2012, and July 16, 2021. 653

(C)(1) Subject to division (C)(3) of this section, if the 654  
court finds that a defendant meets any of the following 655  
criteria, the court shall order a stay in the case for a 656  
renewable period of ninety days until the defendant's 657  
citizenship or immigration status is determined: 658

(a) The defendant has applied for and is awaiting an 659  
asylum determination. 660

(b) The defendant has been in the United States for less 661  
than thirty days and will apply for asylum before the defendant 662  
has been present in the United States for thirty days. 663

(c) The defendant entered the United States lawfully, is 664  
currently unlawfully present in the United States, and one of 665  
the following applies: 666

(i) The defendant has applied for and is awaiting a visa 667  
renewal or other legal permission to remain in the United 668  
States. 669

(ii) The defendant is in the process of leaving the state 670  
or the United States. 671

(2) If a defendant whose case was stayed under division 672  
(C)(1) of this section becomes lawfully present in the United 673  
States or leaves this state, the court shall dismiss the charge 674  
against the defendant under this section with prejudice. 675

(3) Divisions (C)(1) and (2) of this section do not apply 676  
to a defendant who is also charged with an offense in addition 677  
to a violation of this section, unless the additional offense is 678

a minor misdemeanor. 679

(D) (1) Except as otherwise provided in division (D) (2) of  
this section, a person who violates this section is guilty of  
unlawful presence in the state, a felony of the fifth degree. 680  
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(2) If either of the following apply to the person,  
unlawful presence in the state is a felony of the fourth degree: 683  
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(a) The person has previously been convicted of violating  
this section. 685  
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(b) Before the offense occurred, the person was excluded,  
deported, or removed from the United States, or the person  
departed from the United States while an order of exclusion,  
deportation, or removal was outstanding, and the person is  
inadmissible to the United States under 8 U.S.C. 1182(a) (9) (A)  
or (C). 687  
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(E) (1) Notwithstanding the range of definite prison terms  
set forth in division (A) of section 2929.14 of the Revised Code  
for a felony of the fourth or fifth degree, if an offender is  
convicted of or pleads guilty to unlawful presence in the state  
the court shall impose upon the offender a mandatory prison term  
of twelve months. 693  
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(2) If an offender is convicted of or pleads guilty to a  
fifth degree felony violation of unlawful presence in the state,  
the court shall impose upon the offender an additional fine of  
at least five hundred dollars. If an offender is convicted of or  
pleads guilty to a fourth degree felony violation of unlawful  
presence in the state, the court shall impose upon the offender  
an additional fine of at least one thousand dollars. 699  
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(F) A defendant who is charged with or convicted of an  
offense under this section is not eligible for community control 706  
707



sanctions, community residential sanctions, or nonresidential 708  
sanctions. 709

Sec. 2965.02. Upon a conviction of an offense under 710  
section 2965.01 of the Revised Code, the court shall enter both 711  
of the following in the judgment in the case: 712

(A) An order that the arresting law enforcement agency do 713  
both of the following, if it has not already done so: 714

(1) Collect all available identifying information of the 715  
offender, including taking fingerprints from the offender and 716  
using other applicable photographic and biometric measures to 717  
identify the offender; 718

(2) Cross-reference the identifying information with all 719  
relevant local, state, and federal criminal databases and 720  
federal lists or classifications used to identify threats or 721  
potential threats to national security. 722

(B) An order requiring the offender to exit the state not 723  
later than seventy-two hours after the entry of the order or not 724  
later than seventy-two hours after the completion of the term of 725  
confinement or imprisonment imposed by the judgment, whichever 726  
is later. 727

**Section 2.** That existing sections 2929.15, 2929.16, 728  
2929.17, and 2929.25 of the Revised Code are hereby repealed. 729

**Section 3.** This act shall be known as the America First 730  
Act. 731

**Section 4.** Section 2929.15 of the Revised Code is 732  
presented in this act as a composite of the section as amended 733  
by H.B. 110, H.B. 281, and S.B. 288, all of the 134th General 734  
Assembly. The General Assembly, applying the principle stated in 735

division (B) of section 1.52 of the Revised Code that amendments	736
are to be harmonized if reasonably capable of simultaneous	737
operation, finds that the composite is the resulting version of	738
the section in effect prior to the effective date of the section	739
as presented in this act.	740